

CONSUMER ALERT

How the Law Ensures Safe Food For Consumers

In a world where every day we have less and less control over the quality and safety of the food we eat, there is need for legislation and regulations to ensure that food is brought to Consumers in the safest possible way.

But as one smart consumer says... *“Laws alone cannot protect consumer rights. In the absence of effective monitoring and enforcement, they are not worth the paper they are written on.”*¹



Consumers have to be vigilant, not only in their own kitchens but as far as possible, all along the food chain – from production to consumption.

Here in Jamaica, we have many laws to protect the Consumer – in respect of Food and in other respects but, as we said before, Consumers cannot simply be passive bystanders.

In this issue of Consumer Alert, we are providing Consumers with important provisions of Jamaican laws which, if followed, ensure safe food for consumers.

They are: -

- The Standards Act**
- The Food Storage & Prevention of Infestation Act**
- The Food & Drugs Act**
- The Public Health Act.**

Following are some of the messages for consumers.

THE STANDARDS ACT

Labels On Processed Food Must be In English

All containers of processed food offered for sale to the consumer must be labeled in the English language. A seller who offers for sale processed food in breach of the above can be fined and in default of payment, may be imprisoned. Consumers must be vigilant.

Labels Must Not Misinform

A consumer may complain to the Consumer Affairs Commission about loss or injury arising from false or misleading representation about the quantity or quality of any product or food. The Commission will start investigations into these complaints and if necessary, pass them to the Bureau of Standards for further action.

Labels Must Give Country Of Origin

The law says that every container of processed food offered for sale in Jamaica must state the country where the food was packed. Any seller who offers processed food for sale in containers which breach the law can be fined and, in default of payment, may be imprisoned.

Labels Must State Companies Involved In Processing Of Food

Every container of processed food must have a label which states the name and business address of the processor, manufacturer, packer, importer or distributor. Items, which are packaged in the presence of the consumer, are exempted.

Labels Must State Net Contents

The label on every container of processed food must give the container's net contents, that is, the weight of the food in the container. This information must be stated clearly and accurately.

Labels Must list Certain Information

Labels on processed foods must provide certain information on the part of the label most likely to be displayed in the shop or store. The information must include:

- Product Name
- Net Contents
- Brand Name
- Special Instructions
- Date when quality of contents is no longer assured.

Labels Must Tell The Truth

It is an offence under the Standards Act for the label on any processed food to contain information, which is false, misleading or deceptive. This includes information on contents, value, quantity, weight and date of packaging. Such an offence is punishable by a fine and, in default of payment, imprisonment.

Labels Must list Ingredients

Every label on any container of processed foods offered for sale must state all the ingredients used in its preparation in descending order of quantity. Some ingredients may be grouped together e.g. “approved spices”. These spices must be approved by the Bureau of Standards.

Labels Must Explain Handling Of Special Products

Every label on any container of processed food, which requires a special method of storage, handling or preparation, must give the consumer instructions on these. The consumer needs to know these things in order to make the best use of the product and may often save money by doing the right thing.

FOOD & DRUGS ACT

No Additives for Baby food

The Food & Drugs Act stipulates that baby foods should contain any additives except in the cases of special formulae, bakery products and special dietary food.

Prepare food & Drugs Under Sanitary Conditions

People use food, drugs and cosmetics daily. These come in contact with the body and can be harmful. It is illegal to sell any of these products if they were manufactured, prepared, preserved, packaged or stored under unsanitary conditions.

FOOD STORAGE & PREVENTION OF INFESTATION ACT

Drains Must Have No Opening larger Than 1/4"

Floor drains and all other drains shall be fitted with a grind (metal) plate so that no opening is greater than one quarter inch. This stipulated under the Food Storage and Prevention of Infestation Act to prevent rodents and insects from entering and contaminating food within a building.

Keep food fresh And Protected

This Regulation states that any building in which food is sold, stored or manufactured must have openings for ventilation, which are covered with mesh on the outside. Breaches of this Act can result in fines or imprisonment.

Cleaning Buildings Where Food Is Kept

Proper storage of food is important in maintaining the health of the nation; infestation by rodents and insects must also be prevented. The Act states that the interior surfaces of buildings where food is kept safe for sale, stored or manufactured must be completely cleaned at least once per year and must be done to the satisfaction of Inspectors appointed under the Act. These buildings include supermarkets, hotels, bakeries and warehouses.

