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Director-General,  
Agri-Food and Veterinary Services

# Sale of Food Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

#### Section

1. Short title
2. General interpretation
- 2A. Meaning of “food”
- 2B. Meaning of “food business”
- 2C. Meaning of unsafe food
- 2D. Meaning of unsuitable food
- 2E. Meaning of “sell”
- 2F. Meaning of “non-retail food business”

### PART II

#### ADMINISTRATION AND ENFORCEMENT

3. Administration of Act and appointment of authorised officers, etc.
4. Power of authorised officers to enter, etc.
5. Power to call for information
6. Power to demand and select and take or obtain samples
7. Power to demand samples of milk or food in course of delivery under contract
8. Any person may have sample analysed
9. Procedure for taking sample
10. Certificate of authorised analyst

### PART IIA

#### FOOD SAFETY MEASURES

##### *Division 1 — General provisions*

- 10A. Persons to whom directions may be given
- 10B. Content and effect of directions
- 10C. Service of directions under this Part

*Division 2 — Directions*

## Section

- 10D. General corrective action direction
- 10E. Direction to impose movement controls
- 10F. Direction to recall food or food contact article
- 10G. Direction to manage food or food contact article
- 10H. Direction to publish statement

*Division 3 — Supplementary provisions*

- 10I. Compensation
- 10J. Appeal to Minister
- 10K. Non-compliance with food safety measures
- 10L. Interface with other written laws

## PART III

## SALE OF FOOD

- 11. Adulterated food
- 12. Food containing prohibited substance
- 13. Food containing substance in excess of permitted proportion
- 14. Food containing alcohol, etc.
- 15. Selling unsafe or unsuitable food
- 16. Offences concerning labelling
- 16A. Offences involving non-compliant advertising
- 17. False labelling, etc.
- 18. Sale of food not of the quality, etc., demanded
- 19. Sale of food prepared under insanitary conditions
- 20. Offences under this Part

## PART IV

## NON-RETAIL FOOD BUSINESS

- 21. Non-retail food business must be licensed
- 22. Persons with infectious disease not to carry on business
- 23. Cleanliness of vehicles, equipment, etc.
- 24. Offences under this Part, powers of arrest and notice to attend court

## PART V

## PRESUMPTIONS OF LAW

## Section

25. Adulteration
26. Liability of importer, packer or manufacturer
27. Sale by agent or employee
28. Presumptions as to sale for human consumption

## PART VI

## LEGAL PROCEEDINGS

29. Jurisdiction of court
30. Proceedings for offences
31. No defence that purchaser bought for analysis
32. No defence that offence not wilfully committed
33. Reliance on written warranty a good defence
34. Authorised analyst's certificate to be prima facie evidence
35. Court may order independent analysis
36. Non-disclosure of information
37. Recovery of fees and other expenses incidental to prosecution
38. Fees, etc., payable to Authority
39. Appeal

## PART VII

## SUPPLEMENTARY PROVISIONS

40. Sale of prohibited food contact article
41. Obstruction of authorised officers and interference with official marks
42. Forfeiture of food or food contact article upon conviction
43. Notification of conviction
44. Service of summons, notice, etc.
45. Appeal to Minister against notice, order or decision
46. Licences
47. Notices, receipts, etc., may be given by authorised officer
48. Police officers and authorised officers may demand names and addresses in certain cases
49. General penalties
50. Composition of offences
51. Inaccuracies in documents
52. Evidence

## Section

- 53. Forms
  - 54. Exemption from Act
  - 55. Administrative exemption from Act
  - 56. Regulations
    - First Schedule — *[Repealed]*
    - Second Schedule — *[Repealed]*
- 

An Act for regulating food to ensure that food for sale is safe and suitable for human consumption and to promote public health, for ensuring the provision of information relating to food to enable consumers to make informed choices and for preventing misleading conduct in connection with the sale of food.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

[1st May 1973]

## PART I

## PRELIMINARY

**Short title**

1. This Act may be cited as the Sale of Food Act.

**General interpretation**

2. In this Act, unless the context otherwise requires —

“advertisement” means any of the following where used or apparently used to promote, directly or indirectly, the sale of food:

- (a) any words, whether written or in an audible message;
- (b) any still or moving picture, sign, symbol or other visual image or representation;
- (c) any combination of 2 or more of those things in paragraph (a) or (b),

but does not include communications of personal opinion made by an individual (for no commercial gain) to the public

or a section of the public in relation to any goods or services, brand of goods or services, or person who provides goods or services;

*[Act 48 of 2017 wef 01/02/2018]*

“analysis” includes micro-biological assay, and “analyse” shall be construed accordingly;

*[Deleted by Act 48 of 2017 wef 01/02/2018]*

“authorised analyst” means any person appointed by the Director-General to be an authorised analyst under section 3(3);

“authorised officer” means the Director-General and any person appointed by the Director-General to be an authorised officer under section 3(2);

“Authority” means the Agri-Food and Veterinary Authority established under the Agri-Food and Veterinary Authority Act (Cap. 5);

“Director-General” means the Director-General, Agri-Food and Veterinary Services appointed under section 3(1) of the Animals and Birds Act (Cap. 7);

“fish” means any species of fish (whether marine or freshwater), and includes —

- (a) crustacea, shellfish, echinoderm and molluscs; and
- (b) the eggs and young of any fish;

*[Act 48 of 2017 wef 01/02/2018]*

“fish product” means any of the following intended for human consumption:

- (a) part of any fish;
- (b) any product derived from processing or preserving fish;
- (c) any product containing fish;

*[Act 48 of 2017 wef 01/02/2018]*

“food” has the meaning given by section 2A;

[Act 48 of 2017 wef 01/02/2018]

“food business” has the meaning given by section 2B;

[Act 48 of 2017 wef 01/02/2018]

“food contact article” means the whole or any part of any utensil, machinery, instrument, device, apparatus, container, appliance or article that is used, or that is designed or intended for use, in or in connection with the handling of food, but does not include any pipe, water fitting, apparatus or appliance used for the supply of water by the Public Utilities Board;

[Act 48 of 2017 wef 01/02/2018]

[Deleted by Act 48 of 2017 wef 01/02/2018]

“food premises” means any premises at, on or from which food is sold, or handled with the intention that it be sold, and includes —

- (a) a food vending machine; or
- (b) any premises used for a primary food production business,

but does not include any description of premises declared by the Minister by order in the *Gazette* not to be a food premises;

[Act 48 of 2017 wef 01/02/2018]

“food regulation” means any regulation made under section 56;

[Act 48 of 2017 wef 01/02/2018]

“handling”, in relation to food for sale, includes any one or more of the following:

- (a) making or manufacturing the food;
- (b) processing or preserving the food;
- (c) cooking, defrosting, heating or preparing the food;
- (d) storing, packing or labelling the food;
- (e) transporting or delivering the food;
- (f) displaying the food;

(g) serving the food,

but does not include primary food production;

*[Act 48 of 2017 wef 01/02/2018]*

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore but does not include the bringing into Singapore by water or air of any goods which it is proved to be intended to be taken out of Singapore on the same vessel or aircraft on which they were brought into Singapore without any landing or transshipment within Singapore;

“importer”, in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the article or is in any way entitled to the custody or control of the article;

“infectious disease” means —

(a) any disease set out in the First or Second Schedule to the Infectious Diseases Act (Cap. 137);

(b) any skin disease which is likely to be contagious; and

(c) such other disease as the Minister may prescribe;

“insanitary conditions” means such conditions or circumstances as might contaminate any food with dirt or filth or render the same injurious to health or unfit for human consumption;

“intended use”, in relation to food, means the use of the food that is specifically stated, or could reasonably be presumed to be intended, taking into account the food’s nature, labelling, packaging and identification;

*[Act 48 of 2017 wef 01/02/2018]*

“label” includes any tag, brand, mark or statement in writing or any representation or design or other descriptive matter on or attached to or used or displayed in connection with or accompanying any food or package containing food;

*[Act 48 of 2017 wef 01/02/2018]*



“licence” means a licence issued under Part IV;

*[Act 48 of 2017 wef 01/02/2018]*

“licensee” means a person who is the holder of a licence;

*[Act 48 of 2017 wef 01/02/2018]*

“manufacturing”, in relation to food for sale, includes any one or more of the following:

- (a) making food by combining ingredients;
- (b) significantly changing the condition or nature of food by any process, such as milling flour or peeling, cutting and freezing fruits;
- (c) bottling or canning food, including bottling water;
- (d) making ice,

but does not include —

- (i) cooking or otherwise preparing food at a particular place for retail sale at the place, including sale for immediate consumption; or
- (ii) making ice at a particular place for use at the place;

*[Act 48 of 2017 wef 01/02/2018]*

“meat” includes any part of slaughtered poultry, bovine animal, ovine animal, caprine animal, porcine animal, game or other animal, that is intended for human consumption;

*[Act 48 of 2017 wef 01/02/2018]*

“meat product” means any of the following intended for human consumption:

- (a) offal or other part of a carcass;
- (b) any product derived from processing or preserving meat;
- (c) any product containing meat;

*[Act 48 of 2017 wef 01/02/2018]*

“non-retail food business” has the meaning given by section 2F;

*[Act 48 of 2017 wef 01/02/2018]*

“package” includes every means by which goods may be cased, enclosed, contained or packed;

“poison” means any substance deemed to be a poison within the meaning of the Poisons Act (Cap. 234);

“premises” includes —

- (a) land (whether or not vacant);
- (b) the whole or any part of a building, tent, stall or other structure (whether of a permanent or temporary nature);
- (c) a vehicle; and
- (d) a pontoon;

*[Act 48 of 2017 wef 01/02/2018]*

“prepare” includes manufacture, process and treat;

*[Act 48 of 2017 wef 01/02/2018]*

“primary food production” means the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes the following:

- (a) the transport or delivery of food on, from or between premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;
- (b) the packing, treating (for example, washing) or storing of food on the premises on which it was grown, raised, cultivated, picked, harvested, collected or caught;
- (c) the storage of food in a silo that is not connected with a food processing operation and the transport or delivery of food from, between or to such silos;
- (d) the sale of livestock at sale yards and the transport of livestock to and from sale yards;
- (e) any other food production activity that is prescribed as primary food production for the purposes of this Act,

but does not include —

- (i) any process involving the substantial transformation of food (for example, manufacturing or canning), regardless of whether the process is carried out on the premises on which the food was grown, raised, cultivated, picked, harvested, collected or caught;
- (ii) the sale or service of food directly to the public; or
- (iii) any other food production activity that is declared by the Minister by order in the *Gazette* not to be primary food production for the purposes of this Act;

