The State Law and Order Restoration Council

The National Food Law

(The State Law and Order Restoration Council Law No. 5/97)
The 9th Waning Day of *Tabodwe,* 135S M.E.
(3rd March, 1997)

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I
Title and Definition

1. This Law shall be called the National Food Law

2. The following expressions contained in this Law shall have the meanings given hereunder:-

(a) **Food** means edible thing that human beings can readily eat or drink, ingredient included therein or food additives except drug. This expression also includes thing determined as food by the Ministry of Health by notification from time to time;
(b) **Board of Authority** means the Myanmar Food and Drug Board of Authority formed under the National Drug Law and supplemented under section 4 of this Law;
(c) **Controlled Food** means food determined as controlled food by the Board of Authority from time to time;
(d) **Food Additive** means the ingredient used in the production and preparation of food, or ingredient for colour, odour and taste in the food, determined by the Board of Authority;
(e) F**ood differing from Standards** means the food which is not in conformity with the specifications in respect of the relevant food, or food which is lower or higher than the minimum or maximum standards, prescribed by the Board of Authority;
(f) **Licence** means a permit granted by the relevant Government department or organization under any existing law for production of food ;
(g) **Unhygienic Condition** means the condition which may cause injury or danger to the health of the consumer due to contamination of food with dirt and filth;
(h) **Production** means the operations to he carried out in the manufacture of food for the purpose of sale. This expression also includes the performance of any stage or all stages in the operations carried out. in processes:
(i) **Quality Assurance** means the warranty that food is of genuine quality, free from danger and hygienic for the consumer;
(j) **Labelling** means the act of displaying labels on the container, bottle, pack, outer package or any packing material in which the food is contained;
(k) **Advertising** means carrying out measures to inform the public directly .or indirectly in order to promote distribution and sale of the food;
(1) **Primary Laboratory** means the laboratory prescribed by the Board of Authority, by notification to analyse samples of the food;
(m) **Appellate Laboratory** means the laboratory specified by the Board of Authority by notification in order that a final and conclusive decision may be made in respect of analysis of samples of food, after reanalysis of samples, when a problem arises with respect to analysis of food from primary laboratory or when either party is dissatisfied and files an appeal.

Chapter II
Aims

3. The aims of this Law are as follows:-
(a) to enable the public to consume food of genuine quality, free from danger and hygienic;
(b) to prevent the public from consuming food that may cause danger or are injurious to health;
(c) to supervise production of controlled food systematically;
(d) to control and regulate the production, import, export, storage, distribution and sale of food systematically.

Chapter III
Formation of the Board of Authority

4. In order to carry out measures relating to food contained in this Law, the Government shall supplement the following persons as members in the Myanmar Food and Drug Board of Authority:-
(a) Director-General, Development Affairs Department,Ministry of Progress of Border Areas and National Races and Development Affairs;
(b) A representative each from the following organizations:-
(1) Yangon City Development Committee;
(2) Mandalay City Development Committee;
(c) An expert each relating to the following subjects:-
(1) Food Science,
(2) Food Microbiology,
(3) Food Industrial Technology,
(4) Toxicology.
5. The non-governmental member of the Board of Authority is entitled to such remuneration as may be prescribed by the Ministry of Health.

Chapter IV
Functions and Duties of the Board of Authority

6. The functions and duties of the Board of Authority formed under section 4 are as follows:-
(a) laying down the policy relating to the production, storage, distribution and sale of food;
(b) determining good production practices with respect to quality assurance of food;
(c) laying down the policy relating to the inspection, control and laboratory analysis of food;
(d) laying down the policy relating to labelling and advertising of food;
(e) determining the kinds of controlled food and food additives;
(f) determining detailed criteria and standards for food, differing from standards;
(g) co-ordinating with the relevant Ministries with respect to import and export of food for the safety of consumers;
(h) determining primary laboratories and appellate laboratories;
(i) forming committees in respect of matters relating to expertise and determining the functions and duties of such committees;
(j) supplementing functions and duties of the State/Divisional, District, Township Food and Drug Supervisory Committees formed under section 5 sub-section (1) of the National Drugs Law to enable supervision of matters relating to food.

7. A Government department or organization that produces food shall co-ordinate with the Board of Authority prior to the production.

8. The Board of Authority may delegate any department or organization to carry out its functions and duties.

Chapter V
Application for Licence

9. A person desirous of producing controlled food shall apply for a licence to the Government department or organization which is authorized to issue the licence, only after obtaining recommendation from the Department of Health.

10. The Department of Health may in respect of the producing of controlled food scrutinize as to whether or not it is in conformity with the stipulations, and may issue or refuse to issue the recommeadation.

11. A person desirous of producing food other than controlled food shall apply for the licence to the relevant Government department or organization which is authorized to issue the same, in accordance with the existing laws.

12. The relevant Government department or organization which is authorized to issue the licence shall determine the conditions of the licence, tenure, licence fees and licence extension fees.

Chapter VI
Temporary Revocation Subject to a Time Limit andCancellation of Licence

13. The Township Food and Drug Supervisory Committee may pass a temporary or permanent prohibitory punishment on the person who commits any of the following acts:-
(a) production, storage or sale of food under unhygienic conditions;
(b) causing a person who has contracted food-borne infection or who is a carrier of the germs of the said infection to enter or work on the premises for production, storage or sale of food.

14. If a person who has obtained a licence violates or is considered to have violated any order, directive, condition or any condition of the licence issued by the relevant Government department or organization, the Government department or organization which is authorized to issue the licence may revoke the licence temporarily subject to a time limit or cancel it,

15. The Board of Authority may direct the relevant State/Divisional, District and Township Food and Drug Supervisory Committees to seize the food produced and distributed by a person whose licence has been cancelled due to infringement of any condition relating to quality assurance.