Buildings Where Food Is Kept Must Be Hygienic

The Food Storage & Prevention of Infestation Act instructs persons who manufacture, store or sell food about the condition that their buildings should be in. The interior and floors should be kept in good condition in accordance with the requirements of Inspectors appointed under the law. The Act makes these demands in an effort to maintain hygienic conditions in the food industry. Breaches of this Act can result in fines or imprisonment.

Advise The Minister If Food Is Infested

Every person whose business consists of the manufacture, storage, transport, sale or cleaning of any food has a legal duty to give notice in writing to the Minister responsible for trade, if he discovers that infestation is present in any article used in the course of that business. The report can be submitted to the Food Storage and Prevention of Infestation Division of the Ministry with responsibility for commerce.

Some Rules For Buildings Where Food Is Kept

Buildings where food is manufactured, stored or sold such as large supermarkets, hotels, bakeries, or warehouses, must be properly constructed. They should also be maintained in good condition. The walls should be waterproof and the floors capable of resisting water. This is included in the Act in an effort to maintain hygienic conditions for food sold to the public.

Records Must Be Kept Of All Treatment Done To Food

The Act demands that certain records must be kept, including records of substances used to treat food. Inspectors appointed under this Act can demand these records at any time from the owners or operators of any building where food is sold, stored or manufactured. This is also required of operators of ships carrying food.

Keeping Food Safe

One set of guidelines given in the Food Storage and Prevention of Infestation Act to ensure that food is kept safe, deals with openings in buildings. It states that openings in buildings where food is stored, sold or manufactured must be covered with quarter inch mesh wire and must be fitted with either adjustable valves or louvers, a tightly closed cover, or have hinged shutters with retaining bolts.

THE PUBLIC HEALTH ACT

Selling Condemned Meat Is Illegal

This Act stipulates that no one shall prepare, offer for sale or sell any meat that has been condemned by a Public Health Inspector as unfit for human consumption. Consumers must for their own protection, be on the lookout for instances in which condemned meat is being offered for sale and report this to their local Parish Council or to the Consumer Affairs Commission.

Meat Must Be Transported Under Sanitary Conditions

When meat is being transported, the butcher must ensure that it is protected against contamination by insects, animals, wind and dust. The meat must be transported in a dust-proof vehicle that is in a clean and sanitary condition. The vehicle must not be used for transportation of poisonous substances and should be cleaned at regular intervals. Breach of this is an offence punishable by a fine and in default of payment, imprisonment.

Sanitary Storage Of Meat

Butchers must ensure that any packaging material used by them for wrapping meat enhances the keeping quality of the meat and minimizes spoilage. In order to do this, the packaging must be:

- a. Stored, used and handled in a sanitary manner;
- b. Sufficient to completely surround and cover the meat and protect it from contamination; and
- c. Non-toxic (that is, the packaging should not be made of poisonous material).

Cleaning Up After Slaughtering An Animal

Butchers who do not clean up in a certain manner after slaughtering are acting in an unlawful way and consumers must be vigilant about this. For the consumers' protection,

the Regulation stipulates that butchers must, among other things, disinfect all equipment used in the slaughter or preparation of meat and must store that meat so as to prevent contamination and spoilage.

Butchers With Infectious Diseases Should Not Handle Meat

This law says that no butcher shall offer employment to a person who has or is suspected of having an infectious disease like typhoid, influenza or tuberculosis. This would be a breach of the Regulation, which can result in a fine or imprisonment. It is also a breach of the Regulation if the butcher employs someone who cannot or refuses to produce a valid food handler's permit.

Butchers Must Be licensed

It is illegal for anyone to operate as a butcher unless that person has been granted a valid license by the local Board of Health, that is, the Council of the KSAC or the Parish Councils. Breach of this Regulation is a criminal offence liable to a fine or to imprisonment or to both fine and imprisonment.

¹ (Ileana Rogel, Centre for Defence of the Consumer, El Salvador – “Safe Food for All: the Consumer Agenda,” World Consumer Rights Day, March 15, 1996)

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