

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, এপ্রিল ২৮, ২০১৬

Government of the People's Republic of Bangladesh

Ministry of Food

NOTIFICATION

Dated the 17 April 2016

S.R.O. No. 98-Law/2016—In exercise of the powers conferred by section 89 of the Food Safety Act, 2013, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (2) of section 1 of the Act :

The Food Safety Act, 2013

(Act No. 43 of 2013)

[10th October, 2013]

An Act to make provisions for the establishment of an efficient and effective authority and for regulating, through coordination, the activities relating to food production, import, processing, stock, supply, marketing and sales, so as to ensure the rights toward access to safe food through appropriate application of scientific process, upon repealing and reenacting the existing laws connected thereto.

Whereas it is necessary to ensure the rights toward access to safe food for the protection of human health and life; and

(৬২৭১)
মূল্য : টাকা ৪০.০০

Whereas it is necessary to make provisions for the establishment of an efficient and effective authority and for regulating, through coordination, the activities relating to food production, import, processing, stock, supply, marketing and sales, so as to ensure the rights toward access to safe food through appropriate application of scientific process, upon repealing and reenacting the existing law connected thereto;

It is hereby enacted as follows :—

CHAPTER I

Preliminary

1. **Short title and commencement.**—(1) This Act may be called the Food Safety Act, 2013.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

- (1) “Authority” means the Bangladesh Food Safety Authority established under section 5;
- (2) “insecticide or pesticide residue” means any specified substance in food or any such condition thereof that results from the use of insecticides or pesticides during its production, importation, processing, storing, supply, sale or marketing and contains the parent compound of the insecticides or pesticides, derivatives, conversion products, residue of metabolites, reaction products or created impurities and presence of which is considered to significantly intoxicate any food product, and also includes the residues contaminated from environment;
- (3) “food” means any edible substance, whether processed, partially processed or unprocessed, which are edible by chewing, sucking or licking (such as food grains, pulses, fish, meat, milk, eggs, edible oil, fruits, vegetables, etc.) or by drinking (such as-normal water, aerated water, carbonated water, energy drink, etc.) and also includes such other ingredient or raw material that is used during food production and food process as a nutrient for human survival, and for enhancing nutrition and protecting health;

Explanation.—

- (a) “food” includes all colouring or flavouring matters, spices, additives, preservatives, antioxidants, which are not components of principal food but are used for the purposes of manufacturing, preservation or production thereof;
- (b) “food” includes such other substances that are declared as food, for the purpose of this Act, by the Government by notification in the official Gazette from time to time :
- but does not include drugs or herbal medicine, narcotics and cosmetics.
- (4) “Food Court” means a Pure Food Court to be designated as such under section 64;
- (5) “food production” means the process of converting any ingredient of food into food products to which other processes may also be integrated;
- (6) “food laboratory” means any food laboratory or institution, by whatever name it may be called, established under any Act or to be recognised by the Government;
- (7) “Food Analyst” means an analyst appointed under sub-section (1) of section 45, and also includes a person discharging the duties of a food analyst under sub-section (2);
- (8) “food business” means any activity relating to production, processing, packaging, storage, transport, import, distribution or sale of food; and also includes the activities relating to manufacture of food products or sale of food ingredients including storage, supply, delivery or services thereof;
- (9) “food business operator” means any person or entity who runs a food business under the provisions of any law for the time being in force or under any regulation, and is the proprietor of, or responsible to, such business;
- (10) “food additives” means a substance, added to food for special purpose within the limit prescribed by regulation, which is not normally consumed as a food, but is used, as a typical ingredient, in food during processing, manufacturing, packaging and preservation thereof to arrive, directly or indirectly, at an intended usefulness, and impacts the food to keep its quality intact without using any adulterant or other contaminant;

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- (11) “food establishment” means any land, building, vehicle, van, tent, or any place, open, covered or enclosed, or infrastructure owned by such person or entity that carries any activity relating to production, processing, import, supply, storage, distribution or sale of any article of food or food ingredient, and also includes such infrastructure that stands on any streams, lakes, sea-shore, drains, ditches, rivers, dock or other water body;
 - (12) “Chairman” means the Chairman of the Authority;
 - (13) “Penal Code” means the Penal Code, 1860 (Act No. XLV of 1860);
 - (14) “contaminant” means any substance which may, whether or not added to food, be present in such food as a result of production, processing, manufacture, packaging, transport or storage thereof, or as a result of environmental contamination or other reasons, but does not include insect fragments, rodent hairs or fur and other extraneous matter;
 - (15) “container” means a receptacle or package which is not made from any previously used container harmful to health, and which is free from dust, unauthorized amount of biological or chemical contaminant, arsenic, mercury or any heavy metal harmful to health;
 - (16) “misbranded food” means any article of food or food ingredient which is produced, imported, manufactured or labelled in an unlawful manner resembling any other lawfully marketed article of food or food ingredient on sale, whether the element, ingredient, purity or quality of such lawful food is present in it or not;
 - (17) “safe food” means a food that is pure and hygienic for public health according to its intended use and utility;
 - (18) “anti-food safety practice” means any act which is carried out in contravention of the restrictions imposed upon a food business mentioned in Chapter V of this Act;
 - (19) “prescribed” means prescribed by rules and, until such rules are made, prescribed through a written order made by the Authority upon government approval;
 - (20) “Inspector” means any food safety inspector appointed under sub-section (1) of section 51, and also includes a person discharging the duties of a food safety inspector under sub-section (2);

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- (21) “residue of veterinary or fishery drug” means the parent compound or its metabolites, which is used in veterinary or fishery drug, and which is residue of drug present in the edible portion of any animal or fishery food product or in the ingredient of any food of animal or fish, and also includes residues of associated impurities thereof, if any;
- (22) “Council” means the National Food Safety Management Advisory Council established under section 3 of this Act;
- (23) “processing aid” means any matter or substance other than apparatus or utensils which is not consumed directly as food, but used as a food ingredient during treating or processing a food to fulfill a certain technological purpose, or may result in the unintentional but unavoidable presence of residues or derivatives in the final product after processing;
- (24) “regulations” means regulations made under this Act;
- (25) “Code of Criminal Procedure” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (26) “extraneous matter” means any matter which may be contained in food due to being used in the raw materials, or at the processing or packaging stage of such food during the production or manufacture thereof but does not render such food unsafe;
- (27) “rules” means rules made under this Act;
- (28) “person” includes, whether incorporated or not, any company, organization, commercial entity, partnership business, society, club or association;
- (29) “adulterated food” means a food or any part thereof—
- (a) which is, with a view to making it coloured, flavoured, preserved, processed or attractive, mixed with such amount of ingredients that is harmful to public health and is prohibited in law; or
 - (b) which is, with a view to making it coloured, coated or stained, mixed excessively with such amount of ingredients that impairs the food and diminishes the food value or nutritive qualities of such food; or

- (c) from which any of the normal constituents has been wholly or in part abstracted, and different types of ingredients, comparatively cheap in value, has been mixed with it to readily increase its weight or quantity or to make it attractive so as to render it injurious to money or health of the food consumers;
- (30) “fish” means cartilaginous and bony fish of any kind, shrimp of fresh or saline water, amphibians, tortoises, turtles, crustacean animals, molluscs, oysters, echinoderms and frogs at any stage in their life cycle and also includes those aquatic animals that are declared as fish by the Government, by notification in the official Gazette from time to time;
- (31) “member” means any member of the Authority and, where applicable, also includes the Chairman;
- (32) “President” means the President of the Council and, where applicable, also includes the Vice-President of the Council;
- (33) “Coordination Committee” means the Central Food Safety Management Coordination Committee to be constituted under section 15 of this Act.

