

Food (Control of Quality) (Treatment and Disposal of Unfit Food)

GOVERNMENT NOTICE No. 82 published on 25/3/94

THE FOOD (CONTROL OF QUALITY) ACT, 1978
(No. 10 OF 1978)

REGULATIONS

Made under Section 33(2)(g)

**THE FOOD (CONTROL OF QUALITY)(TREATMENT AND
DISPOSAL OF UNFIT FOOD) REGULATIONS, 1993**

Citation

1. These Regulations may be cited as the Food (Control of Quality)(Treatment and Disposal of Unfit Food) Regulations, 1993.

**Application and
scope**

2. These Regulations shall apply to all areas in which the Act apply and shall effect all types of foods whether locally manufactured or imported, which are unfit for human consumption, or suspected of being unfit for human consumption, or any food which is condemned by a Magistrate under Section 22 of the Act, or which is, in any other way, found by an Authorized Officer to be manufactured, or imported, or distributed, sold or offered or exposed for sale, contrary to any of the provisions of this Act and Regulations made thereunder.

Interpretation

3. In these Regulations, unless the otherwise requires-

"documentary food sample" means a sample obtained by copying the documents covering the sale of food in question without collecting an actual food sample where such a food sample would be too heavy, or too expensive or too bulky or one not possible of collection;

"formal or official food sample" means a food sample collected and divided in accordance with section 41 of the Act;

"informal or unofficial food sample" means a food sample collected for the purpose of obtaining information and need not necessarily be analysed;

"post seizure food sample" means a sample collected on order of a court in respect of food under seizure;

"sampling form" means a form for the collection of a sample as set out in the First Schedule to these Regulations;

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"seizure certificate" means a certificate set out in the schedule issued by an authorized officer in respect of seized food which is unfit for human consumption;

"voluntary condemnation certificate" means a certificate issued by an authorized officer in respect of food which is voluntarily surrendered as being unfit for human consumption;

"voluntary surrender" means the wilful act of handing over to an authorized officer food which is unfit or suspected of being unfit for human consumption;

"food unfit for human consumption" means any food which is, in any way unfit for human consumption on whatever cause, or food which is likely to cause health hazards. "expired and violative food" shall be construed accordingly;

4. (1) A food owner or his agent may, on being satisfied that his food is unfit for sale for human consumption, voluntarily surrender it to an authorized officer for condemnation.

**Voluntary
surrender**

(2) The authorized officer shall prepare for the owner or his agent a voluntary surrender or condemnation certificate in respect of that food if he is so satisfied that the food is unfit for sale for human consumption and the food shall be destroyed or disposed of in a similar manner as condemned by order of a magistrate.

5. (1) Any food which is violative of the Act or Regulations made thereunder may, at the discretions of an authorized officer and with the agreement of the owner of the food or his agent, be re-conditioned in order to make it fit for human consumption, or for removal of any mis-representation, or for diverting it from sale for human consumption to any other use such as for sale for animal food, as the case may be.

**Re-conditioning
of food**

(2) An authorized officer who decides to re-condition violative food shall be responsible for seeing that the process he has chosen is complete and effective and shall also get a representative sample when necessary to check the acceptability of the final product and account for the entire lot to guard against manipulation of the lot or part of it by the owner or his agent.

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- Seizure of food** 6. (1) Where an Authorized Officer seizes food which is unfit for human consumption he may-
- (a) mark it and remove the same from where he found it and inform the owner or his agent, of his intention to have it dealt with by a magistrate, or
 - (b) mark it in accordance with sub-sections (2)(a) and (4) of section 37 of the Act and leave it under the care of the owner or his agent and in either case an authorized officer who seizes such food shall issue an appropriate seizure certificate in respect of that food.
- Procedure for disposal** 7. (1) An authorized officer who seizes food which is unfit for sale for human consumption in accordance with the Act shall-
- (a) inform the person owning the food, or his agent, of the exact reasons of unfitness of such food;
 - (b) where the unfitness is such that the food can not be re-conditioned to make it fit for sale for human consumption, the authorized officer shall further inform the owner of the food, or his agent, of the form of disposal he intends to use in destroying or disposing the food;
 - (c) the owner of food so seized, or his agent, may agree or disagree with the views of an authorized officer in respect of the unfitness of his food so seized and where such owner, or his agent, agrees with the views of an authorized officer, the authorized officer shall ask the owner or his agent to signify his agreement to that effect by signing a voluntary surrender or condemnation certificate in respect of that food, as the case may be;
 - (d) where the views of an authorized officer are rejected by the owner of seized food, or by his agent, the authorized officer shall take the food to a magistrate whose decision on the condition of the food shall be binding on both parties.
- (2) If a magistrate confirms the views of an authorized officer in respect of food taken before him it shall be the duty of the authorized officer to-
- (a) dispose off the food in accordance with the decision of a magistrate and see to it that the method of disposal used completely removes the food from the channels of commerce of all kinds by rendering it completely impossible of being eaten by a sane person; and
 - (b) prepare a compulsory condemnation certificate in respect of that food and give it to the owner or his agent.