[Act 48 of 2017 wef 01/02/2018]

“primary food production business” means a business or an undertaking or activity that involves, in whole or part, primary food production;

[Act 48 of 2017 wef 01/02/2018]

“proprietor” means —

- (a) for a food business —
  - (i) the person carrying on the food business; or
  - (ii) if the person in sub-paragraph (i) cannot be identified, the person in charge of the food business; and
- (b) for any food premises — the proprietor of the food business that operates at, on or from the premises;

[Act 48 of 2017 wef 01/02/2018]

“public health” means the health of —

- (a) the people in Singapore; or
- (b) a community or section of those people;

[Act 48 of 2017 wef 01/02/2018]

“requirement of this Act” means —

- (a) a requirement of or under a provision of this Act;
- (b) a requirement of or under any food regulation;

- (c) a requirement of a notice or order given by the Director-General under this Act;
- (d) a requirement of a direction given by the Authority under Part IIA; or
- (e) a condition imposed by or under this Act or any food regulation;

*[Act 48 of 2017 wef 01/02/2018]*

“retail food business” means a business or an undertaking or activity at a food establishment within the meaning of the Environmental Public Health Act (Cap. 95) which is used for a purpose specified in the First Schedule to that Act;

*[Act 48 of 2017 wef 01/02/2018]*

*[Deleted by Act 48 of 2017 wef 01/02/2018]*

“sell” has the meaning given by section 2E;

*[Act 48 of 2017 wef 01/02/2018]*

“statutory authority” means a body corporate established or constituted by or under a public Act to perform or discharge a public function, and includes a Town Council;

*[Act 48 of 2017 wef 01/02/2018]*

“substance” includes any liquid, mixture or compound;

*[Act 48 of 2017 wef 01/02/2018]*

“unsafe”, in relation to food, has the meaning given by section 2C;

*[Act 48 of 2017 wef 01/02/2018]*

“unsuitable”, in relation to food, has the meaning given by section 2D;

*[Act 48 of 2017 wef 01/02/2018]*

“vehicle” means any means of transport, whether self-propelled or not, and whether used on land or sea or in the air, such as an aircraft, a vessel, train, motor vehicle or personal mobility device.

*[Act 48 of 2017 wef 01/02/2018]*

*[Act 48 of 2017 wef 01/02/2018]*

**Meaning of “food”**

**2A.—(1)** In this Act, “food” includes the following:

- (a) any substance or thing of a kind used, capable of being used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared);
- (b) any substance or thing of a kind used, capable of being used, or represented as being for use, as an ingredient or additive in a substance or thing mentioned in paragraph (a);
- (c) any substance used in preparing a substance or thing mentioned in paragraph (a) (other than a substance used in preparing a living thing);
- (d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum;
- (e) any substance or thing declared by the Minister by order in the *Gazette* to be food.

(2) Without limiting subsection (1), “food” includes —

- (a) unprocessed and raw fruits and vegetables that are intended for human consumption;
- (b) seeds, plants, or plant material intended for human consumption, including seeds that are intended to be sprouted and consumed as sprouts, but not other seeds, plants, or plant material intended for planting;
- (c) drinking water;
- (d) any thing that is or is intended to be mixed with or added to any food or drink;
- (e) milk and dairy products;
- (f) meat and meat products;
- (g) fish and fish products; and
- (h) eggs.

- (3) However, food does not include —
- (a) any health product within the meaning of the Health Products Act (Cap. 122D);
  - (b) any substance that is a medicinal product within the meaning of the Medicines Act (Cap. 176);
  - (c) any controlled drug, controlled material or controlled substance within the meaning of the Misuse of Drugs Act (Cap. 185);
  - (d) any poison within the meaning of the Poisons Act (Cap. 234);
  - (e) any cosmetics;
  - (f) any tobacco product or tobacco substitute within the meaning of the Tobacco (Control of Advertisements and Sale) Act (Cap. 309);
  - (g) any package (except edible packaging);
  - (h) any fodder or feeding stuffs for animals; or
  - (i) any substance or thing declared by the Minister by order in the *Gazette* not to be food for the purposes of this Act.
- (4) A substance, thing or chewing gum described in subsection (1) is food regardless of whether or not it is in a condition fit for human consumption.
- (5) To avoid doubt, “food” may include live animals and plants.

*[Act 48 of 2017 wef 01/02/2018]*

### **Meaning of “food business”**

**2B.**—(1) In this Act, “food business” means a business or an undertaking or activity that involves, in whole or part —

- (a) the handling of food intended for sale;
- (b) the sale of food (on the Internet or otherwise); or
- (c) primary food production,

regardless of whether the business, undertaking or activity concerned is of a commercial, charitable or community nature, or whether it

involves the handling or sale of food on one occasion only, and whether part of a non-retail food business or a retail food business.

(2) However, a food business does not include a business or an undertaking or activity —

- (a) that is part of a business other than trading in food and, in the course of which doing so, acts as an intermediary between persons who trade in food by providing, for reward, a place (including mobile premises) or services (such as an Internet service provider or an auction site on the Internet);
- (b) that consists exclusively of letting for hire marquees, tables, chairs and other similar furniture; or
- (c) that is declared by the Minister by order in the *Gazette* not to be a food business for the purposes of this Act.

[Act 48 of 2017 wef 01/02/2018]

### **Meaning of unsafe food**

**2C.**—(1) For the purposes of this Act, food is unsafe at a particular time if it would be likely to cause illness or injury or other physical harm to a person who might later consume it, assuming —

- (a) it was, after that particular time and before being consumed by the person, properly subjected to all processes (if any) that are relevant to its reasonable intended use;
- (b) nothing happened to it after that particular time and before being consumed by the person that would prevent it being used for its reasonable intended use; and
- (c) it was consumed by the person according to its reasonable intended use.

(2) However, food is not unsafe for the purposes of this Act merely because —

- (a) any individual objects to it because of personal preference;
- (b) any part of the community objects to it on moral, ethical, cultural, spiritual, or religious grounds;

- (c) its consumption in inappropriate quantities may damage an individual's health; or
- (d) its presence or consumption is unhealthy for any individual who has an allergy or other personal health condition.

(3) In subsection (1)(a), a reference to processes includes a reference to processes involving storage and preparation.

*[Act 48 of 2017 wef 01/02/2018]*

### **Meaning of unsuitable food**

**2D.**—(1) For the purposes of this Act, food is unsuitable if it is food that —

- (a) is damaged, deteriorated or perished to an extent that affects its reasonable intended use;
- (b) contains, or has attached to it or enclosed with it, any damaged, deteriorated, perished or contaminated substance or thing to an extent that affects its reasonable intended use;
- (c) is the product of a diseased animal, or an animal that has died otherwise than by slaughter, and has not been declared by or under another Act to be safe for human consumption;
- (d) contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food and the presence of which would be unexpected and unreasonable in food prepared or packed for sale in accordance with good trade practice; or
- (e) has packaging that is damaged, deteriorated, perished or contaminated to the extent of affecting the food's reasonable intended use.

(2) However, food is not unsuitable for the purposes of this Act merely because —

- (a) at any particular time before it is sold for human consumption it contains an agricultural or veterinary chemical;
- (b) when it is sold for human consumption it contains an agricultural or veterinary chemical or other contaminant, so



long as it does not contain the chemical or contaminant in an amount that contravenes any food regulations;

- (c) any individual objects to it because of personal preference;
- (d) any part of the community objects to it on moral, ethical, cultural, spiritual, or religious grounds;
- (e) its consumption in inappropriate quantities may damage an individual's health; or
- (f) its presence or consumption is unhealthy for any individual who has an allergy or other personal health condition.

(3) In this section, a reference to slaughter of an animal includes a reference to the killing of an animal in the process of capturing, taking or harvesting it for the purposes of preparing it for use as food.

*[Act 48 of 2017 wef 01/02/2018]*

### **Meaning of “sell”**

**2E.**—(1) In this Act, “sell” includes carrying on any of the following activities, or a combination of those activities, in relation to food for human consumption or to a food contact article:

- (a) bartering;
- (b) offering for sale or attempting to sell;
- (c) receiving, or having in possession, for sale;
- (d) displaying for sale;
- (e) causing or permitting to be sold or offered or displayed for sale;
- (f) sending, forwarding or delivering for sale;
- (g) disposing of by any method for valuable consideration;
- (h) disposing of to an agent for sale on consignment;
- (i) supplying as a meal or part of a meal to an employee or other individual in accordance with an employment agreement or an agreement for services under a contract of service for consumption by the employee or individual at the employee's or individual's place of work;

- (j) disposing of by way of raffle, lottery or other game of chance;
  - (k) offering as a prize or reward;
  - (l) offering or giving away for the purpose of advertisement or in furtherance of any trade or business;
  - (m) supplying under a contract (whether or not the contract is made with the consumer of the food), together with any accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment;
  - (n) supplying food (whether or not for consideration) in the course of providing services —
    - (i) to patients in hospitals, hospices and other residential care facilities like nursing homes;
    - (ii) to children or other individuals in the care or custody of the supplier by virtue of any Act; or
    - (iii) to prisoners or inmates in prisons or other places for the detention of individuals under any Act;
  - (o) supplying anything of which any food forms a part;
  - (p) selling for the purpose of resale for handling or human consumption.
- (2) Despite subsection (1), in this Act, “sell”, in relation to food, does not include —
- (a) exchanging food for food or other goods or services as part of a personal relationship between individuals that is not commercial in nature; or
  - (b) supplying food together with accommodation to a person residing at a private residence in exchange for services or labour by the person.
- (3) For the purposes of this Act —
- (a) food that is displayed for the purpose of being offered as a prize or reward or given away for the purpose of

advertisement or in furtherance of trade or business is taken to have been displayed for sale by the owner of the food;

- (b) food that is donated for a charitable or benevolent purpose is not to be taken to be food that was given away for the purpose of advertisement or in furtherance of trade or business;
- (c) food which is exposed or deposited in any premises for the purpose of being so offered as a prize or reward or given away is taken to have been exposed for sale by the occupier of the premises;
- (d) food that is sold for the purpose of being mixed with any other food is to be treated, unless the contrary is proved, as sale if the bulk or product produced by the mixing, or any part of the bulk or product, is intended to be sold; and
- (e) food that is sold, offered for sale, or displayed for sale is to be treated, unless the contrary is proved, as a sale, offer for sale or display for sale of the food for human consumption.