CHAPTER II

Institutional Structure of Food Safety System

3. National Food Safety Management Advisory Council.—(1) To carry out the purposes of this Act, there shall be a council to be called the National Food Safety Management Advisory Council for providing necessary advice and direction to the Authority and all concerned with the food safety management as to formulate policy and plan on food safety system, and on any other matter ancillary thereto.

(2) The Council shall consist of the following members, namely :—

- (a) Minister in charge of the Ministry of Food, who shall also be its President;
- (b) Cabinet Secretary, who shall also be its Vice-President;
- (c) a member of the Parliament nominated by the Speaker of the House of the Nation;

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- (d) Secretary, Ministry of Public Administration;
 - (e) Secretary, Ministry of Home Affairs;
 - (f) Secretary, Ministry of Health and Family Welfare;
 - (g) Secretary, Ministry of Commerce;
 - (h) Secretary, Ministry of Agriculture;
 - (i) Secretary, Ministry of Fisheries and Livestock;
 - (j) Secretary, Ministry of Environment and Forest;
 - (k) Secretary, Ministry of Industries;
 - (l) Secretary, Ministry of Science and Technology;
 - (m) Secretary, Ministry of Information;
 - (n) Secretary, Local Government Division;
 - (o) Secretary, Finance Division;
 - (p) Secretary, Legislative and Parliamentary Affairs Division;
 - (q) Chairman, Bangladesh Council of Scientific and Industrial Research;
 - (r) Chairman, Bangladesh Atomic Energy Commission;
 - (s) Chairman, Bangladesh Food Safety Authority;
 - (t) Director General, Directorate of Health Services;
 - (u) Director General, Directorate of Food;
 - (v) Director General, Directorate of National Consumer Rights Protection;
 - (w) Director General, Bangladesh Standards and Testing Institution;
 - (x) Director General, Bangladesh Accreditation Board;
 - (y) Director, Institute of Nutrition and Food Science, University of Dhaka;
 - (z) Chairman, Department of Chemistry, University of Dhaka;
 - (za) President, Federation of Bangladesh Chambers of Commerce and Industries;
 - (zb) a City Corporation Mayor and a Upazilla Parisad Chairman nominated by the Government; and
 - (zc) Secretary, Ministry of Food, who shall also be its Member-Secretary.

(3) Save as the members referred to in clauses (c) and (zb) of sub-section (2), other members of the Council shall be ex-officio members of the Council.

(4) The Council may, if necessary, co-opt any relevant person as a member of the Council.

Explanation.—In this section, “Secretary” also includes Senior Secretary.

4. Meetings of the Council.—(1) The meeting of the Council shall be held at least twice a year.

(2) Subject to other provisions of this section, the Council may determine the procedures of its meeting.

(3) The meeting of the Council shall be held at such place, date and time as may be determined by the President.

(4) The President shall preside over all meetings of the Council :

Provided that in the absence of the President, the Vice-President or in the absence of both of them, any other member of the Council nominated by the President shall preside over the meeting.

(5) Presence of one-third of the total members of the Council shall form the quorum of a meeting and decisions of the Council shall be taken by the majority of votes of the members present at the meeting.

(6) No act or proceeding of the Council shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Council.

5. Establishment of Bangladesh Food Safety Authority, etc.—(1) As soon as may be after the commencement of this Act, the Government may, by notification in the official Gazette, establish an Authority to be called the Bangladesh Food Safety Authority to carry out the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and transfer of property, both movable and immovable, subject to prior approval of the Government and shall by the said name sue and be sued.

6. Office of the Authority.—The Head Office of the Authority shall be at Dhaka, and in case of necessity, the Authority may, with the prior approval of the Government, establish its branch office at any place in Bangladesh.

7. Constitution of the Authority.—(1) The Authority shall consist of a Chairman and four members.

(2) The Chairman and the members shall be appointed by the Government and they shall be the full-time officers of the Authority.

(3) The Chairman shall be the Chief Executive of the Authority.

(4) The salary, allowances, status and other terms and conditions of service of the Chairman and of the members shall be determined by the Government.

(5) The Chairman and the members shall discharge such duties and perform such functions as may be determined or assigned to them by the Act or by the rules or regulations made thereunder.

(6) No act or proceeding of the Authority shall be invalid or be called in question merely on the ground of any vacancy in, or any defect in the constitution of, the Authority.

8. Tenure of the Chairman and the members.—The Chairman and the members shall hold their office for 4 (four) years from the date of appointment.

9. Qualification and disqualification of the Chairman and the members.—(1) A person having at least 25 (twenty five) years of professional experience and broad range of specialized knowledge and expertise in the field of food shall be eligible for appointment as the Chairman of the Authority.

(2) Persons having at least 20 (twenty) years of professional experience and broad range of relevant specialized knowledge and expertise on the following subjects shall be eligible for appointment, one from each, as a member, namely:—

- (a) public health and nutrition;
- (b) food industry or food production;
- (c) food consumption and consumers' rights; and
- (d) food related laws and policies.

(3) Notwithstanding anything contained contrary in other provisions of this section, no person shall be eligible for appointment as the Chairman or a member, if—

- (a) he is not the citizen of Bangladesh;
- (b) his age exceeds 60 (sixty) years on the date of appointment;
- (c) he is a loan defaulter in any bank or financial institution;
- (d) he is an undischarged insolvent by any competent court;

- (e) he has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of 2 (two) years or more, unless a period of 5 (five) years has elapsed since his release from imprisonment; and
- (f) he is, directly or indirectly, involved in any food business.

(4) The Chairman and the members, while discharging duties of the Authority, shall not hold any position or discharge any duties of any other office or organization or authority or be engaged in any office for profit.

10. Resignation, termination or inability in discharging duties.—(1) The Chairman or any member may, by issuing at least 3 (three) months prior notice, resign his office by writing under his hand to the Government and the post shall fall vacant from the date of acceptance of the resignation by the Government.