SCHEDULE

UNITED REPUBLIC OF TANZANIA

(NATIONAL FOOD CONTROL COMMISSION)

No..... of.....

SAMPLING NOTIFICATION AND RECEIPT

Act No.10 of 1978 Regulation 3 of Treatment and Disposal of Unfit Food Regulations.

To.....

.....

.....

I have this.....day of..... taken/procure/purchased sample of..... from the premises of..... situated at..... under powers vested in me as Authorized Officer under Section 39 of the Food (Control of Quality) Act, 1978 and if I consider it necessary, will have the same analysed or examined by the Government Analyst.

Details of the food article sampled with quality or number

.....

.....

.....

.....

Date.....

Place.....

Name of Authorized Officer
.....

Signature of Authorized Officer
.....

.....
Name/Signature of Owner/Agent

Title of Authorized Officer
.....

Address of Authorized Officer
.....
.....

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NATIONAL FOOD CONTROL COMMISSION

CERTIFICATE OF VOLUNTARY SURRENDER OF FOODSTUFFS

PART 'A'

FOOD ARTICLE(S)	DESCRIPTIVE MARKS	REMARKS OF AUTHORIZED OFFICER

PART 'B'

I hereby voluntarily surrender the above named food article(s) to the Authorized Officer for examination and disposal as he/she deems fit.

Date.....

.....
AUTHORIZED OFFICER

PART 'C'

I certify that I have examined the above named food article(s) and am of the opinion that it is/they are unsound and unfit for human consumption due to facts stated above and hereby condemn it/them and destroy/dispose it/them by..... under my supervision.

Date.....

.....
AUTHORIZED OFFICER

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G.N. No. 82 (Contd.)

SEIZURE CERTIFICATE A

(To be used in case of seizure of food articles where the food articles are to be removed from the premises of vendor)

To (Name and Address of Vendor)

.....
.....
.....

whereas I have reason to believe that the stock of food articles detailed below which is in your possession at the premises of
.....
.....
situated at.....
contravenes the provisions of the Food (Control of Quality) Act 1978.

Now therefore, I.....
as an Authorized Officer hereby seize the said food articles under the provisions of Section of the said Act.

Detail of food articles seized with quantity and/or number

Reasons for seizure

.....
.....
.....
.....

If you consent to the destruction or disposal of the food articles seized as mentioned above as I direct, you should sign your name to the following voluntary declaration and return the original of this certificate to me.

Date.....

.....
Signed Name, Designation and address of Authorized Officer in block letters.

I consent to the destruction or disposal of the food articles seized and mentioned above.

Date.....

.....
Signed owner/his agents in possession.

BASE REGULATION (Control of Quality) (Treatment and Disposal of Unfit Food)

G.N. No. 100 (1978)

SEIZURE CERTIFICATE B

To (Name and address of the vendor)

.....
.....

Whereas I have reason to believe that the stock of food articles detailed below which is in your possession at the premises of

.....
.....

situated at.....

.....

contravenes the provisions of the Food (Control of Quality) Act, 1978 and these Regulations.

Now, therefore, I..... as an Authorized Officer hereby seize the said articles under the provisions of section of the said Act, and direct you to keep the said sealed stock in safe custody subject to such orders as may be issued subsequently in relation thereto.

Be it known to you that removal or alteration or interference in any way with the said food articles without my authority is an offence under section of the said Act.

Details of food articles seized with quantities and or number

Reasons for seizures

.....
.....
.....

I hereby further order you to sign your name on this seizure certificate as a declaration of your acknowledgement of receipt of this certificate with the said food articles intact as mentioned above.

Date.....

.....
Signed: Food Vendor

NATIONAL FOOD CONTROL COMMISSION

CERTIFICATE OF COMPULSORY CONDEMNATION OF FOODSTUFF

PART 'A'

FOOD ARTICLE(S)	DESCRIPTIVE MARKS	REMARKS OF AUTHORIZED OFFICER

PART 'B'

I certify that I have examined the above named food article(s) and am of the opinion that it is/they are unsound and unfit for human consumption due to the reasons stated above and hereby recommend that the said food(s) be condemned and destroyed or otherwise disposed of by order of magistrate.

Date.....
.....
AUTHORIZED OFFICER

PART 'C'

I certify that I have examined the above named food article(s) and, being of the opinion that it is/they are unfit for human consumption, hereby condemn it/them and order it/them to be destroyed/disposed of by:-
.....
.....
.....

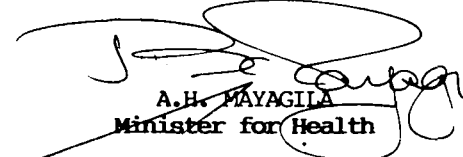
Date.....
.....
MAGISTRATE

PART 'D'

I certify that the above named food article(s) has/have been destroyed/disposed of as ordered under my supervision.

Date.....
.....
AUTHORIZED OFFICER

Dar es Salaam
.....29.12..... 1993


A.H. MAYAGILA
Minister for Health