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**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

**NOTIFICATION
(45 of 2017)**

15 March 2017

The following Notification No. DG(PFA)/Admin/2017/823, dated 13.03.2017 issued under section 57 read with section 39(1)(e) of the Punjab Food Authority Act, 2011 (XVI of 2011) for the Punjab Authority (Destructing/Discard of Unsafe/Adulterated Food) Regulations, 2017 is published for general information:

DR SYED ABUL HASSAN NAJMEE
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department

PUNJAB FOOD AUTHORITY/823
GOVERNMENT OF THE PUNJAB
Dated: 13th March 2017

NOTIFICATION

No. DG/PFA/Admin/2017/823 In exercise of the powers conferred under section 57 read with section 39(1)(e) of the Punjab Food Authority Act, 2011 (XVI of 2011), the Punjab Food Authority is pleased to frame the following regulations;

The Punjab Food Authority (Destructing/Discard of Unsafe/adulterated food) Regulations, 2017

1. Short Title and Commencement:-

(1) These regulations may be called as **The Punjab Food Authority (Destruction/Discard of Unsafe/adulterated Food) Regulations, 2017**

(2) These shall come into force at once.

2. Definitions.-(1) In these regulations, unless there is anything repugnant in the subject or context;

(a) **"Food Authority"** means the Punjab Food Authority established under the Act;

(b) **"Act"** means the Punjab Food Authority Act, 2011 (XVI of 2011);

(c) **"Adulterated/unsafe Food"** means food as defined in the Act;

(d) **"Food Item"** for the purposes of these regulations means food as defined in the Act, and include any apparatus, utensil, vehicle or anything intended for human consumption seized by the Food Safety Officer/Assistant Food Safety Officer or any authorized officer of the Food Authority as the case may be or otherwise confiscated, detained, recalled or impound by the Food Authority;

(e) "Owner" in respect of any food item means;

(a) food operator as defined in the Act;

(b) in case of food items in transit, the consignor or if the consignor does not have an address in the Punjab, the consignee;

(c) in any other case, the person appearing to the Food Safety Officer to be the food operator who has custody of the food item at the time of taking custody of such food item;

(f) "suspension from sale" means the temporary removal of a food item from sale, or offer for sale for human consumption;

(g) "withdrawal from sale" means the permanent removal of a food from sale, or offer for sale for human consumption;

(h) "Destruction/discard" means disposal of any food items which appears through any reasonable means adulterated, unsafe, unfit or injurious for human consumption.

(2) Words and expressions used but not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act.

3. Order for voluntary withdrawal/ suspension of Food Items

3.1. The owner of any food item, on the directions of FSO/AFSO or any authorized officer of Food Authority, may voluntarily withdraw, destruct, discard or suspend such food from manufacturing, packaging, sale or transportation if such food, declared by FSO/AFSO or any authorized officer of Food Authority, to be in contravention of the Act, the rules or the regulations and cease the use of such apparatus, utensil or vehicle. All such above mentioned activities shall be carried out in presence of Food Safety Officer/ Assistant Food Safety or any authorized officer of the Food Authority.

3.2. Where any food is withdrawn, discarded, destructed or suspended from manufacturing, sale or the use of the apparatus, utensil or vehicle is ceased under sub-regulation (1), such food item shall be considered to be abandoned and declared not to be use for human consumption and the FSO/AFSO or any authorized officer of Food Authority, shall pass an order in the form specified in Schedule 1.

3.3. Any order passed under sub-regulation (2) shall specify the conditions as may be specified by FSO/AFSO or any authorized officer of Food Authority regarding withdrawal or suspension of food item from manufacturing, storage, packaging or sale or cessation of use of the apparatus, utensil or vehicle.

3.4 If the owner fails to comply with directions of the order passed by the FSO/AFSO or any authorized officer of Food Authority, it shall be considered as an offence under Section 27 of the Act.

3.5 The voluntary withdrawal, destruction, discard or suspension of food item or cessation of use of apparatus, utensil or vehicle under these regulations shall be without prejudice to any subsequent actions taken against the owner for a contravention of the Act, the rules or the regulations.

4. Mandatory destruction/discard.

4.1 Where any food item is checked and analysed by FSO/AFSO or any authorized officer of Food Authority is found or appears to be adulterated or unsafe which may cause health hazard or danger for health and is also in contravention with the Act, the rules or the regulations; FSO/AFSO or any authorized officer of Food Authority shall immediately order for direct destruction or discard of such food item on spot in presence of. Where food item is destroyed or discarded by FSO/AFSO or any authorized officer of Food Authority, he shall maintain record of such destruction or discard as the case may be and provide copy thereof to the Director General, Food Authority.

4.2 Where adulterated or unsafe food item is in huge volume and is not possible to be destructed on spot, the FSO/AFSO or any authorized officer of Food Authority may take custody of such food or order the owner to keep such food item at his own premises who shall ensure that such food will not be disposed of in any way.