*[Act 48 of 2017 wef 01/02/2018]*

### **Meaning of “non-retail food business”**

**2F.**—(1) In this Act, “non-retail food business” means a food business that is —

- (a) not carried out for a purpose specified in the First Schedule to the Environmental Public Health Act (Cap. 95); and
- (b) not a primary food production business,

but includes a food business a component of which is a business, an undertaking or activity carried out for a purpose specified in the First Schedule to the Environmental Public Health Act.

(2) Without limiting subsection (1), a non-retail food business includes (but is not limited to) any of the following food businesses:

- (a) a factory, plant or other premises where meat products or fish products are processed for sale to wholesalers or retail food businesses, or for export;

- (b) the preparing or packing of ready-to-eat salads for the purpose of sale to wholesalers or retail food businesses, or for export;
- (c) the manufacturing, preparing or packing of chilled, frozen and shelf-stable meals, condiments or prepared foods for sale to wholesalers or retail food businesses, or for export;
- (d) the manufacturing, preparing (including by cutting, mincing, boning, drying, smoking or fermentation after slaughter or harvesting) or packing of meat, poultry or fish products for the purpose of sale to wholesalers or retail food businesses, or for export;
- (e) the manufacturing of bottled drinking water or non-alcoholic beverages, for the purpose of sale to wholesalers or retail food businesses, or for export;
- (f) brewers and distillers of vinegar, soya sauce or fish sauce for the purpose of sale to wholesalers or retail food businesses, or for export;
- (g) wholesale bakeries supplying food prepared to wholesalers or retail food businesses;
- (h) the processing or packing of herbs or spices for the purpose of sale to wholesalers or retail food businesses, or for export;
- (i) manufacturing or preparing (including by blending and packing) dry mix products such as cake mix, drinking chocolate, tea bags and powdered soup for sale to wholesalers or retail food businesses, or for export;
- (j) a wholesale market where any animal, meat product, fish or fish product is sold wholesale or through auction;
- (k) central kitchens supplying food prepared, cooked and packed for the purpose of distribution to retail food businesses;
- (l) an operator of a warehouse or cold storage facility for the storage of food intended for sale, whether by wholesalers or retail food businesses.

(3) In subsection (2)(c), “shelf-stable”, in relation to food, means that —

- (a) the food can be stored at room or ambient temperature before its packaging is opened; and
- (b) the food may or may not require refrigeration after its packaging is opened.

*[Act 48 of 2017 wef 01/02/2018]*

## PART II

### ADMINISTRATION AND ENFORCEMENT

#### **Administration of Act and appointment of authorised officers, etc.**

3.—(1) The Director-General shall be responsible for the administration of this Act, subject to the general or special directions of the Minister.

*[7/2002]*

(2) The Director-General may in writing appoint any public officer or any officer of the Authority or of any statutory authority to be an authorised officer for the purposes of this Act.

*[7/2002]*

(3) The Director-General may appoint one or more persons with the prescribed qualifications and practical experience to be authorised analysts for the purposes of this Act.

*[7/2002]*

(4) The Director-General may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act to any authorised officer.

*[7/2002]*

#### **Power of authorised officers to enter, etc.**

4.—(1) Any authorised officer may —

- (a) at any reasonable time enter and inspect any place where he has reason to believe that there is any food or food contact article intended for sale;

*[Act 48 of 2017 wef 01/02/2018]*

- (b) inspect any food or food contact article wherever found which he has reason to believe is intended for sale;  
*[Act 48 of 2017 wef 01/02/2018]*
- (c) open and examine any receptacle or package which he has reasonable grounds for believing to contain any article to which this Act applies;
- (d) mark, seal or otherwise secure, weigh, count or measure any food or food contact article the sale, preparation or manufacture of which is, or appears to be, contrary or not in compliance with an applicable requirement of this Act with respect to food or food contact articles;  
*[Act 48 of 2017 wef 01/02/2018]*
- (e) seize any food or food contact article wherever found which is or appears to be unwholesome or deleterious to health or which is contrary or not in compliance with an applicable requirement of this Act with respect to food or food contact articles; and any article seized under this Act may at the option of an authorised officer be kept or stored in the building or place where it was seized or may at the direction of an authorised officer be removed to any other proper place;  
*[Act 48 of 2017 wef 01/02/2018]*
- (f) require any person selling or manufacturing any food or food contact article or his agent or employee to state his name and place of residence; and  
*[Act 48 of 2017 wef 01/02/2018]*
- (g) destroy any food wherever found which is decayed or putrefied or deleterious to health.

*[7/2002]*

(2) Any person claiming anything seized under this section may within 48 hours after the seizure complain thereof to a Magistrate's Court, and the complaint may be heard and determined by that Court, which may either confirm or disallow the seizure wholly or in part and may order the article seized to be restored.

(3) If within 48 hours after such seizure no complaint has been made, or if the seizure is confirmed, the article seized shall become the

property of the Authority and shall be destroyed or otherwise disposed of so as to prevent it being used for human consumption.

[7/2002]

(4) Where the seizure of any food or food contact article is made under subsection (1)(e), the authorised officer making the seizure shall immediately give notice in writing of the seizure in the form prescribed or designed under section 53 to the owner or to the consignor or consignee or to the agent of the owner of the thing seized, if his name and address are attached thereto or are otherwise known to the authorised officer and such address is in Singapore.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

### **Power to call for information**

5.—(1) Subject to subsection (6), an authorised officer may at any time require any person —

- (a) to produce to the authorised officer for inspection any document or record or copies or extracts of any document or record which the authorised officer believes on reasonable grounds contains any information relevant to the administration or enforcement of this Act; or
- (b) to furnish any information as the authorised officer may reasonably require.

[7/2002]

(2) Any of the authorised officers mentioned in subsection (1) may make, or cause to be made, copies of, or extracts from, any such document or record.

[7/2002]

(3) The copies or extracts certified as such by any authorised officer shall, unless the contrary is proved, be deemed to be true and correct copies or extracts.

[7/2002]

(4) Any person, who refuses or neglects to comply with any requisition made under this section shall be guilty of an offence.

[7/2002]

(5) Except for the purpose of carrying into effect this Act, any authorised officer who —

- (a) does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section; or
  - (b) communicates any such matter to any person,
- shall be guilty of an offence.

[7/2002]

(6) The powers conferred under subsection (1) may only be exercised by an authorised officer —

- (a) to determine whether an applicable requirement of this Act with respect to food, food contact articles or food businesses has been, or is being, complied with;
- (b) to ensure that an applicable requirement of this Act with respect to food, food contact articles and food businesses has been, or is being, or will be, complied with;
- (c) to investigate anything that may have, or might potentially have, contaminated food or a food contact article;
- (d) to determine whether food or a food contact article is safe or suitable;
- (e) to determine whether food or a food contact article poses a risk to human life or public health; or
- (f) to investigate any offence under this Act or any contravention of or non-compliance with an applicable requirement of this Act.

[Act 48 of 2017 wef 01/02/2018]

[Act 48 of 2017 wef 01/02/2018]

### **Power to demand and select and take or obtain samples**

**6.—(1)** On payment or tender to any person selling or manufacturing any food or food contact article or to his agent or employee of the current market value of samples of the food or food contact article, any authorised officer may at any place demand and select and take or obtain such samples for the purpose of analysis or examination.

[7/2002]



(2) Any such authorised officer may require that person or his agent or employee to show and permit the inspection of the package in which the food or food contact article is at the time kept, and may take therefrom the samples demanded.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

(3) Where any food or food contact article is kept for retail sale in an unopened package, no person shall be required by any authorised officer to sell less than the whole of the contents of that package.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

(4) Any person who refuses or neglects to comply with any demand or requisition made by an authorised officer under this section shall be guilty of an offence.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

### **Power to demand samples of milk or food in course of delivery under contract**

7.—(1) Any authorised officer may procure for the purpose of analysis or examination —

- (a) any sample of any milk in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to such purchaser or consignee of that milk; and
- (b) upon the request or with the consent of the purchaser or consignee, at the place of delivery, any sample of any other article of food in course of delivery to the purchaser or consignee in pursuance of any contract for the sale to the purchaser or consignee of that article of food.

[7/2002]

(2) The seller or consignor or any person entrusted by him for the time being with the charge of such milk or other article of food, if he refuses to allow an authorised officer to take the quantity which the authorised officer requires for the purpose of analysis or examination, shall be guilty of an offence.

[7/2002]

**Any person may have sample analysed**

8. Any person other than the seller may, on payment of the prescribed fee, together with the cost of the sample, require any authorised officer to purchase a sample of any food or food contact article and submit the same for analysis.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

**Procedure for taking sample**

9.—(1) When it is intended to submit any sample for analysis, the authorised officer purchasing or otherwise procuring it shall, before or immediately after procuring it, inform the seller or his agent selling the article or the person having charge of the article that he intends to have the article analysed by an authorised analyst.

[7/2002]

(2) Such authorised officer shall thereupon divide the sample into 3 parts, and shall mark and seal or fasten up, in such manner as its nature permits, each such part, and shall offer one of such parts to the seller or his agent or the person having charge of the article.

[7/2002]

(3) Such authorised officer shall subsequently deliver either personally or by registered post another of such parts to an authorised analyst, and shall retain the third of such parts.

[7/2002]

(4) Where —

(a) a sample consists of a substance contained in unopened containers or packages; and

(b) the division into parts of the substance contained in those unopened containers or packages is not reasonably practicable or might affect the composition or impede the proper analysis of the contents,

subsection (2) shall be deemed to be complied with if the authorised officer procuring the sample divides the containers or packages into the requisite number of lots and deals with each lot in the manner provided by this section as if it were a part, and references in this Act to a part of a sample shall be construed accordingly.

[7/2002]

### **Certificate of authorised analyst**

**10.—(1)** A certificate of the results of an analysis given by an authorised analyst shall be in the form prescribed or designed under section 53 and signed by the authorised analyst but the analysis may be made by a person acting under the direction of the authorised analyst.

[7/2002]

(2) A copy of the result of any analysis of any food or food contact article procured by an authorised officer may be obtained from the authorised analyst by the person from whom the article so analysed was purchased or obtained, on payment of such fee as may be prescribed.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

(3) No such copy of an analysis shall be used as an advertisement, and any person who so uses it shall be guilty of an offence.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

## **PART IIA**

### **FOOD SAFETY MEASURES**

[Act 48 of 2017 wef 01/02/2018]

#### *Division 1 — General provisions*

#### **Persons to whom directions may be given**

**10A.** The Authority may give a direction under this Part to all or any of the following, individually or as a class:

- (a) a licensee;
- (b) a proprietor of a food business or food premises, if not a licensee;
- (c) an importer of any food or food contact article;
- (d) an exporter of any food or food contact article;
- (e) a manufacturer of any food contact article;

- (f) a person carrying on a business of selling or supplying (by wholesale or retail) any food contact article;
- (g) a person in control of, or reasonably appearing to be in control of, food or any thing that may become food.