(2) Notwithstanding anything contained in sub-section (1), the Government may terminate the Chairman or any Member, if he—

- (a) is declared insolvent by any competent court;
- (b) is convicted by any competent court of an offence involving moral turpitude;
- (c) is declared by any competent court to be the unsound mind;
- (d) becomes physically or mentally incapable of performing functions of the Chairman or of a member;
- (e) is engaged in any other post with remuneration other than his own duties;
- (f) shows negligence in discharging duties as Chairman or member or breaches trust or gains any financial or other benefit illegally; or
- (g) holds any position or discharge any duty mentioned in sub-section (4) of section 9 or engaged in any office of profit.

(3) Notwithstanding anything contained in sub-section (1), the Chairman or any member shall not be terminated from his service without giving an opportunity to defend himself.

11. Filling up temporary vacancy to the post of the Chairman.—If a vacancy occurs in the office of the Chairman or if the Chairman is unable to carry out the functions of his office due to absence, illness or any other reason, the senior-most Member of the Authority shall temporarily take over the charge of the Chairman until and unless newly appointed Chairman joins his office or the Chairman becomes capable to resume the functions of his office.

12. **Meeting of the Authority.**—(1) The Authority may, subject to the provisions of this section, determine the procedure of its own meetings.

(2) The agenda, date, time and place of meetings shall be determined by the Chairman and such meetings shall be convened by the Secretary with the approval of the Chairman.

(3) The Chairman shall preside over all the meetings of the Authority, but in his absence, any other member nominated by him shall preside over the meeting.

(4) To constitute a quorum at a meeting, the presence of the Chairman and at least two other members shall be required, but in a adjourned meeting no such quorum shall be required.

(5) Decisions of the meetings shall be taken by the majority of votes of the Chairman and the Members present at the meeting, and in the event of equality of votes, the Chairman or the Member, as the case may be, presiding over the meeting shall have a second or a casting vote.

(6) The Chairman may, in consultation with other Members, if necessary, invite any other person concerned with the agenda of the meeting, but such person shall not have any right to vote in taking decision.

13. **Duties and functions of the Authority.**—(1) The main duties and functions of the Authority shall be to regulate and monitor the activities related to manufacture, import, processing, storage, distribution and sale of food so as to ensure access to safe food through exercise of appropriate scientific methods, and to coordinate the activities of all the organizations concerned with food safety management.

(2) Without prejudice to the generality of sub-section (1), the Authority shall discharge the following duties, namely :—

- (a) to scientifically define all the available foods from plants, animals and other major sources and provide support to the concerned authorities or organization in updating quality parameters, and monitor the implementation of their activities to ensure food safety;
- (b) to render necessary support to the concerned authorities or organizations in updating and upgrading the food standards or guidelines to the highest level of safety done by the same under existing laws;
- (c) to specify food standards and formulate guidelines, where no quality and safety parameter or guideline of such food is determined under existing laws;

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- (d) to provide the concerned authority or organization with necessary support in updating or upgrading the permissible limit at its highest safety level for use of contaminants, microbial contaminants, fertilizer, residue of insecticides and pesticides, residue of veterinary and fishery drugs, heavy metals, processing aids, additives or preservatives, mycotoxin, antibiotics, medicine related active substances and growth promoters in the food product determined by any other authority or organization under the existing laws, and monitor implementation thereof;
 - (e) to determine permissible limit of use of contaminants through exercise of scientific methods, where the permissible limit of contaminants, microbial contaminants, fertilizers, residue of insecticides or pesticides, residue of veterinary and fishery drugs, heavy metals, processing aid and, food additive or preservatives, mycotoxin, antibiotic, medicine related active substances and growth promoters is not determined under any existing law;
 - (f) to provide necessary support to the relevant authority or organization in specifying permissible limit of radiation in food and implementation monitoring thereof;
 - (g) to provide necessary support to the concerned authority or organization in formulating and implementing accreditation policies to be followed by the certification bodies having authority for issuing certificate of food safety management system to carry out food business;
 - (h) to provide necessary support to the concerned authority or organization in formulating procedural guidelines for accrediting food testing laboratories and implementation monitoring thereof;
 - (i) to provide necessary advice to the concerned authority in monitoring and taking immediate corrective measures to remove the non-conformance observed during monitoring of laboratories engaged in measuring food adulterants and quality;
 - (j) to specify standards and prescribe testing procedures, if not otherwise done, of any food to be imported under existing laws, and accordingly provide necessary support to the concerned authority or organization to ensure adherence to acceptable quality parameters of food and implementation monitoring thereof;

- (k) to prescribe the procedure relating to packaging and expressing claims on health, nutrition, special dietary uses and categorization of packaged food and provide necessary support to the concerned authority or organization for its implementation;
- (l) to prescribe the procedure for assessment, analysis, communication and management of probable risk, and to identify increasing risk and introduce regular food alert system; and
- (m) to collect food samples and conduct analysis and exchange of information with the law enforcing agencies.

(3) In performing its assigned duties and functions, the Authority shall take the following steps, namely:—

- (a) to provide scientific advice and technical support to the Government in formulating food and nutrition policy or rules, and in revising or updating existing policies or regulations;
- (b) to search, collect and make comparative analysis of relevant scientific and technical information on the following subjects, such as:—
 - (i) identification of health risks exposures due to food consumption;
 - (ii) identification of incidence and prevalence of biological risk;
 - (iii) identification of adulteration of contaminants in food;
 - (iv) identification of incidence and prevalence of residues of various contaminants;
- (c) to develop methods of assessment of possible risk and take necessary initiatives to update the existing risk assessment methods involving all relevant stakeholders and implementation monitoring;
- (d) to sent emergency food safety alert messages on the health and nutritional risks of food to the Government, relevant organizations and officials and take necessary steps to inform the public of those messages;
- (e) to provide scientific and technical advice and assistance to the Government in implementation of crisis management procedures with regard to food safety;

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- (f) to establish a food safety network, up to field level, among the authorities or organizations concerned with the food safety management system with an aim to facilitate scientific co-operation framework through co-ordination of activities, exchange of information, development and implementation of joint projects, and exchange of expertise and best practices;
- (g) to provide scientific and technical advice and assistance to the Government to avail cooperation from international organizations;
- (h) to organize training programmes on food safety for the personnel, who are involved, directly or indirectly, with the implementation of this Act and who are engaged in food business;
- (i) to provide necessary support to the concerned authority or organization in upgrading the existing standards of food articles, including sanitary and phyto-sanitary measures, to international standards;
- (j) to coordinate the food safety and quality setting activities undertaken by governmental, non-governmental and international organizations;
- (k) to establish effective linkages among the authorities or organizations engaged in activities relating to testing, analysis and standard setting of food articles;
- (l) to identify strategies to harmonize safety and quality standards between the international and domestic food articles;
- (m) to create public awareness towards the safety and quality of food articles; and
- (n) to perform such other activities as may be directed by the Government, from time to time, for the purposes of this Act.
- (4) The Authority shall make regulations to carry out the purposes of this section.

