

FOOD CONTROL ACT
(Cap. 65:05)

FOOD CONTROL (MAXIMUM LEVELS OF AFLATOXINS IN FOODS)
REGULATIONS, 2011
(Published on 8th April, 2011)

ARRANGEMENT OF REGULATIONS

REGULATION

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IN EXERCISE of the powers conferred on the Minister of Health by section 13 of the Food Control Act, and after consultation with the Food Control Board the following Regulations are hereby made —

1. These regulations may be cited as the Food Control (Maximum levels of Aflatoxins in Food) Regulations, 2011.

Citation

2. In these Regulations, unless the context otherwise requires —
“aflatoxins” means a group of toxic compounds produced by certain moulds that contaminate stored food supplies such as grains, animal feed and peanuts; and

Interpretation

“further processing” means processing of raw shelled peanuts intended for direct human consumption.

3. (1) All foods ready for human consumption shall not contain more than 10 micrograms per kilogram of aflatoxin, of which aflatoxin B1 shall not be more than 5 micrograms per kilogram.

Maximum
levels of
aflatoxins in
food

(2) Notwithstanding the provisions of subregulation (1), peanuts intended for further processing shall not contain more than 15 micrograms per kilogram of aflatoxin.

(3) Milk shall not contain more than 0.05 micrograms per litre of aflatoxin M1.

4. The sampling plan for the analysis of total aflatoxins in foods to be used for enforcement and control in terms of these Regulations shall be in accordance with the provisions laid down by the joint Food and Agricultural Organisation or World Health Organisation and Food Standards Programme’s Codex Alimentarius Commission.

Sampling

5. (1) A person who produces, sells, distributes, markets, imports or exports any food which contains aflatoxins above the maximum levels prescribed by these Regulations commits an offence and is liable —

Penalties

- (a) for a first offence, to a fine not exceeding P1 000 or to imprisonment for a term not exceeding three months, and where the offence is a continuing offence, to an additional fine not exceeding P500 or imprisonment for a term not exceeding one month for each day on which the offence continues; and
 - (b) for a second or subsequent offence, to a fine not exceeding P5 000 or to imprisonment for a term not exceeding six months, and where the offence is a continuing offence, to an additional fine not exceeding P2 000 or imprisonment for a term not exceeding two months for each day on which the offence continues.
- (2) Notwithstanding the provisions of subregulation (1), the Board may recommend to the Minister, any other action to be taken against any manufacturer, distributor, health worker or other persons who contravenes the provisions of these Regulations.
- (3) Where a person has been convicted of an offence under these Regulations, the court may cancel, or suspend any licence issued to that person which is relevant to the offence committed.
- (4) Where a person has been convicted of an offence under these Regulations, the court may order that any article relevant to the offence be forfeited and that it be destroyed or otherwise disposed of, as the court deems fit.

MADE this 24th day of March, 2011.

REV. DR. JOHN G.N. SEAKGOSING,
Minister of Health.

L2/7/288 IV (31)