Provided that if the food item is perishable or is likely to decay or decompose, the FSO/AFSO or any authorized officer of Food Authority shall order for direct destruction or discard on spot even if it is in huge volume or quantity.

5. Seizure of items

5.1 If the FSO/AFSO or any authorized officer of Food Authority has

reasons to believe that adulterated or unsafe food item is likely to be kept, packed, sold, or that the apparatus or utensil or vehicle is likely to be used; the FSO/AFSO or any authorized officer of Food Authority, in presence of owner of the food items or his agent or of the occupant of the premises, seize such food item and take it into his custody forthwith and bring it to the office of the Food Authority.

5.2 In case of seizure as mentioned in sub-regulation (5.1), the FSO/AFSO or any authorized officer of Food Authority shall prepare an inventory of the items seized and of the apparatus, vehicles or utensils in which it was kept signed duly by the persons witnessing the seizure if any, and the articles so seized shall be sealed accordingly.

5.3 The Food Safety Officer or Assistant Food Safety Officer as the case may be after lapse of seven days from such seizure as prescribed under section 13(3) of the Act, under intimation to and office approval of the Director General, Food Authority may destroy or otherwise dispose of such seized food items. Where any food item is seized by the Food Safety Officer or Assistant Food Safety Officer, he/she shall take all reasonable steps to maintain its original condition.

5.4 If the owner of food item refuses wilfully or obstruct, alters or interferes, in any manner, to the execution of seizure under these regulations, it shall be considered an offence under Section 31 of the Act.

5.5 The Food Safety Officer or Assistant Food Safety or any authorized officer of the Food Authority in addition to other legal actions may call for police help from the concern Police Station for assistance in execution of such seizure or destruction/discard.

5.6 Notwithstanding anything contained in these regulations, the Director General may authorize/nominate one or more officer for execution of destruction or discard of adulterated or unsafe food items under these regulations.

5.7 If owner of any seized food items filed a application before court of competent jurisdiction, such seized food items shall not be destructed or discarded till the final decision of the case provided that food item is not perishable.

6. General conditions of destruction/seizure

6.1 If the veracity of any food item is not possible to be determined through sensory evaluation by using all reasonable means, the Food

Safety Officer or Assistant Food Safety Officer or any authorized officer shall take sample(s) of such food item for onward submission to the Food Testing Laboratory for analysis.

6.2 In such cases, where samples are taken, it shall be the duty of the Food Safety Officer or Assistant Food Safety Officer, to intimate the Director General Food Authority. No action shall be taken until the analysis report is not received from the laboratory.

6.3 Costs and expenses incurred by the Food Safety Officer or Assistant Food Safety Officer or any authorized officer of the Food Authority, for accomplishing any process including transportation, sale or disposal of unsafe or adulterated food items or apparatus or utensil, shall be recovered from the owner of such food item.

6.4 The Food Authority may amend, delete or modify any of these regulations as deems necessary at any time.



**Director General
Punjab Food Authority**

Schedule I

Order of voluntary withdrawal/destruction

Date of Order

Name of owner of food item, article or utensil
Identity No.
Food License No.
Address and Telephone No.

Address of establishment
Product Registration No.
Description of premises


Description of food, article or utensil (to include name, brand, type, state, label, batch numbers)
Quantity/No. of containers/packs
Value (at cost)

I hereby voluntarily agree to:

a) surrender the above described food, article or utensil
b) withdraw /destruct the above described food, article or utensil from sale/use
c) submit the above described food, article or utensil to the following conditions: 1. 2. 3. 4.

Reason for non-compliance(s) if any;

Signature of the owner



Name/ signature of FSO/AFSO

Witnesses by

Schedule II

**Order for mandatory destruction/ suspension,
withdrawal or seizure**

Date of Order

Name of owner of food, article or utensil

Identity No.

Food License No.

Address and Telephone No.

Address of establishment

Product Registration No.

Description of premises

Description of food, article or utensil (to include name, brand, type, state,
label, batch numbers)

Quantity/No. of containers/packs

Value (at cost)

The above named food is hereby notified that the food, article or utensil
described above is forthwith:

a) subject to seizure and removal from the premises
b) to be suspended, discarded, destructed or withdrawn from sale, storage subject to the following conditions: List of conditions 1. 2. 3. 4.

Reason for non-compliance(s)

Name/signature FSO/AFSO

Schedule 3:

Condemnation /discard /destruction Order

Date of Order
No. of Order

Name of owner of food, article or utensil
Identity No.
Food License No.
Address and Telephone No.

Address of establishment
Product Registration No.
Description/type of premises

Description of food, article or utensil (to include name, brand, type, state,
label, batch numbers)
Quantity/No. of containers/packs
Value (at cost)
Seizure/Withdrawal Notice/Order Number(if any)

The above named is hereby notified that the food, article or utensil described above are forthwith condemned and shall be subject to disposal by the Punjab Food Authority in accordance with the Punjab Food Authority Act 2011, subject to the following conditions:

List of conditions

- 1.
- 2.
- 3.
- 4.

Reason for condemnation(s)

Name/signature of FSO/AFSO