Explanation.—In this section—

- (a) “food safety management system” means the acceptable arrangement of Good Agricultural Practices, Good Aquacultural Practices, Good Manufacturing Practices, Good Hygienic Practices during food production, processing, preparation and marketing of safe and healthy foods, Hazard Analysis, Food Safety Emergency Response, Residual Control System and Food Safety Auditing System and practice of relevant subjects which exist in the approved guidance or directives issued for carrying out food business to ensure the compliance of the standards and obligations prescribed by the existing laws; and

- (b) “hazard” means presence of any substance in food or prevailing condition of food created or naturally produced due to any biological, chemical or physical effect that may cause any adverse effect on human health.

14. Secretary, officers and staff of the Authority and organogram, etc.—(1) There shall be a Secretary of the Authority, who shall be appointed on such terms and conditions as the Government may determine.

(2) The Secretary shall discharge the following duties, namely:—

- (a) to fix agenda, date, time and venue of the meeting of the Authority as directed by the Chairman;
- (b) to prepare the proceeding of the meetings according to the decision of the Authority;
- (c) to maintain the relevant files and records of activities carried out by the Chairman and Members; and
- (d) to discharge such other duties as the Authority may direct.

(3) The Authority may, subject to the organogram approved by the Government, appoint such number of officers and employees as may be necessary for its efficient performance, and the terms and conditions of the service of such officers and employees shall be determined by regulations.

(4) For efficient performance of the duties and functions of the Authority, there shall be at least 5(five) divisions headed by 5(five) Directors in its organizational structure, namely:—

- (a) Food Safety Surveillance and Adjudication Affairs;
- (b) Food Safety Laboratory Network Coordination Affairs;
- (c) Food Safety Standardization Coordination Affairs;
- (d) Consumers’ Concerns, Food Safety System and Risk Management; and
- (e) Establishment, Finance, Human Resource and Corporate Affairs of the BFSA.

(5) The Chairman shall have the administrative control over all officers and employees of the Authority.

CHAPTER III**Committees, etc.**

15. Formation of Central Food Safety Management Coordination Committee, etc.—(1) For carrying out the purposes of this Act, the Government shall, by notification in the Official Gazette, constitute a committee to be called the 'Central Food Safety Management Coordination Committee' consisting of the following members to coordinate among the authorities or organizations involved directly or indirectly in food safety management system, namely:—

- (a) Chairman Bangladesh Food Safety Authority, who shall also be the Chairperson of the Committee;
- (b) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Food;
- (c) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Agriculture;
- (d) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Fisheries and Livestock;
- (e) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Science and Technologies;
- (f) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Commerce;
- (g) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Environment and Forest;
- (h) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Industries;
- (i) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Health and Family Welfare;
- (j) an officer, not below the rank of Joint-Secretary, nominated by the Ministry of Home Affairs;
- (k) an officer, not below the rank of Joint-Secretary, nominated by the Cabinet Division;
- (l) an officer, not below the rank of Joint-Secretary, nominated by the Local Government Division;

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- (m) an officer, not below the rank of Joint-Secretary, nominated by the Legislative and Parliamentary Affairs Division;
 - (n) an officer, not below the rank of Joint-Secretary, nominated by the Law and Justice Division;
 - (o) Director General, Department of Environment, ex-officio;
 - (p) Director General, Department of Agriculture Extension, ex-officio;
 - (q) Director General, Department of Fisheries, ex-officio;
 - (r) Director General, Department of Livestock Services, ex-officio;
 - (s) Director General, Directorate of National Consumer Rights Protection, ex-officio;
 - (t) Director General, Bangladesh Standards and Testing Institution, ex-officio;
 - (u) Director General, Bangladesh Accreditation Board, ex-officio;
 - (v) Director, Institute of Public Health, ex-officio;
 - (w) two representatives nominated by the Government from relevant food production related organizations;
 - (x) two representatives nominated by the Government from the consumers' food related organizations;
 - (y) two representatives nominated by the Government from food processing related organizations;
 - (z) two representatives nominated by the Government from food business related organizations;
 - (za) two representatives nominated by the Government from food laboratories; and
 - (zb) Secretary, Bangladesh Food Safety Authority, Who shall also be its Member-Secretary.

(2) The Coordination Committee shall take initiative to ensure necessary institutional support from relevant authorities or organizations for successful performance of the duties and functions assigned to the Authority under this Act.

(3) The members of the Coordination Committee on behalf of their respective organizations shall take proper initiative to extend necessary institutional support, facilities and assistance to the Authority according to its requirement.

16. Meetings of the Coordination Committee.—(1) The meetings of the Coordination Committee shall be held at least 3(three) times a year at such place, date and time as may be determined by its Chairperson.

(2) The Chairperson of the Coordination Committee shall preside over all its meetings and in his absence, any other member of the Committee directed by him and in absence of such direction, any other member nominated by the members present in the meeting shall preside.

(3) The Coordination Committee may, if necessary, co-opt or invite any relevant person as a member of the Coordination Committee in the meeting.

(4) Subject to the provisions of this section, the Coordination Committee may determine the procedures of its own meeting.

17. Technical Committee.—(1) For carrying out the purposes of this Act, the Authority may form such numbers of Technical Committees, as may be necessary, consisting of experts concerning to food safety or related subject to assist and advise in conducting its functions.

(2) Without prejudice to the generality of sub-section (1), among others, the Technical Committees may be formed on the following subjects, namely:—

- (a) food additives, flavorings, processing aids and materials;
- (b) pesticides and antibiotics residues;
- (c) genetically modified organisms and foods;
- (d) biological risk and biosecurity;
- (e) contaminants in the food chain;
- (f) labeling and packaging;
- (g) methods of sample collection and analysis; and
- (h) any other subject prescribed by rules.

(3) The Technical Committee may, if necessary, invite the relevant industry and consumer representatives and experts in its meeting.

(4) The Technical Committee shall conduct its functions in accordance with the opinion of the majority of its members.

(5) The Authority shall, for public interest, publish the opinion, if accepted, of the Technical Committee on scientific research in its annual report and immediately take necessary steps to publish it in widely circulated daily newspapers including its website to make it accessible by the public.

(6) The composition and terms of reference of the Technical Committees and the matters ancillary there to shall be prescribed by rules.

18. **Other Committees.**—The Authority may, if necessary, form such numbers of other Committees, as may be necessary, consisting of its one or more members for special purposes and determine the procedure of such Committees.

19. **Directives to other authorities, etc.**—(1) The Authority may, from time to time, issue directives related to food safety and quality to any authority, organization or person concerned directly or indirectly with food safety management, and such authority, organization or person shall be bound to comply with such directives.

(2) The Authority may, for the purposes of this Act, require any authority, organization or person to render necessary assistance, and such authority, organization or person shall be bound to comply with such requirements.

CHAPTER IV

Fund, Budget and Accounts Audit

20. **Fund of the Authority.**—(1) The Authority shall have a fund and the money received from the following sources shall be credited to the fund, namely:-

- (a) grants made by the Government; and
- (b) money received from any other sources with the prior approval of the Government.