*[Act 48 of 2017 wef 01/02/2018]*

### **Content and effect of directions**

**10B.**—(1) A direction under this Part is binding on —

- (a) the person to whom it is addressed; and
- (b) if applicable, the personal representatives, successors and assignees of the person to whom it is addressed to the same extent as it applies to that person.

(2) A direction under this Part must be in writing, or be confirmed in writing as soon as practicable after being given orally.

(3) In making a direction under this Part, it is not necessary for the Authority to give any person who may be affected by the direction a chance to be heard before the direction is given.

(4) A direction under this Part must state —

- (a) whether the person to whom it is given must —
  - (i) advise the Authority of the details of the manner in which the person proposes to comply with the direction;
  - (ii) keep information about the matters that are the subject of the direction;
  - (iii) regularly notify the Authority about the steps being taken towards compliance with the direction; or
  - (iv) give written notice to the Authority when the person has complied with the direction;
- (b) that it is an offence under this Act to fail to comply with the direction;
- (c) that if the person to whom the direction is given fails to comply with it, the Authority may carry out the direction; and

(d) that if the Authority carries out the direction, the Authority may recover the costs reasonably incurred in carrying out the direction from the person to whom the direction was given.

(5) A direction under this Part continues in force until the earlier of the following occurs:

- (a) the expiry date (if any) stated in the direction is reached;
- (b) the Authority revokes the direction.

(6) A direction under this Part may —

- (a) be amended or revoked at any time; and
- (b) be extended or renewed, if the Authority is satisfied that the circumstances warrant it.

(7) If a person to whom the direction is given fails or refuses to comply with it, the Authority may carry out the direction, and recover the costs and expenses reasonably incurred in carrying out the direction as a debt due from the person to whom the direction was given.

(8) If satisfied that a direction under this Part has been complied with, the Authority must —

- (a) revoke the direction; and
- (b) give written notice of the revocation in the same manner in which the direction was given or served.

(9) Subsection (5) does not prevent a further direction being made in the same terms as a direction that has expired.

*[Act 48 of 2017 wef 01/02/2018]*

### **Service of directions under this Part**

**10C.**—(1) A direction under this Part that is addressed to a person is sufficiently served if it is —

- (a) delivered personally to the person by an authorised officer;
- (b) served in the manner prescribed in section 44; or

(c) if the name and address of the proprietor of any food premises is unknown, affixed to the food premises.

(2) A direction under this Part that is addressed to a class of persons is sufficiently served if it is —

(a) served on each of the persons in the class in accordance with subsection (1); or

(b) published both —

(i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the Authority, will be most likely to bring the direction to the attention of the persons who belong to the class; and

(ii) on the Authority's official website.

(3) A direction under this Part that is addressed to a statutory authority is sufficiently served if it is served on the chief executive (however described) of the statutory authority in accordance with subsection (1).

(4) A direction under this Part that is served —

(a) in accordance with subsection (1) takes effect when it is served;

(b) in accordance with subsection (2)(a) takes effect when it is served on all the persons in the class in question; and

(c) in accordance with subsection (2)(b) takes effect at the beginning of the day after the date on which subsection (2)(b) has been complied with.

*[Act 48 of 2017 wef 01/02/2018]*

### *Division 2 — Directions*

#### **General corrective action direction**

**10D.**—(1) The Authority may give a direction to any of the persons described in section 10A about the taking of preventative or corrective action in respect of food or a food contact article that the Authority reasonably believes is necessary (whether or not from the report of an

authorised analyst or authorised officer) to ensure compliance with an applicable requirement of this Act with respect to food or food contact articles.

(2) Without limiting subsection (1), “corrective action”, in the case of a direction given to a food business, includes requiring the proprietor of the food business to do any one or more of the following:

- (a) take specified steps to ensure that food raised, cultivated, harvested, caught, prepared, sold or otherwise handled at the premises at which the food business is carried out is safe and suitable;
- (b) take specified steps to ensure that those premises, or any vehicle, plant, food contact article, machinery or equipment used on those premises in connection with any food raised, cultivated, harvested, caught, prepared, sold or otherwise handled at those premises is cleaned and disinfected or put into an altered condition to the satisfaction of an authorised officer;
- (c) ensure that any applicable requirement of this Act with respect to food or food contact articles is complied with;
- (d) until the corrective action in paragraph (a), (b) or (c) is complied with, ensure that —
  - (i) the premises at which the food business is carried out, or a specified area of the premises, is not used for the raising, cultivation, harvesting, catching, preparation, sale or other handling of food or an activity connected with food specified in the direction;
  - (ii) any vehicle, plant, food contact article, machinery or equipment on those premises is not used in connection with the raising, cultivation, harvesting, catching, preparation, sale or other handling of food or an activity connected with food specified in the direction; or
  - (iii) any food or class of food specified in the direction is not removed from those premises, for any purpose (including any purpose specified in the direction) or

in any circumstances specified in the direction, for the period of time that is specified in the direction.

*[Act 48 of 2017 wef 01/02/2018]*

### **Direction to impose movement controls**

**10E.**—(1) The Authority may give a direction in subsection (2) if it reasonably suspects (whether or not from the report of an authorised analyst or authorised officer) —

- (a) that food or any thing that may become food, or a food contact article, does not comply with an applicable requirement of this Act; or
- (b) the existence of a hazard or a source of contamination that may affect food or any thing that may become food.

(2) The direction may impose movement or related controls to determine, minimise, manage, or control the risk to human life or public health created by the suspected non-compliance or suspected existence of the hazard or the source of contamination.

(3) A direction under this section must specify the suspected non-compliance, hazard or source of contamination, including by reference to —

- (a) a thing described in subsection (4);
- (b) a place (where, for example, there may be contamination from the land or the environment); or
- (c) a particular person or food business or a specified class of food business (where, for example, the contamination may have been caused by a human act or omission).

(4) The controls may be imposed on all or any of the following:

- (a) activities;
- (b) areas or premises;
- (c) food contact articles;
- (d) vehicles;
- (e) food;



- (f) any thing that may become food;
  - (g) food businesses;
  - (h) anything else that the Authority suspects relates to the suspected non-compliance or the suspected hazard or the source of suspected contamination.
- (5) The controls on those things described in subsection (4) may do all or any of the following in relation to a food contact article, or food or any thing that may become food:
- (a) restrict its movement, sale, production, manufacturing or handling;
  - (b) apply conditions to its movement, sale, production, manufacturing or handling;
  - (c) prohibit its movement, sale, production, manufacturing or handling;
  - (d) require the taking of specific actions such as sampling and testing to determine the risk (if any) to human life or public health;
  - (e) require the taking of specific actions to minimise, manage, or control the risk to human life or public health;
  - (f) do anything else that is necessary to achieve the purpose described in subsection (2).
- (6) A direction under this section may —
- (a) direct the keeping of information about the matters that are the subject of the direction;
  - (b) direct the provision of reports about matters that are the subject of the direction; or
  - (c) direct the person to whom the direction is given to notify the Authority when —
    - (i) the non-compliance, hazard, or source of contamination has been identified;
    - (ii) the non-compliance, hazard, or source of contamination has been minimised or removed; or

- (iii) no non-compliance, hazard, or source of contamination has been identified.

(7) In this section, “hazard” means a biological, chemical or physical agent that —

- (a) is in food or has the potential to be in food, or is a condition of food, or has the potential to affect the condition of food; and
- (b) causes or could cause an adverse or injurious effect on human life or public health.

*[Act 48 of 2017 wef 01/02/2018]*

### **Direction to recall food or food contact article**

**10F.**—(1) The Authority may give any direction in subsection (2) to persons described in section 10A —

- (a) for the purpose of examining, rectifying, controlling, or disposing of food or a food contact article, after taking into account any relevant information or warnings about food or a food contact article that the Authority has received from authorised officers, or an international organisation or authority; or
- (b) if the Authority has reasonable grounds to believe that the direction is necessary —
  - (i) to prevent or reduce the possibility of a serious danger to public health; or
  - (ii) to mitigate the adverse consequences of a serious danger to public health.

(2) The directions are —

- (a) to recall food or a food contact article that is not safe or suitable or the safety or suitability of which is in doubt;
- (b) to recall a food contact article that has, or for which there is doubt about whether it has, contaminated food or caused food to be no longer safe or suitable;

- (c) to recall a food contact article if there is doubt about whether it may contaminate food;
- (d) to recall food or a food contact article that is mislabelled or incorrectly identified;
- (e) to take food or a food contact article recalled under any of paragraphs (a) to (d) to —
  - (i) a place specified in the directions; or
  - (ii) a place agreed to between the Authority and the person to whom the directions are given; or
- (f) any directions that may be given under section 10G, as appropriate.

(3) A direction to recall food or a food contact article may specify the manner in which, and must specify the period within which, the recall is to be conducted and completed.

(4) A person who is required by a direction to recall food or a food contact article must give written notice to the Authority of the completion of the recall as soon as practicable after that completion.

(5) If a person to whom the direction is given under this section fails or refuses to comply with it, the Authority may —

- (a) take any reasonable steps necessary to ensure control of the food or food contact article (including entry by authorised officers to a place under a warrant); and
- (b) recover the costs and expenses reasonably incurred in assuming control of the food or food contact article as a debt due from the person to whom the direction was given.

(6) This section does not prevent the Authority exercising its power under section 10I.

*[Act 48 of 2017 wef 01/02/2018]*

### **Direction to manage food or food contact article**

**10G.**—(1) The Authority may give any direction in subsection (2) to persons described in section 10A if the Authority —

- (a) reasonably believes that food or a food contact article that is already the subject of a direction under section 10E is not safe or suitable and further controls are required; or
  - (b) recalls food or a food contact article under section 10F.
- (2) The direction may be about doing or not doing any of the following to the food or food contact article:
- (a) condemning or destroying it;
  - (b) disposing of or re-exporting it;
  - (c) identifying it;
  - (d) handling, or re-processing it;
  - (e) labelling or relabelling it;
  - (f) storing it;
  - (g) transporting it;
  - (h) sampling or testing it;
  - (i) advertising or selling it.

*[Act 48 of 2017 wef 01/02/2018]*

### **Direction to publish statement**

**10H.**—(1) The Authority may give to persons described in section 10A a direction about publishing a statement to the public, or to a class of persons specified in the direction, for the purpose of protecting the public or class of persons, as the case may be.