Chapter VII
Appeal

16. A person dissatisfied with a decision made by the authorized Government department or organization in respect of the refusal to grant licence, temporary revocation subject to a time limit or cancellation of licence, may file an appeal to the relevant Minister or the Chairman of the Yangon City Development Committee within 60 days from the date of such decision.

17. The decision of the relevant Minister or Chairman of the Yangon City Development Committee shall be final and conclusive.

Chapter VIII
Quality Assurance, Labelling and Advertisement

18. A person who produces, imports, exports, stores, distributes or sells food shall strictly abide by the order, directive and conditions issued by the relevant Governmentdepartment or organization or Board of Authority in respect of quality assurance of food, labelling and advertisement.

Chapter IX
Assigning of Responsibility as Inspectors

19. The Ministry of Health:-
(a) shall assign responsibility as Food Inspectors to the staff subordinate to it in order to carry out inspection of food and inspection as to whether or not there is observance of good production practices;
(b) shall assign responsibility as Food Inspectors to suitable staff in coordination with the relevant Development Committee, in Yangon City Development Areas and Mandalay City Development Areas and in coordination with the relevant Ministry in other areas;
(c) shall determine the duties and powers of the Food Inspector.

20. (a) The Food Inspector shall submit his findings on inspection to therelevant Township Food and Drug Supervisory Committee.
(b) The Township Food and Drug Supervisory Committee after scrutinizing the report of the Food Inspector:-
(1) shall, if infringement of the provision of sub-section (a) or (b) of section 13 is found, pass any relevant administrative punishment;
(2) shall, if infringement of the prohibition contained in section 22, section 23, section 24' or section 25 is found, take action under this Law;
(3) shall, it cause to take administrative action arises, submit to the relevant Government department or organization which is authorized to issue licence.

Chapter X
Prohibition

21. No one shall fail to abide by any order passed under section 13.

22. No one shall produce import, export, store, distribute or sell the followingfood:-
(a) food that may be poisonous, dangerous or injurious to the health of the consumer;
(b) food wholly or partly substituted or adulterated so as to affect or endanger the nature, substance or quality of the food;
(c) food in which food additive is used in excess of the prescribed limit;
(d) food containing agricultural chemicals in excess of the maximum permissible level determined by the authority concerned;
(e) food containing substance prohibited or not allowed by the authority concerned;
(f) food containing putrid, deteriorated substance or substance unfit for human consumption;
(g) food differing from standards;
(h) food, on the label of which property not included in it is wrongly stated;

(i) food, which does not include the information to be stated, as determined by the relevant Government department or organization which is authorized to issue the licence.

23. No one shall produce controlled food without a licence.

24. No one shall without a licence export, store, distribute or sell controlled food produced.

25. No one who produces, imports, exports, stores, distributes or sells food shall fail to abide by the order, directive and conditions issued by the relevant Government department or organization or the Board of Authority in respect of the following
(a) quality assurance;
(b) labelling;
(c) advertisement.

Chapter XI
Offences and Penalties

26. Whoever violates the provision of section 21 shall, on conviction, be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyats 10000) or with both.

27. Whoever after conviction for failing to abide by any provision of section 21, fails continuously to abide by the same, shall be punished with a further fine of kyats 500 for each day during which the failure continues.

28. Whoever violates any provision of section 22 shall, on conviction:-
(a) if it is an offence relating to food contained in sub-section (a), sub-section (b), sub-section (c), sub-section (d), sub-section (e) or sub-section (f), be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 30000 or with both;
(b) if it is an offence relating to food contained in sub-section (g), sub-section (h), or sub-section (i), be punished with imprisonment for a term which may extend to 1 year or with fine which may extend to kyats10,000 or with both;
(c) the exhibits involved in the offence shall also be liable to be confiscated.

29. Whoever violates the provision of section 23 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with fine which may extend from a minimum of kyats 5,000to a maximum of kyats 50,000or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

30. Whoever violates the provision of section 24 shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend from a minimum of kyats 1,000to a maximum of kyats 30,000or with both. In addition, the exhibits involved in the offence shall also be liable to be confiscated.

31. Any person who produces, imports, exports, stores, distributes or sells food and who violâtes the provision of section 25, shall on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend from a minimum of kyats 1000 to a maximum of kyats 30,000 or with both.

Chapter XII
Miscellaneous

32. (a)In areas other than the Yangon City Development Area and Mandalay City Development Area the Township Food and Drug Supervisory Committee may carry out inspection of food.
(b) In Yangon City Development Area and Mandalay City Development Area, the Township Food and Drug Supervisory Committee shall carry out the inspection of food, in co-ordination with the relevant Health Department of the Yangon City Development Committee or the Mandalay City Development Committee.

33. The provisions of this Law shall not apply to food brought into or taken out of the country together with a person for personal consumption.

34. In instituting legal proceedings under this Law, prior sanction of the Ministry of Health or the organization or person delegated with powers for this purpose shall be obtained.

35. The Government department or organization which is authorized to grant permission to import or export food for commercial purpose shall only grant permission to the person who can submit a certificate of recommendation of the Department of Health.

36. The orders, directives and conditions issued by the Government department or organization which is authorized to issue licence shall be deemed to be the orders, directives and conditions issued under this Law.

37. The orders relating to the inspection of food issued under the National Drug Law and the orders relating to the standardization of food issued under
any existing law may continue to be applicable in so far as they are not inconsistent with this Law.

38. For the purpose of carrying out the provisions of this Law:-
(a) the Ministry of Health may issue such rules and procedures as may be necessary, with the approval of the Government;
(b) the relevant Government department or organization or Board of Authority may issue such order and directives as may be necessary.

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