(2) The money of the fund shall be deposited in the name of the Authority in any scheduled bank and the fund shall be maintained in such manner as may be prescribed by rules, but, until such rules are made, the fund may be maintained according to the orders or directions issued by the Government.

(3) The Authority shall, subject to government rules and regulations, meet necessary expenses from the fund.

Explanation.—In this section “scheduled bank” means the scheduled bank as defined in article 2 (j) of Bangladesh Bank Order, 1972 (P.O. No. 127 of 1972).

21. **Annual Budget.**—The Authority shall, by such time in each year as the Government may determine, submit to the Government an annual budget for the next financial year showing the estimated sums which are likely to be required from the Government during that financial year for the Authority.

22. **Accounts and Audit.**—(1) The Authority shall properly maintain the accounts of its fund and prepare an annual statement of the accounts.

(2) The Comptroller and Auditor General of Bangladesh, hereinafter referred to as the Auditor General, shall audit accounts of the Authority every year, and submit one copy of his audit report to be Government and one copy to the Authority.

(3) Besides the audit mentioned in sub-section (2), the accounts of the Authority may also be audited by a Chartered Accountant as defined in article 2(1)(b) of the Bangladesh Chartered Accountants Order, 1973 (P.O. No. 2 of 1973) and the Authority may appoint one or more Chartered Accountants in this behalf.

(4) The Chartered Accountant appointed under sub-section (3) shall be entitled to receive such remunerations as may be determined by the Government.

(5) For conducting audit under sub-section (2) or (3), the Auditor General or any other person authorized by him in this behalf or the Chartered Accountant, as the case may be, shall have access to all records, documents and papers, cash or deposit kept in bank, security, stock and other properties of the Authority and may examine any member, officer or employee of the Authority.

CHAPTER V

Prohibitions related to Food Safety Management System

23. **Use of poisonous elements.**—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, use or include in any article of food any chemical or ingredient or substance (such as: calcium carbide, formalin, sodium cyclamate), insecticides or pesticides (such as: DDT, PCB oil, etc.), or intoxicated food colour of flavouring matter, whether attractive or not, or any other intoxicated additives or processing aids, which may cause injury or toxicity to human health in any article of food; or shall store, market or sell any such article of food or food ingredient possessing such matter.

24. **Use of radioactive, heavy metals etc. in excess of acceptable limit.**—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, use or include in any article of food or food ingredient any radioactive or irradiated matter or naturally or otherwise occurring similar matter or heavy metal in violation of maximum acceptable limit prescribed by regulations or by any other law for the time being in force.

25. Production, import or marketing of adulterated article of food or food ingredient, etc.—No person shall, directly or indirectly, with an intention to sell, by himself or by any other person acting on his behalf, produce or import, process, store, supply or sell any adulterated article of food or food ingredient.

26. Production of sub-standard food, etc.—No person shall, directly or indirectly, with an intention to sell, by himself or by any other person acting on his behalf, produce or import, process, store, distribute, or sell any article of food or food ingredient which is of sub-standard for human consumption in comparison with the standard prescribed by regulations.

27. Uses of food additives or processing aids.— No person shall, directly or indirectly, by himself or by any other person acting on his behalf, use or include in any additive or processing aid in violation of maximum acceptable limit prescribed by regulations in any article of food or food ingredient; or shall import, process, store, distribute or sell such article of food or food ingredient possessing such matter.

28. Keeping of used industrial oil, industrial waste, adulterants, pollutants, etc. in food establishment.—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, keep or allow to keep in his food establishment any used industrial oil, industrial waste or adulterants with an intention to mix them with any article of food or food ingredient.

29. Expired article of food or food ingredients.—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, import, process, store, supply or sell any article of food or food ingredient after the date of its expiry.

30. Uses of growth promoters, insecticides, pesticides or drug residues, microbes, etc.—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, use or include in any article of food or food ingredient any insecticide or pesticide residue, veterinary or aquaculture drug residue, hormone, antibiotic or growth promoters residue, solvent residue, active ingredients of drugs, microbes or parasites in excess to the maximum residue limit prescribed by regulations or by any other law for the time being in force; or shall store, market or sell any such article of food or food ingredient possessing such matter.

31. Genetically modified food, organic food, functional food, proprietary food, etc.—No person shall, directly or indirectly, by himself or by any other person acting on his behalf, without taking approval in the manner

prescribed by regulations or under any other law for the time being in force, produce, import, process, store, distribute or sell any genetically modified or engineered food, organic food, irradiated food, proprietary food, novel food, functional food, foods for special dietary uses, nutraceuticals and any such other food.

Explanation.—In this section—

- (a) “proprietary food” or “novel food” means any food for which no standards is yet specified but is not unsafe and which does not contain any substance or matter prohibited by regulations;
- (b) “food for special dietary uses”, “functional food”, “nutraceutical food” or “health supplement” means any food prepared in compliance with the special formula and maintained the qualities prescribed by regulations to meet the necessity of special dietary for any special or substantial physical condition or any special diseases or illness;
- (c) “organic food” means any food produced in accordance with specified organic production process; and
- (d) “genetically modified or engineered food” means any article of food or food ingredient composed of or containing genetically modified or engineered organisms obtained through modern biotechnology, or produced from but not containing genetically modified or engineered organisms obtained through modern biotechnology.

32. Food packaging and labelling.—No person shall, directly or indirectly, by himself or by any other person acting on his behalf,—

- (a) manufacture, distribute or sell any packaged food or food ingredient which is not packaged, marked and labelled in such manner as may be prescribed by regulations or any other law for the time being in force;
- (b) inscribe any false information or claim, or any mischieving or misleading information on the label mentioned in clause (a) concerning the food contained in the package or concerning the quantity or the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food;
- (c) manufacture, distribute or sell any packaged food or food ingredient without complying with the obligation of labelling it with a

representation of clear information about the production, packaging and expiry date of food and traceability information in the manner prescribed by regulations; and

- (d) sell any packaged food or food ingredient by changing or erasing any information inscribed on the label of the packaged food product or food ingredient.

33. Production, sale, etc. of food in unhygienic process regarded as hazardous to human health.—No person, by himself or by any other person acting on his behalf shall manufacture, import, process or sell any article of food or food ingredient in unhygienic process, in contravention of the conditions and in deviation from the standard process specified by regulations or under any other law for the time being in force, which may cause harm to human health.

34. Sale of diseased or decomposed fish, meat, milk, etc.—No person, by himself or by any other person acting on his behalf, shall produce, store, or sell diseased or decomposed fish or fish product or meat of diseased or dead animals or fowl or decomposed milk or egg or any food products made of such thing.