(2) The Authority may specify that the statement must include all or any of the following:

- (a) the nature of the problem, including (where applicable) —
  - (i) the particular food or type of food or food contact article to be recalled or disposed of;
  - (ii) the reasons why the food or food contact article is considered to be unsafe or unsuitable; and
  - (iii) the circumstances in which the consumption of the food is unsafe;

- (b) the remedy that the person will provide;
  - (c) the way in which the person will prevent the problem arising in future.
- (3) The Authority may specify the actual words to be used in the statement or any part of it.
- (4) The Authority may specify all or any of the following:
  - (a) who must publish the statement;
  - (b) where the statement must be published;
  - (c) the date on which the statement must be published.
- (5) Statements published under this section are protected by absolute privilege.

*[Act 48 of 2017 wef 01/02/2018]*

### *Division 3 — Supplementary provisions*

#### **Compensation**

**10L.—**(1) A person bound by a direction under this Part who suffers loss as a result of the making of the direction may apply to the Authority for compensation if the person considers that there were insufficient grounds for the making of the direction.

(2) If there were insufficient grounds for the making of the direction, the Authority is to pay just and reasonable compensation to the applicant.

(3) The Authority must send written notification of the Authority's determination as to the payment of compensation under this section to each applicant for the payment of compensation.

(4) If the Authority has not determined an application for compensation under this section within 28 days after receiving the application, the Authority is taken to have refused to pay any compensation.

(5) An applicant for the payment of compensation under this section who is dissatisfied with a determination by the Authority as to the refusal to pay compensation or as to the amount of compensation may apply to the District Court for a review of the determination —

- (a) within 14 days after the day on which notification of the determination was received; or
  - (b) in a case to which subsection (4) applies, within 14 days after the 28-day period mentioned in that subsection ends.
- (6) If the amount of compensation sought exceeds the jurisdictional limit of the District Court, the application under subsection (5) is to be made to the High Court.
- (7) No application for the payment of compensation may be made under this section after the 14-day period mentioned in subsection (5)(a) or (b) ends.

*[Act 48 of 2017 wef 01/02/2018]*

### **Appeal to Minister**

**10J.**—(1) A person mentioned in section 10A to whom a direction under this Part is given and who is aggrieved by the direction may appeal to the Minister.

(2) An appeal under this section must be in writing and specify the grounds on which it is made, and be made within a prescribed period after the date of receipt of the decision that is appealed against.

(3) The Minister's decision on appeal is final.

(4) The Minister may designate to hear and determine, in his place, any appeals or a specific appeal under this section —

(a) any Senior Minister of State or Minister of State, for his Ministry; or

(b) any Senior Parliamentary Secretary or Parliamentary Secretary, for his Ministry,

and any reference in this section to the Minister includes a reference to the Senior Minister of State or Minister of State, or Senior Parliamentary Secretary or Parliamentary Secretary so designated for that appeal.

*[Act 48 of 2017 wef 01/02/2018]*

**Non-compliance with food safety measures**

**10K.**—(1) A person to whom a direction under this Part is addressed must not, without reasonable excuse —

- (a) carry on an activity in contravention of the direction;
- (b) neglect or refuse to comply with any such direction; or
- (c) fail to comply with a condition specified in such a direction.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) A person must not remove the copy of any direction affixed to any food premises under section 10C(1)(c) while that direction remains in force.

(4) A person who contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 48 of 2017 wef 01/02/2018]*

**Interface with other written laws**

**10L.** To avoid doubt, nothing in this Part derogates from any requirement imposed by or under —

- (a) the Animals and Birds Act (Cap. 7);
- (b) the Cattle Act (Cap. 34);
- (c) the Control of Plants Act (Cap. 57A);
- (d) the Control of Vectors and Pesticides Act (Cap. 59);
- (e) the Environmental Public Health Act (Cap. 95);
- (f) the Feeding Stuffs Act (Cap. 105);
- (g) the Fisheries Act (Cap. 111);
- (h) the Health Products Act (Cap. 122D);
- (i) the Medicines Act (Cap. 176);

- (j) the Misuse of Drugs Act (Cap. 185);
- (k) the Poisons Act (Cap. 234); or
- (l) the Wholesome Meat and Fish Act (Cap. 349A).

*[Act 48 of 2017 wef 01/02/2018]*

### PART III

#### SALE OF FOOD

#### **Adulterated food**

**11.** No person shall sell any adulterated food without fully informing the purchaser at the time of the sale of the nature of the adulteration.

#### **Food containing prohibited substance**

**12.** No person shall sell any food which contains any substance the addition or use of which is prohibited by any regulations made under this Act.

#### **Food containing substance in excess of permitted proportion**

**13.** No person shall sell any food containing a greater proportion of any substance than is permitted by any regulations made under this Act.

#### **Food containing alcohol, etc.**

**14.** No person shall sell any food which contains more than 50 parts of methyl alcohol, isopropyl alcohol or denatured alcohol in one million parts of the food.

#### **Selling unsafe or unsuitable food**

**15.—(1)** A person must not sell food that the person knows or ought reasonably to know is unsafe.

(2) A person must not sell food that the person knows or ought reasonably to know is unsuitable.



(3) For the purposes of subsection (2), it is immaterial whether the food concerned is safe.

*[Act 48 of 2017 wef 01/02/2018]*

### **Offences concerning labelling**

**16.**—(1) A person must not sell any food that is packaged or labelled in a manner that does not comply with all applicable requirements of this Act relating to identification and labelling of that food.

(2) In a prosecution for an offence under section 20 for contravening subsection (1), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

*[Act 48 of 2017 wef 01/02/2018]*

### **Offences involving non-compliant advertising**

**16A.**—(1) This section applies to an advertisement relating to any food or prescribed food contact article that —

- (a) does not comply with all applicable requirements of this Act relating to advertisements promoting the food or that prescribed food contact article;
- (b) is false as to the age, composition, effects, nature, origin, purity, quality or strength of the food or the safety or suitability of the food or that prescribed food contact article;
- (c) is likely to deceive a buyer as to the age, composition, effects, nature, origin, purity, quality or strength of the food or the safety or suitability of the food or that prescribed food contact article;
- (d) is prohibited by an applicable requirement of this Act from being marked or attached to the kind of food or that prescribed food contact article, or packages containing that kind of food;
- (e) makes a statement prohibited by an applicable requirement of this Act to be made in an advertisement relating to the kind of food or that prescribed food contact article;

- (f) expressly or impliedly qualifies, or is contrary to, details required by an applicable requirement of this Act to be marked or attached to the kind of food, or packages containing that kind of food or that prescribed food contact article;
- (g) omits from the name or description of the food or the prescribed food contact article any word or words required by an applicable requirement of this Act to be included in the name or description marked on or attached to the kind of food or that prescribed food contact article, or packages containing that kind of food;
- (h) fails to make a statement required by an applicable requirement of this Act to be made in an advertisement relating to the kind of food or that prescribed food contact article; or
- (i) fails to show, in an advertisement shown on a screen, a word or words required by paragraph (g) or (h) in clearly legible lettering for a sufficient length of time for an ordinary viewer to read them.

(2) A person who is —

- (a) the person selling, promoting the sale, or appearing to promote the sale of any food or prescribed food contact article; or
- (b) the agent or employee of the person selling, promoting the sale, or appearing to promote the sale of any food or prescribed food contact article,

must not publish an advertisement described in subsection (1) relating to the food or that prescribed food contact article.

(3) In a prosecution for an offence under section 20 for contravening subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(4) In a prosecution for an offence under section 20 for contravening subsection (2) concerning an advertisement of a kind mentioned in subsection (1)(b), the advertisement is taken to be false as to the

relevant matter in that subsection unless evidence is adduced by the defendant to the contrary.

(5) To avoid doubt, subsection (4) does not —

- (a) have the effect that, merely because such evidence to the contrary is adduced, the advertisement is not false as to the relevant matter in subsection (1)(b); or
- (b) have the effect of placing on any person the onus of proving that the advertisement is not false as to the relevant matter in subsection (1)(b).

(6) Without affecting section 32, in any proceedings for an offence under section 20 in relation to the publication of an advertisement in contravention of subsection (2), it is a defence to the charge for the defendant to prove, on a balance of probabilities —

(a) that —

- (i) the defendant was acting in the course of a business of delivering, transmitting or broadcasting communications (in whatever form or by whatever means) or making data available; and
- (ii) the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data; or

(b) that the defendant —

- (i) carried on the business of publishing or arranging for the publication of advertisements; and
- (ii) published or arranged for the publication of the advertisement in question in the ordinary course of that business.

(7) However, subsection (6) does not apply if the defendant concerned —

- (a) ought reasonably to have known that the publication of the advertisement was an offence under this Part;

- (b) had previously been informed in writing by or on behalf of the Authority that publication of such an advertisement would constitute an offence under this Part; or
- (c) is the proprietor of a food business or is otherwise engaged in the conduct of a food business for which the advertisements concerned were published.

*[Act 48 of 2017 wef 01/02/2018]*

### **False labelling, etc.**

**17.** No person shall sell any food which is labelled or advertised in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its value, merit or safety.

### **Sale of food not of the quality, etc., demanded**

**18.** No person shall sell to the prejudice of the purchaser any food which is not of the quality or not of the nature, or not of the substance of the food demanded by the purchaser.

### **Sale of food prepared under insanitary conditions**

**19.** No person shall sell any food which is manufactured, prepared, preserved, packaged or stored under insanitary conditions.

### **Offences under this Part**

**20.** Any person who contravenes any provision of this Part shall be guilty of an offence.

*[7/2002]*

## **PART IV**

### **NON-RETAIL FOOD BUSINESS**

*[Act 48 of 2017 wef 01/02/2018]*

### **Non-retail food business must be licensed**

**21.** A person must not carry on a non-retail food business except in accordance with a licence issued to the person by the Director-General under this Part.

*[Act 48 of 2017 wef 01/02/2018]*

**Persons with infectious disease not to carry on business**

**22.—**(1) The Director-General may require —

- (a) any person to whom a licence has been issued under this Part (referred to in this Act as a licensee);
- (b) any assistant or employee of the licensee; or
- (c) any applicant for a licence under this Part,

to submit to medical examination.

[7/2002]

(2) If such licensee, assistant, employee or applicant is suffering from or is suspected to be suffering from an infectious disease or is suspected to be a carrier thereof, the Director-General may require him to undergo treatment.

[7/2002]

(3) The Director-General may require that treatment to be obtained at any hospital as he may think fit.

[7/2002]

(4) The Director-General may require any licensee or any assistant or employee of the licensee to submit to immunisation against any infectious disease.