35. Food serving or catering in hotels, restaurants or food premises.—No person, by himself or by any other person acting on his behalf, who render food serving or catering services in a hotel, restaurant or food premises, shall cause hazard to human health through irresponsibility, negligence or carelessness in deviation from the standard prescribed by regulations or by any other law for the time being in force.

36. Manufacture of food by a person suffering from any contagious disease.—No person, by himself or by any other person acting on his behalf, shall cause any article of food or food ingredient to be prepared, stored or sold by a person who is suffering from any contagious disease.

37. Manufacture, sale, etc. of misbranded food.—No person, by himself or by any other person acting on his behalf shall, directly or indirectly, manufacture, import, store, distribute or sell any misbranded article of food or food ingredient similar or resembling to any article of food or food ingredient marketed in the name of any trade mark or in any trade name registered under the Trademark Act, 2009 (Act No, XIX of 2009).

38. Keeping and exhibiting the name, address and receipt or *challan* of the concerned parties.—Every food business operator or any other person acting on his behalf shall, while operating food business, keep the name, address and receipt or *challan* of all parties involved in the manufacture, import, processing, storage, distribution or sale of any article of food or food ingredient; and shall be bound to exhibit the information to the Authority or any officer designated by it.

39. **Production, sale, etc. of food without registration.**—No person shall manufacture, import, process, store or sell any article of food or food ingredient without registering a food business which is mandatory under any law for the time being in force.

40. **Rendering cooperation to the Authority or any person authorized by it.**—Each food business operator or any person acting on his behalf shall, while operating food business, be bound to extend all kinds of cooperation to the Authority or to any officer designated by it at the time of inspection, investigation, sample collection or testing of anything related to food business.

41. **False or misleading information in advertisement.**—No person shall, with the intention of marketing or selling any article of food or food ingredient, cause harm to any consumer by giving any false or misleading information or statement in advertisement in contravention of the conditions for advertisement prescribed by regulations.

42. **Making, printing or propagating of false advertisement.**—(1) No person shall make, print, publish or propagate any advertisement containing false information as to quality, nature, standard etc. of any article of food or food ingredient through which people may be misguided.

(2) In a suit filed under this section, the defendant, for defending himself, shall have to prove that—

- (a) he was not aware of such false advertisement or he has not come to know despite due diligence; and
- (b) he, as a maker, printer, publisher or propagator has made, printed, published or propagated the advertisement in usual course of business.

(3) Where any complaint is lodged against any person under this section in any court, the court shall, unless otherwise proved, presume that such manufacturer or seller has made the endeavor or rendered the assistance to, print, publish or propagate such advertisement.

CHAPTER VI

Special Responsibilities of Food Business Operators

43. **Withdarwal of substandard or risky or poisonous food.**—(1) If any person has reason to believe that the article of food or food ingredient which he has produced, processed, supplied or sold does not comply with the standard prescribed by this Act or any law or contains any contaminant, radioactive or

irradiated substances, or any poisonous or hazardous matter; he shall disclose and circulate the matter with reasons to the general public, and shall, with an intimation to concerned authority, immediately take necessary step to withdraw such article of food or food ingredient from the market or consumers in the manner prescribed by regulations.

(2) If the Authority has reason to believe that any article of food or food ingredient produced, processed, supplied or sold by any person, does not comply with the standard prescribed by this Act or any other law, or contains any contaminant, radioactive or irradiated substances, or any poisonous or hazardous matter, it shall issue an order directing the concerned person to withdraw the suspected or risky article of food or food ingredient from the market or consumers, and such person shall, upon such direction, take necessary steps to withdraw such article of food or food ingredient as per the provision of sub-section (1).

44. Special liabilities of producers, packers, distributors and sellers of food.—(1) If any producer or packer of any article of food or food ingredient fails to comply with the conditions of this Act or rules or regulations made thereunder, such failure shall be considered to be violation of this Act.

(2) A person who stores or supplies any article of food or food ingredient shall be liable to violate the provisions of this Act, if he—

- (a) supplies any food after the expiry date;
- (b) stores or distributes food violating precautionary instructions declared by the producers;
- (c) erases any information relating to safety of food, trade symbol or identification mark;
- (d) fails to provide required traceability information of the producer or of the person from whom the food was received for storage or distribution; or
- (e) receives any food for storage or distribution despite knowing the fact that the food is unsafe.

(3) A person who sells any article of food or food ingredient shall be liable to violate the provisions of this Act, if he—

- (a) sells any food or stores it in a selling premises after the expiry date;
- (b) preserves or stores or sells any food with a view to selling in an unhygienic condition;

- (c) erases any information relating to safety of food, trade symbol or identification mark;
- (d) fails to provide required traceability information of the person from whom the food was received or of the distributor, or of the origin of the producer; or
- (e) receives any food for storage or sale despite knowing the fact that the food is unsafe.

CHAPTER VII

Food Analysis and Testing

45. **Appointment of Food Analysts and assigning duties.**—(1) For carrying out the purposes of this Act, the Authority, shall appoint such number of Food Analysts as may be necessary to analyze or examine the sample of articles of food or food ingredients.

(2) Notwithstanding anything contained in sub-section (1), the Authority may, for special purpose, with approval of the Government or any other local authority, assign the duties of a Food Analyst to any government officer or any officer of the local authority, and such officer shall be regarded as a Food Analyst for the purposes of this Act.

(3) Notwithstanding anything contained in sub-section (1) or (2), no person shall be appointed as a Food Analyst or entrusted with the duties of a Food Analyst, if he is, directly or indirectly, involved in any trade or business relating to production or marketing of any article of food or food ingredient.

46. **Food testing.**—(1) Any person may, after collecting or buying any article of food or food ingredient, cause the sample of such food to be analyzed or examined, on payment of such fees as may be prescribed by regulation, by the Food Analyst under whose jurisdiction the place or source from which such sample is collected or bought falls and may, in the manner prescribed by regulation, procure a certificate of the analysis report or test results :

Provided that, no person shall cause a certificate issued by a food Analyst or a copy thereof to be exhibited at his business establishment or any other place or to be used for any advertisement.

(2) The duties and responsibilities of the Food Analyst appointed under this section shall be prescribed by regulations.

47. Compulsory sale or surrender of food sample for analysis or testing.—(1) For analyzing or testing purpose, the Authority or any person empowered by it may, on payment of the price, collect samples of any article of food or food ingredient offered for sale or kept for the use in production, processing or manufacture :

Provided that, a sample may be collected from any such article of food or food ingredient that is not even offered for sale.

(2) Any sample under sub-section (1) may be collected from any place including the place of sale, production, supply or storage; and the person from whose possession samples of any article of food or food ingredient are asked for, shall be bound to sell or surrender, as the case may be, the sample on demand of the Authority or the person empowered by it :

Provided that, if the price of the sample of the article of food or food ingredient is demanded, such price shall be paid within one month of such demand.

(3) In the case of collecting any sample under this section, the sample provider shall make a declaration with signature in the prescribed form to the effect that he has sold or, as the case may be, surrendered the sample to the Authority or the person empowered by it for analysis or test.

(4) The Authority or the empowered person mentioned in sub-section (1) shall have right, if necessary, to enter into all the places through which the article of food or food ingredient passes or all places where the article of food or food ingredient is delivered or stored; and to examine any records of such places.

48. Procedure for procuring the result of sample analysis or test.—(1) If any person desires to analyze or otherwise examine any sample of any article of food or food ingredient under section 46 or if any sample is sold or surrendered under section 47, the recipient of such sample, where applicable—

- (a) shall immediately inform the matter in writing to the person who sold or surrendered the sample;
- (b) shall, in the manner prescribed by regulations, divide the sample into 4 (four) parts and tie up each part with seal and proper identification mark in presence of the person who sold or surrendered the sample, and thereafter, shall—
 - (i) hand over one part of the sample to the sample seller or provider;
 - (ii) preserve one part as reference sample for future comparison at a place prescribed by regulations; and

- (iii) send the two other parts after packing in an appropriate container mentioning on it the name, address and purpose of the test or analysis, in the manner prescribed by regulations to the Food Analyst or the head of any food laboratory or office having jurisdiction by registered post.

(2) The Food Analyst or the head of the food laboratory or office shall, according to the provisions of section 49, cause to analyze or examine one part of the sample received under sub-section (1) and proceed to next action; and shall preserve the other part in such manner and at such place as may be prescribed by regulations.

49. The duties of a Food Analyst after analysis or examination of samples and giving certificate.—(1) If a sample is sent to a Food Analyst for analysis or examination under section 48, he shall—

- (a) take step to analyze or examine the sample;
- (b) issue a certificate to the sample sender mentioning the analysis or test results, in a form prescribed by regulations, within 7 (seven) working days in general case, and in urgent case, within 3 (three) working days from the date of receipt of the sample; and
- (c) send one copy of the analysis or test results to the Authority.

(2) A document signed by the Food Analyst in the prescribed form as a certificate of analysis or test result shall be treated as an evidence in any investigation, trial or proceeding conducted under this section.

50. Order of the Court to analyze or test a sample.—(1) At the stage of investigation or trial under this Act, the Food Court may, if necessary *suo-moto* or upon an application by the plaintiff or defendant, pass an order directing the Authority to analyze or examine a sample of any article of food or food ingredient.

(2) The Authority shall, if so directed by the Food Court under sub-section (1) to analyze or examine a sample of any article of food or food ingredient, cause the sample to be analyzed or tested by any laboratory designated by the Government in this behalf and submit the report to the Court.

(3) The report submitted before the court under sub-section (2) shall be admissible as evidence.

(4) All the expenses incurred for testing or analysis under this section shall be borne by the plaintiff or defendant or both as per the instruction of the court.

CHAPTER VIII**Inspection and Seizure of Food**

51. **Appointment of inspectors and assigning of their duties.**—(1) The Authority shall appoint such numbers of Food Safety Inspectors, as may be necessary, for discharging the duties assigned to them under this Act.

(2) Notwithstanding anything contained in sub-section (1), the Authority may, for special purpose, with the approval of the Government or any other local authority, assign the duties of a Food Safety Inspector to any government officer or any officer of the local authority, and such officer shall, while discharging his duties, be deemed to be a Food Safety Inspector for the purposes of this Act.

(3) Notwithstanding anything contained in sub-section (1) or (2), no person shall be appointed as Food Safety Inspector or entrusted with the duties of a Food Safety Inspector, if he is involved, directly or indirectly, in any trade or business relating to production or marketing of food.

52. **Duties and responsibilities of Inspector.**—(1) The Inspector shall discharge the following duties and responsibilities, namely :—

- (a) to make regular inspection of any food establishment as per the direction of the Authority;
- (b) where applicable, to examine the terms and conditions of any licence for a food establishment;
- (c) to collect a sample of any food or food ingredient and send it to a Food Analyst for analysis or test, if it appears to him that such article of food or food ingredient is being manufactured, stored, sold or exhibited to sell, in deviation of the provisions of this act or any other existing law;
- (d) to receive, preserve and seize samples of food, and to preserve all records of inspection and to provide copies thereof, according to the direction of the Food Court;
- (e) to make inquiries and inspections, where necessary, to identify whether the article of food or food ingredient is being produced, stored or marketed in deviation of the provisions of this act or any other existing law;
- (f) to make search into a vehicle suspicious of carrying any unsafe food, by stopping it for a minimum reasonable time;
- (g) where the licence or registration of the food business of a person is revoked or suspended in a proceeding under this Act, to keep records of the name and address of the person and the nature and location of the food business;

- (h) to keep records of court orders passed in every proceeding conducted under this Act;
- (i) to send a copy of the court order passed in a proceeding filed or lodged under this Act to the Authority;
- (j) to seize any article of food or food ingredient suspected to be banned for importing or marketing;
- (k) to hold inquiry or investigation, as the case may be, upon receipt of any complaint as to the deviation of any provision of this Act;
- (l) to seize adulterated food; and
- (m) to discharge such other duties as may be directed by the Authority or the Food Court.

53. Power to enter into any food establishment, building or house.—(1) An Inspector may, in such manner as instructed by the Authority, enter into any food establishment, building or house at any time to ascertain whether anything is being carried out there in violation of any provision of this Act.

(2) No person shall resist or cause to resist an Inspector from entering into any food establishment, building or house for carrying out any lawful functions under sub-section (1).

54. Submission of ledger books, vouchers, documents and accounts.—An Inspector may, by a written notice, require any person carrying on a trade or commerce of any article of food or food ingredient, or any producer or supplier to submit before him for inspection all ledger books, vouchers and other documents relating to all his trades, businesses, manufactures, traceability or marketing, and every person receiving such notice shall be bound to comply with the demand of the Inspector.

55. Power to seize adulterated food.—(1) An Inspector may, at any time other than the time from midnight to dawn,—

- (a) inspect any distribution premises or supply routes, stock premises, or the condition of substance to be used in food, its place or its processing; and
- (b) examine any ingredient used or to be used in food or any container or receptacle used for manufacturing or marketing any food.

(2) No person shall resist or cause to resist any Inspector from inspecting or examining anything under sub-section (1).

(3) While making an inspection or examination under sub-section (1), if the Inspector has reasons to believe that any living or active ingredient or any

container or any of its component, which is kept for use in manufacturing or marketing a food, is injurious to or unwholesome for human health or adulterated, he may seize all such things or all foods made of such things.

(4) No person shall resist or cause to resist the act of seizing anything under sub-section (3).

(5) If any food, ingredient or substance which is believed to be adulterated is under sub-section (3), the Inspector seizing it shall, forthwith separating the sample of it in accordance with the provisions of section 48, divide and hand over the same in the prescribed manner.