[7/2002]

(5) Every licensee shall ensure that his assistant or employee is immunised against any infectious disease as required by the Director-General.

[7/2002]

(6) The Director-General may, at any time, revoke or suspend any licence issued under this Part if —

- (a) the licensee is suffering from an infectious disease;
- (b) the licensee knowingly employs any person who is suffering from or is suspected to be suffering from an infectious disease;
- (c) the licensee, his assistant or employee refuses to comply with any requisition made by the Director-General under subsection (1), (2) or (3); or

(d) the licensee does not comply with subsection (5).

[20B  
[7/2002]

### **Cleanliness of vehicles, equipment, etc.**

**23.—**(1) Any person who uses a vehicle for the transportation of food shall ensure that the surface of the vehicle with which the food is likely to come into contact is kept in a state of cleanliness, good order and condition so as to prevent any risk of contamination of the food.

[7/2002]

(2) The Director-General may, by notice in writing, require any person who uses a vehicle to transport food to use or install in or on the vehicle any device or equipment as he thinks fit to ensure that the food carried in or on the vehicle will not be contaminated.

[20C  
[7/2002]

### **Offences under this Part, powers of arrest and notice to attend court**

**24.—**(1) Any person who contravenes any provision of this Part shall be guilty of an offence and may be arrested without warrant by any police officer or authorised officer and taken before a Magistrate's Court.

[7/2002]

(2) Notwithstanding subsection (1) or any other written law for the time being in force, any police officer or authorised officer who, having effected an arrest under subsection (1), is satisfied as to the identity, name and place of residence of the person arrested, may, instead of taking him before a Magistrate's Court or to a police station, serve upon that person a notice in such form as may be required under section 53 requiring him to attend at the Court described at the hour and on the date specified in the notice.

[7/2002]

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer or authorised officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

[7/2002]

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer or authorised officer, as the case may be, and produced by him to a Magistrate's Court if so required by the Court.

[7/2002]

(5) On an accused person appearing before a Magistrate's Court under such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it under subsection (1).

[7/2002]

(6) If a person upon whom a notice under subsection (2) has been served fails to appear before a Magistrate's Court in accordance with the notice, the Court shall thereupon issue a warrant for the arrest of that person.

(7) Where a person is arrested under subsection (6), a Magistrate's Court —

- (a) shall proceed as though he were produced before it under subsection (1);
- (b) at the conclusion of the proceedings, shall call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him; and
- (c) if cause is not shown, may order him to pay such penalty not exceeding \$2,000 as the Court may think fit or may commit him to prison for a term not exceeding 2 months.

[20D

[7/2002]

## PART V

### PRESUMPTIONS OF LAW

#### **Adulteration**

**25.** For the purposes of this Act, any food shall be deemed to be adulterated if —

- (a) it contains or is mixed or diluted with any substance which diminishes in any manner its nutritive or other beneficial

properties as compared with such food in a pure and normal state and in an undeteriorated and sound condition, or which in any other manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer;

- (b) any substance or ingredient has been extracted or omitted therefrom, and by reason of such extraction or omission the nutritive or other beneficial properties of the food as sold are less than those of the food in its pure and normal state or the purchaser or consumer is or may be in any manner prejudiced;
- (c) it contains or is mixed or diluted with any substance of lower commercial value than such food in a pure and normal state and in an undeteriorated and sound condition;
- (d) it does not comply with the prescribed standard; or
- (e) it contains any substance which renders the food injurious to health.

[21]

### **Liability of importer, packer or manufacturer**

**26.** Where any food or food contact article in connection with which there is a breach of any provision of this Act is sold in an unopened package, any person who appears from any statement thereon or attached thereto to have imported or manufactured or prepared that food or food contact article or to have enclosed it in that package shall, unless he proves the contrary, be deemed to have so imported, manufactured, prepared or enclosed that food or food contact article and shall be liable to the same fine as if he had actually sold that food or food contact article, as the case may be.

[22]

*[Act 48 of 2017 wef 01/02/2018]*

### **Sale by agent or employee**

**27.** For the purposes of this Act —

- (a) every person shall be deemed to sell any food or food contact article who sells the food or food contact article



either on his own account or as the agent or employee of any other person; and

*[Act 48 of 2017 wef 01/02/2018]*

- (b) in the case of any sale by an agent or employee, his principal or employer shall be under the same liability as if he had effected the sale personally.

[23

### **Presumptions as to sale for human consumption**

**28.**—(1) When any food or food contact article is sold or exposed or offered for sale, it shall, unless the contrary is proved, be deemed to be sold or exposed or offered for sale for human consumption or use.

(2) The purchase and sale of a sample of any food under this Act for the purpose of analysis or examination shall be deemed to be a purchase and sale of such food for human consumption or use, unless the seller proves that the bulk from which the sample was taken was not offered, exposed or intended for sale for human consumption or use.

(3) For the purposes of this Act every person shall be deemed to sell or to intend to sell any food if he sells or intends to sell for human consumption any article of which the food is a constituent.

[24

*[Act 48 of 2017 wef 01/02/2018]*

## PART VI

### LEGAL PROCEEDINGS

#### **Jurisdiction of court**

**29.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of any offence under this Act.

[25

*[7/2002]*

**Proceedings for offences**

**30.**—(1) The summons in any such proceedings shall not be made returnable in less than 14 days from the date on which it is served.

(2) A copy of the authorised analyst's certificate, if any, on which the prosecution is based, shall be served with the summons.

[7/2002]

(3) Subject to subsection (4), no proceedings in respect of any offence under this Act shall be instituted —

(a) in any case where any food or any food contact article has been purchased or procured from any person for test purposes, after the expiration of 56 days from the time of purchasing or procuring the food or food contact article, as the case may be; and

[Act 48 of 2017 wef 01/02/2018]

(b) in any other case, after the expiration of one year from the date of commission of such offence.

[7/2002]

(4) Subsection (3)(b) shall not apply in any case where, by reason of the act or omission complained of, an injury or danger to health subsists at the date of the complaint.

[25

[7/2002]

**No defence that purchaser bought for analysis**

**31.** In any proceedings under this Act, it shall not be a defence that the purchaser bought any food or food contact article for analysis or examination and therefore was not prejudiced.

[26

[Act 48 of 2017 wef 01/02/2018]

**No defence that offence not wilfully committed**

**32.** In a prosecution for selling any food or food contact article contrary to this Act, it shall be no defence that the defendant did not act wilfully, unless he also proves that he took all reasonable steps to

ascertain that the sale of the food or food contact article would not constitute an offence under this Act.

[27

*[Act 48 of 2017 wef 01/02/2018]*

### **Reliance on written warranty a good defence**

**33.—(1)** Subject to this section, it shall be a good defence in any prosecution for an offence under Part III if the defendant proves that —

(a) he purchased the food or food contact article sold by him in reliance on a written warranty or other written statement as to the nature of the food or food contact article purchased, signed by or on behalf of the person from whom the defendant purchased the food or food contact article;

*[Act 48 of 2017 wef 01/02/2018]*

(b) he had no reason to believe that the food or food contact article sold did not conform to such warranty or statement; and

*[Act 48 of 2017 wef 01/02/2018]*

(c) if the food or food contact article had truly conformed to such warranty or statement, the sale of the food or food contact article by the defendant would not have constituted the offence charged against him.

*[Act 48 of 2017 wef 01/02/2018]*

(2) No warranty or other written statement given or made by a person resident outside Singapore shall be a defence under this section, unless the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the truth of the matters set out in such warranty or statement.

(3) No warranty or other written statement shall be a defence in any prosecution, unless the defendant has, within 7 days after service of the summons, delivered to the prosecutor a copy of the warranty or statement with a written notice stating that he intends to rely thereon and specifying the name and address of the person from whom he received it, and has also within the same time sent by registered post a like notice of his intention to such person.

(4) When the defendant is an employee or agent of the person who purchased the food or food contact article under such a warranty or written statement, he shall, if he further proves that he had no reason to believe that the article did not conform to the warranty or statement, be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been, if he had been the defendant.

*[Act 48 of 2017 wef 01/02/2018]*

(5) Any person who in respect of any food or food contact article sold by him as principal or agent gives to the purchaser a false warranty in writing shall be guilty of an offence, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

[28

*[7/2002]*

*[Act 48 of 2017 wef 01/02/2018]*

### **Authorised analyst's certificate to be prima facie evidence**

**34.—**(1) The production by the prosecutor of a certificate of analysis purporting to be under the hand of an authorised analyst shall be sufficient evidence of the facts stated therein, unless the defendant requires the authorised analyst to be called as a witness, in which case he shall give notice thereof to the prosecutor not less than 3 clear days before the day on which the summons is returnable.

*[7/2002]*

(2) In like manner the production by the defendant of a certificate of analysis purporting to be under the hand of an authorised analyst shall be sufficient evidence of the facts stated therein, unless the prosecutor requires the authorised analyst to be called as a witness.

*[7/2002]*

(3) A copy of the certificate referred to in subsection (2) shall be sent to the prosecutor at least 3 clear days before the day fixed for the hearing of the summons, and, if it is not so sent, the District Court or the Magistrate's Court (as the case may be) may adjourn the hearing on such terms as it thinks proper.

[29

**Court may order independent analysis**

**35.** When a sample has been dealt with in accordance with section 9, the District Court or the Magistrate's Court shall, on the request of either party to any proceedings for any offence under this Act, and may, if it thinks fit without such request, order the part of the sample retained by an authorised officer to be submitted to another authorised analyst for analysis.

[30

[7/2002]

**Non-disclosure of information**

**36.—(1)** No prosecutor or witness in any prosecution under this Act shall be compelled to disclose the fact that he received any information or the nature of the information or the name of any person who gave the information.

(2) No authorised officer appearing as a prosecutor or witness shall be compelled to produce any confidential report or document made or received by him in his official capacity or to make any statement in relation thereto.

[31

[7/2002]

**Recovery of fees and other expenses incidental to prosecution**

**37.—(1)** When any person is convicted of an offence under this Act, the court may order that all fees and other expenses incidental to the analysis of any food or food contact article in respect of which the conviction is obtained, including an analysis made under section 35, and any other reasonable expenses incurred by the prosecution, shall be paid by the person convicted.

(2) All such fees and expenses shall be recoverable in the same manner as a fine is recoverable.

[32

[Act 48 of 2017 wef 01/02/2018]

**Fees, etc., payable to Authority**

**38.** All fees, charges and moneys collected under this Act (except financial penalties and composition sums collected under sections 46 and 50) shall be paid to the Authority.

[32A

[7/2002]

*[Act 48 of 2017 wef 01/02/2018]***Appeal**

**39.** Any person aggrieved by any sentence or order under this Act passed or made by a District Court or a Magistrate's Court may appeal therefrom to the High Court.

[33

**PART VII****SUPPLEMENTARY PROVISIONS****Sale of prohibited food contact article**

**40.—(1)** The Minister may, by notification published in the *Gazette*, prohibit the importation, advertising or sale of any food contact article which is, in the opinion of the Minister, injurious to life or health.

(2) No person shall import, advertise or sell any food contact article in contravention of any notification referred to in subsection (1).

*[Act 48 of 2017 wef 01/02/2018]*

(3) Any person who contravenes subsection (2) shall be guilty of an offence.

[34

[7/2002]

(4) Without affecting section 32, in any proceedings for an offence under subsection (3) in relation to the publication of an advertisement in contravention of subsection (2), it is a defence to the charge for the defendant to prove, on a balance of probabilities —

(a) that —

(i) the defendant was acting in the course of a business of delivering, transmitting or broadcasting

communications (in whatever form or by whatever means) or making data available; and

- (ii) the nature of the business is such that persons undertaking it have no control over the nature or content of the communications or data; or

(b) that the defendant —

- (i) carried on the business of publishing or arranging for the publication of advertisements; and
- (ii) published or arranged for the publication of the advertisement in question in the ordinary course of that business.

*[Act 48 of 2017 wef 01/02/2018]*

(5) However, subsection (4) does not apply if the defendant concerned —

- (a) ought reasonably to have known that the publication of the advertisement was an offence under subsection (3); or
- (b) had previously been informed in writing by or on behalf of the Authority that publication of such an advertisement would constitute an offence under subsection (3).

*[Act 48 of 2017 wef 01/02/2018]*

*[Act 48 of 2017 wef 01/02/2018]*

### **Obstruction of authorised officers and interference with official marks**

**41.—**(1) No person shall at any time hinder, obstruct or molest any authorised officer in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of or under this Act.

*[7/2002]*

(2) No person shall, without authority —

- (a) open, alter, break, remove or erase any mark, fastening or seal placed by an authorised officer under this Act upon any food or food contact article or upon any package, place,

door or opening containing or affording access to any food or food contact article; or

[Act 48 of 2017 wef 01/02/2018]

(b) remove any mark, line, sign or other direction drawn or set up for the purposes of this Act.

[7/2002]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

[35

[7/2002]

### **Forfeiture of food or food contact article upon conviction**

**42.**—(1) In the case of any conviction under this Act the District Court or the Magistrate's Court, as the case may be, may order that any food or food contact article to which the conviction relates and any similar food or food contact article found on the defendant's premises or in his possession at the time of the commission of the offence, together with all packages or vessels containing the food or food contact article, shall be forfeited to the Authority.

[7/2002]

(2) Everything so forfeited to the Authority shall be disposed of as the Director-General thinks fit.

[36

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

### **Notification of conviction**

**43.** A notification of the name and occupation of any person who has been convicted of any offence under this Act together with his place or places of business, the nature of the offence and the fine, forfeiture or other penalty inflicted shall, if the court so orders, be published by the Director-General in the *Gazette* or any newspaper circulating in Singapore.

[37

[7/2002]



**Service of summons, notice, etc.**

**44.—**(1) Any summons, notice, order or document required or authorised by this Act to be served on any person may be served —

- (a) by delivering it to the person or by delivering it at his usual or last known place of residence to some adult member or employee of his family;
- (b) by leaving it at his usual or last known place of residence or business in a cover addressed to him; or
- (c) by forwarding it by registered post addressed to him at his usual or last known place of residence or business.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

(2) Any summons, notice, order or document required or authorised by this Act to be served on any incorporated company or body, may be served —

- (a) by delivering it to the secretary of the company or body at its registered or principal office; or
- (b) by sending it by registered post addressed to the company or body at its registered or principal office.

[7/2002]

(3) Any summons, notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the summons, notice, order or document to some conspicuous part of the premises.

[7/2002]

(4) Any summons, notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

[37A

[7/2002]

**Appeal to Minister against notice, order or decision**

**45.**—(1) Subject to sections 10J and 46(13), any person who is aggrieved by any notice, order or decision of the Director-General may, within 7 days of the notice, order or decision, appeal in writing to the Minister whereupon the execution of the notice, order or decision shall be stayed.

[7/2002]

(2) The Minister may confirm, vary or rescind the notice, order or decision or direct that the thing shall be proceeded with, varied or abandoned, as the case may be, or make any order which the Director-General is competent to make and the decision of the Minister shall be final.

[37B

[7/2002]

(3) The Minister may designate to hear and determine, in his place, any appeals or a specific appeal under this section —

- (a) any Senior Minister of State or Minister of State, or Senior Parliamentary Secretary or Parliamentary Secretary, for his Ministry; or
- (b) any public officer in his Ministry not subordinate to the person whose decision is appealed against,

and any reference in this section to the Minister includes a reference to the Senior Minister of State or Minister of State, or Senior Parliamentary Secretary or Parliamentary Secretary or public officer so designated for that appeal.

[Act 48 of 2017 wef 01/02/2018]

[Act 48 of 2017 wef 01/02/2018]

**Licences**

**46.**—(1) The grant or renewal of any licence —

- (a) shall be in the discretion of the Director-General;
- (b) may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned therefor; and

(c) may be granted or renewed subject to such restrictions and conditions as the Director-General may think fit.

[7/2002]

(2) The Director-General may require any applicant for a licence to furnish such information and evidence as he may reasonably require for a full and proper consideration of the application and, in the event of a refusal to furnish the information, shall refuse to grant or renew the licence.

[7/2002]

(3) The Director-General may, before granting or renewing any licence, require the applicant to give security, either in the form of a cash deposit or by entering into a bond, that the provisions of this Act and the conditions of the licence will be duly observed.

[7/2002]

(4) Where an applicant is required to enter into a bond, the Director-General may require not more than 2 sureties to enter into the bond with the applicant.

[7/2002]

(5) Any sum deposited or bond entered into under this section shall be liable to forfeiture in whole or in part at the discretion of the Director-General on cancellation of the licence.

[7/2002]

(6) Any person who wilfully furnishes any false information in any application for a licence shall be guilty of an offence and any licence granted shall be void and of no effect.

[7/2002]

(7) Subject to the provisions of this Act, any licence may be for such period as the Director-General thinks fit.

[7/2002]

(8) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed.

[7/2002]

(9) Where a licence is granted for a period of less than 12 months, the Director-General may charge a proportionate fee therefor; and in charging such proportionate fee, any part of a month shall be reckoned as one month.

[7/2002]

(10) No licensee shall be entitled to any refund of any fee paid by him in respect of any licence.

[7/2002]

(11) No person shall in any manner transfer any licence or permit any licence to be used by any other person without the approval in writing of the Director-General.

[7/2002]

(12) Where a licensee —

- (a) is in breach of any restriction or condition subject to which the licence was granted; or
- (b) fails to comply with an applicable requirement of this Act, the non-compliance with which is not an offence under this Act,

[Act 48 of 2017 wef 01/02/2018]

the Director-General may —

- (i) suspend or cancel the licence; and
- (ii) in the case of paragraph (a), in lieu of or in addition to paragraph (i), impose a financial penalty of such amount, not exceeding \$5,000, as the Director-General thinks fit.

[7/2002]

(12A) All financial penalties collected under this section are to be paid into the Consolidated Fund.

[Act 48 of 2017 wef 01/02/2018]

(13) Subject to the provisions of this Act, any person who is aggrieved by —

- (a) the refusal by the Director-General to grant or renew a licence;
- (b) the suspension or cancellation by the Director-General of any licence;
- (c) the imposition of any financial penalty by the Director-General; or
- (d) the forfeiture of any sum deposited or bond entered into under this section,

may, within 14 days of such refusal, suspension, cancellation, imposition of financial penalty or forfeiture, appeal to the Minister whose decision shall be final.

[7/2002]

(13A) The Minister may designate to hear and determine, in his place, any appeals or a specific appeal under subsection (13) —

- (a) any Senior Minister of State or Minister of State, or Senior Parliamentary Secretary or Parliamentary Secretary, for his Ministry; or
- (b) any public officer in his Ministry not subordinate to the person whose decision is appealed against,

and any reference in that subsection to the Minister includes a reference to the Senior Minister of State or Minister of State, or Senior Parliamentary Secretary or Parliamentary Secretary or public officer so designated for that appeal.

[Act 48 of 2017 wef 01/02/2018]

(14) In this section, “licence” includes any approval, permit, permission, authority, authorisation or licence which may be granted or renewed by the Director-General under this Act.

[37C  
[7/2002]

### **Notices, receipts, etc., may be given by authorised officer**

47.—(1) All notices, orders, receipts, warrants and other documents which the Director-General is empowered to give under this Act may be given by any other authorised officer.

[7/2002]

(2) Where any such notice, order, receipt, warrant or document requires authentication, the signature or a facsimile thereof of the Director-General or an authorised officer affixed thereto shall be sufficient authentication.

[37D  
[7/2002]

**Police officers and authorised officers may demand names and addresses in certain cases**

**48.**—(1) Any person who is charged by any police officer or authorised officer with any offence under this Act shall on demand give his name and address and other proof of identity to the police officer or authorised officer, if so required.

[7/2002]

(2) The occupier of any premises shall, if required by any police officer or authorised officer, give his name and other proof of identity and the name and address of the owner of the premises, if known.

[7/2002]

(3) Any person who contravenes this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$300.

[37E

[7/2002]

**General penalties**

**49.** Any person who is guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[37F

[7/2002]

**Composition of offences**

**50.**—(1) The Director-General may, in his discretion, compound any offence under this Act as may be prescribed as being an offence which may be compounded by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

[7/2002]

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

[7/2002]

(3) The Minister may make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

[37G  
[7/2002]

(4) All sums collected under this section are to be paid into the Consolidated Fund.

[Act 48 of 2017 wef 01/02/2018]

### **Inaccuracies in documents**

**51.**—(1) No misnomer or inaccurate description of any person, premises, building, street or place named or described in any document prepared, issued or served under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

[7/2002]

(2) No proceedings taken under this Act shall be invalid for want of form.

[37H  
[7/2002]

### **Evidence**

**52.**—(1) The contents of any document prepared, issued or served under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct.

[7/2002]

(2) All records, registers and other documents kept by any authorised officer for the purposes of this Act shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

[37I  
[7/2002]

## Forms

**53.** The Director-General may design and utilise such forms as he may think fit for any of the purposes of this Act, and may require any person to complete any of the forms for any such purpose.

[37J  
[7/2002]

## Exemption from Act

**54.** The Minister may, by order in the *Gazette*, exempt any class of persons, food businesses, premises, food or activities from the operation of all or any of the provisions of this Act or the food regulations.

[Act 48 of 2017 wef 01/02/2018]

## Administrative exemption from Act

**55.—(1)** The Director-General may exempt, for a period specified in the exemption, a particular person, food business, premises, food or activity from the operation of all or any of the provisions of this Act or the food regulations where the Director-General is personally satisfied that all of the following apply:

- (a) the risk to public health of providing the exemption is negligible;
- (b) there are other sufficient safeguards under this Act or any other written law, or by other means, to minimise any risk to public health in providing the exemption;
- (c) there are requirements in other written law or there are other means that deal with the matter to be exempted besides the applicable requirements of this Act;
- (d) the exemption is necessary or desirable to avoid unnecessary restrictions on trade.

(2) An exemption under this section —

- (a) must be in writing and given to the particular person concerned; and
- (b) need not be published in the *Gazette*.

[Act 48 of 2017 wef 01/02/2018]



**Regulations**

**56.—**(1) The Minister may make regulations —

(a) to prescribe the standard of strength, weight, quality or quantity of any food or of any ingredient or component part thereof;

(b) to prohibit the addition or use of any specified thing or of more than the specified quantity or proportion thereof to any food or food contact article;

*[Act 48 of 2017 wef 01/02/2018]*

(c) to prohibit any modes of manufacture, preparation or preservation of any food or food contact article;

*[Act 48 of 2017 wef 01/02/2018]*

(d) to secure the cleanliness and freedom from contamination of any food in the course of its manufacture, preparation, storage, packing, carriage, delivery, exposure for sale or sale and to secure the cleanliness of places, receptacles, food contact articles and vehicles used in such manufacture, preparation, storage, packing, carriage, delivery, exposure for sale or sale and to secure the proper conduct of places in which the sale or preparation for sale of food is carried on and for these purposes to require any person to submit to a medical examination;

*[Act 48 of 2017 wef 01/02/2018]*

(e) regulating the identification and labelling of food or food contact articles for sale, including specifying the matter that must or must not be contained in any such label and the manner of labelling;

*[Act 48 of 2017 wef 01/02/2018]*

(ea) setting out standards for the maintenance, cleanliness, sanitation and hygiene of premises at which a non-retail food business is carried out;

*[Act 48 of 2017 wef 01/02/2018]*

(eb) setting out requirements and procedures for document control and recording by food businesses to achieve the safety and suitability of food, including —

- (i) the information that must be collected about food or a food contact article;
- (ii) the periods for which the information must be kept; and
- (iii) how, when and to whom that information must be reported;

*[Act 48 of 2017 wef 01/02/2018]*

- (ec) setting out requirements that apply to imported food or food contact articles to ensure that the food or food contact article is safe and suitable, including keeping of records in relation to the source or traceability and handling of the food or food contact article imported;

*[Act 48 of 2017 wef 01/02/2018]*

- (f) to prescribe the method of analysis of any food and form of certificate of analysis;
  - (g) to fix the fees to be paid in respect of the analysis of the food by an authorised analyst and for any licence or registration issued or effected under this Act and for copies of a certificate of analysis;
  - (h) prohibiting or regulating the promotion and advertising of food and food contact articles, including specifying the matter that must or must not be contained in any advertisement and the manner of promotion and advertising;
- [Act 48 of 2017 wef 01/02/2018]*
- (i) to prohibit the sale of specified food or food contact articles otherwise than by weight;
- [Act 48 of 2017 wef 01/02/2018]*
- (j) to prohibit or regulate whether by licence or otherwise the importation or sale of separated or skimmed milk or filled milk or whey;
  - (ja) requiring, regulating or prohibiting the display or distribution, by a prescribed class of retail food businesses, in relation to a prescribed class of food which is sold by retail or displayed for sale by retail at the

premises where the food business is carried out, of information of a kind prescribed, including providing for —

- (i) nutritional information that must be determined in a prescribed manner; and
- (ii) display in the manner (such as in a menu in printed or electronic form or a label), and at locations in those premises, prescribed for nutritional information of that kind;

*[Act 48 of 2017 wef 01/02/2018]*

- (k) to regulate the seizure and disposal of unwholesome meat, fish, fruit, vegetables or other food or drink exposed or intended for sale;
- (l) prescribing the fees to be paid in connection with the administration of this Act, and the waiver, reduction or refund of fees charged;

*[Act 48 of 2017 wef 01/02/2018]*

- (la) providing for such saving, transitional and other consequential, incidental and supplemental provisions as the Minister considers necessary or expedient;

*[Act 48 of 2017 wef 01/02/2018]*

- (m) to prescribe that any act or omission, or any contravention of the provisions of any regulations shall be an offence and to provide for the imposition of a fine not exceeding \$5,000 and, in the case of a continuing offence, a further fine of \$500 for every day or part thereof during which the offence continues after conviction; and

- (n) generally to carry out the purposes of this Act.

*[7/2002]*

(2) Any such regulations may be made applicable either to foods or food contact articles generally or to specified foods or food contact articles only.

*[Act 48 of 2017 wef 01/02/2018]*

(3) The Minister may, in making any regulations, prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed.

[7/2002]

(3A) Any food regulation may adopt or incorporate by reference, with or without modification specified in the regulation, any matter contained in any code, standard, rule, requirement, specification or other document, as in force at a particular time or from time to time, which relates to any matter with which the food regulation deals, even if the code, standard, rule, requirement, specification or other document does not yet exist when the food regulation is made.

[Act 48 of 2017 wef 01/02/2018]

(3B) Any material applied, adopted or incorporated in any food regulation by reference under subsection (3A) is to be treated for all purposes as forming part of the food regulation; and, unless otherwise provided in the food regulation, every amendment to any material incorporated by reference under subsection (3A) that is made by the person or organisation originating the material is, subject to subsection (3C), to be treated as being a part of the food regulation.

[Act 48 of 2017 wef 01/02/2018]

(3C) Where any material mentioned in subsection (3A) is applied, adopted or incorporated by reference in any food regulation, the Minister must give notice in the *Gazette* stating —

- (a) that the material is incorporated in the food regulation and the date on which the relevant provision in the food regulation was made;
- (b) that the material is available for inspection during working hours, free of charge;
- (c) the place where the material can be inspected;
- (d) that copies of the material can be purchased;
- (e) the place where the material can be purchased; and
- (f) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

[Act 48 of 2017 wef 01/02/2018]

(4) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

(5) Notwithstanding anything in any regulations made under this section, any person may, at any time within 12 months after the date of the publication in the *Gazette* of such regulations, sell any food the sale of which is otherwise lawful, if he proves that at that date the food or food contact article was part of the existing stock-in-trade in Singapore of any person carrying on business there and that since that date no act has been done whereby the food or food contact article fails to conform to the requirements of those regulations.

*[Act 48 of 2017 wef 01/02/2018]*

(6) For the purposes of subsection (5) any goods purchased before the date of the publication in the *Gazette* of such regulations for importation into Singapore shall be deemed to form part of the purchasers' stock-in-trade in Singapore.

[38

## LEGISLATIVE HISTORY

### SALE OF FOOD ACT (CHAPTER 283)

This Legislative History is provided for the convenience of users of the Sale of Food Act. It is not part of the Act.

#### **1. Act 12 of 1973 — Sale of Food Act 1973**

Date of First Reading	:	16 February 1973 (Bill No. 4/1973 published on 20 February 1973)
Date of Second and Third Readings	:	7 March 1973
Date of commencement	:	1 May 1973

#### **2. 1985 Revised Edition — Sale of Food Act**

Date of operation	:	30 March 1987
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#### **3. Act 7 of 2002 — Sale of Food (Amendment) Act 2002**

Date of First Reading	:	3 May 2002 (Bill No. 10/2002 published on 4 May 2002)
Date of Second and Third Readings	:	24 May 2002
Date of commencement	:	1 July 2002

#### **4. 2002 Revised Edition — Sale of Food Act**

Date of operation	:	31 December 2002
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#### **5. Act 48 of 2017 — Sale of Food (Amendment) Act 2017**

Date of First Reading	:	2 October 2017 (Bill No. 42/2017 published on 2 October 2017)
Date of Second and Third Readings	:	7 November 2017
Date of commencement	:	1 February 2018

**COMPARATIVE TABLE**  
**SALE OF FOOD ACT**  
**(CHAPTER 283)**

The following provisions in the 1985 Revised Edition of the Sale of Food Act have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Sale of Food Act.

<b>2002 Ed.</b>	<b>1985 Ed.</b>
—	<b>4—(5)</b> ( <i>Deleted by Act 7/2002</i> )
PART IV	PART IIIA
<b>21</b>	<b>20A</b>
<b>22</b>	<b>20B</b>
<b>23</b>	<b>20C</b>
<b>24</b>	<b>20D</b>
PART V	PART IV
<b>25</b>	<b>21</b>
<b>26</b>	<b>22</b>
<b>27</b>	<b>23</b>
<b>28</b>	<b>24</b>
PART VI	PART V
<b>29</b>	<b>25—(1)</b>
<b>30—(1)</b>	<b>25—(2)</b>
(2)	(3)
(3)	(4)
(4)	(5)
<b>31</b>	<b>26</b>
<b>32</b>	<b>27</b>
<b>33</b>	<b>28</b>
<b>34</b>	<b>29</b>

<b>2002 Ed.</b>	<b>1985 Ed.</b>
<b>35</b>	<b>30</b>
<b>36</b>	<b>31</b>
<b>37</b>	<b>32</b>
<b>38</b>	<b>32A</b>
<b>39</b>	<b>33</b>
<b>PART VII</b>	<b>PART VI</b>
<b>40</b>	<b>34</b>
<b>41</b>	<b>35</b>
<b>42</b>	<b>36</b>
<b>43</b>	<b>37</b>
<b>44</b>	<b>37A</b>
<b>45</b>	<b>37B</b>
<b>46</b>	<b>37C</b>
<b>47</b>	<b>37D</b>
<b>48</b>	<b>37E</b>
<b>49</b>	<b>37F</b>
<b>50</b>	<b>37G</b>
<b>51</b>	<b>37H</b>
<b>52</b>	<b>37I</b>
<b>53</b>	<b>37J</b>
<b>54</b>	<b>37K</b>
<b>55</b>	<b>37L</b>
<b>56—(1)</b>	<b>38—(1)</b>
(2)	(2)
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)