(6) If any living or active thing or any container or any of its component or any article of food made of them is seized under sub-section (3), the person seizing it shall—

- (a) immediately remove such living or active thing, container or its component; and
- (b) after removal, keep them in safe place by marking and sealing in the prescribed manner, and take necessary measures according to the provisions of section 56 or section 57, as the case may be.

(7) No person shall resist or cause to resist an act of removing anything under the provisions of this section, and remove any living or active thing, food ingredient or container from the safe custody as kept under clause (b) of sub-section (6) or hand over the same from safe custody.

56. Destruction of living or active ingredient, etc.—(1) If any living or active thing, article of food, food ingredient, substance or container is seized under sub-section (3) of section 55 by an Inspector or any person so empowered by any authority; all such things may be instantly destroyed in presence of the owner or of the person in whose possession such things have been found, or in presence of two witnesses on the written consent of the owner.

(2) If such consent is not given, the living or active thing or article of food or food ingredient or substance so seized shall forthwith be destroyed if such things are found perishable or injurious to human health or unwholesome as human food to the judgment of the Inspector or of the authorized person seizing such things under sub-section (3) of section 55.

(3) All the expenses incurred for taking measures under sub-sections (1) and (2) shall be realized as public demand from the person in whose possession such living or active thing or article of food or food ingredient or substance or container has been found at the time of seizure.

57. Disposal of seized living or active thing or article of food or food ingredient or substance or container.—(1) If any living or active thing or any ingredient or substance or container is seized by an Inspector or any person authorized in this behalf by the Authority as specified in sub-section (3) of section 55, and such living or active thing or article of food or food ingredient or substance or container is not destroyed according to section 56, the person from whose possession such things have been seized shall be informed to the effect that the seized things shall be produced before a Magistrate having local jurisdiction.

(2) Whether any complaint is made or not under this Act or any other law for the time being in force, if any living or active thing or any ingredient or any substance or any container is produced before a Magistrate to consider the matter under sub-section (1), and if the Magistrate, after taking such evidence as he may deem fit, thinks that—

- (a) such food or living or active thing or article of food or food ingredient or substance is injurious to human health or unwholesome as human food or contaminated or adulterated; or
- (b) for sale purpose, such container is used to manufacture or preserve any adulterated food, or any other food injurious to human health or unwholesome as human food or contaminated food, or contains any material, ingredient or substance which is injurious to human health or unwholesome as human food,

he shall confiscate such living or active thing or article of food or food ingredient or substance or container in favour of the Authority and ask the Authority to forthwith destroy them, and if so asked, the Authority shall destroy it or take measures to otherwise dispose of it.

CHAPTER IX

Offences, penalty, etc.

58. Punishment for the violation of any provision of this Act.—Whoever violates any provision of this Act as specified in column 3 of the Schedule, shall be deemed to have committed an offence under this Act, and shall be punished with the penalty specified in column (4) for such first offence and with the penalty specified in column (5) for repetition of such offence.

59. Violation of provisions or committing offence by a company.—(1) If the person, who commits an offence or violates any provision of this Act or rules or regulations made thereunder, is a company; the owner, partner, proprietor, chairman, managing director, director, general manager, manager or secretary of that company, or any of its directly concerned officer, employee or agent, by whatever name called, shall be deemed to have violated the provision or committed the offence, unless he proves that such violation or offence has been committed beyond his knowledge or despite his due diligence, he has failed to prevent such violation or offence.

(2) If the company mentioned in sub-section (1) is a body corporate, besides prosecuting or convicting the persons mentioned in such sub-section, the company may also be prosecuted and convicted in the same proceeding, but in criminal cases, the company shall only be liable to fine under the relevant provision.

Explanation.—In this section—

- (a) “company” includes any organization, whether incorporated or not, commercial institution, partnership business, society, club or association; and
- (b) “director”, in case of commercial institution, also includes any of its partner or any member of the Board of Directors.

60. Bailable and cognizable offence.—The offences mentioned in sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35 and 37 of this Act shall be cognizable and non-bailable, and except those offences, all other offences of this Act shall be non-cognizable and bailable.

61. Procedures to be followed for an offence under any other law.—Notwithstanding anything contained contrary in any other law for the time being in force, where an offence stated under this Act is also a special offence with higher penalty under any other Act, there shall be no legal bar to try the offence under this Act, treating it to be an anti-food safety special offence under this Act :

Provided that if the Authority, depending on the nature and significance of the offence, thinks that, it is justified to try the case by the concerned special court or special tribunal, as the case may be; the Chairman shall, through the officer authorized by him, take necessary step to file the case before the special court or the special tribunal, as the case may be, to ensure effective trial.

62. Payment of a part of the fine to the complainant.—If any person is convicted and thereby punished with fine by a Food Court, the concerned complainant shall be entitled to get 25 (twenty five) percent of the said amount as incentive :

Provided that if the complainant is an officer or employee of the Authority, he shall not be eligible to get such incentive.

63. Cooperation in identifying the actual offender, etc.—(1) If it appears beyond doubt that the food seller is not involved knowingly in any act of violation of any provision of this Act, and if the food seller is ready, if necessary, to cooperate with the Authority to identify the violator of the provision of this Act, necessary steps may be initiated to identify the actual violator instead of prosecuting the food seller under this Act.

(2) Where any contaminated, adulterated, misbranded or unwholesome article of food or food ingredient is sold from any shop, and if such article of food or food ingredient is produced or prepared in a legal or approved industry, factory or food establishment, and if it appears beyond doubt that the owner of the shop or shopkeeper or manager has no involvement with the production or manufacture process of such article of food or food ingredient, and if the owner of the shop or shopkeeper is ready, if necessary, to cooperate with the Authority to identify the violator of the provision of this Act, necessary steps may be initiated to identify the actual person who violates instead of prosecuting or taking administrative measures against the owner of the shop or shopkeeper or manager under this Act.

(3) If any person, after purchasing any food, sells the same as a hawker or a *feriwala* for his livelihood, and if such food is found to be misbranded, adulterated or otherwise defective, and if the food consumer is affected thereby, and if it appears beyond doubt for similar reason that he has not, willfully or inconvenience with or knowingly sold the food to the consumer for gaining any illegal benefit, and the hawker or a *feriwala* is ready, if necessary, to cooperate with the Authority to identify the violator of the provision of this Act, necessary steps may be taken to identify the actual violator instead of prosecuting or taking administrative measures against the hawker or the *feriwala* under this Act.

(4) If any highly perishable food, like raw fish and vegetables, is found in naturally spoiled condition with any hawker or a *feriwala* or at any shop, and if it appears beyond doubt for similar reason that he has not, willfully or in connivance with, sold or attempted to sell such food to the consumer for gaining any illegal benefit knowing that the food has turned spoiled, then, instead of prosecuting or taking administrative measures or proceedings against the hawker or the *feriwala* or the shopkeeper under this Act, preventive measures may be taken by the Authority against such spoilage of food.

(5) Any person indemnified from the liabilities under this section shall, if directed or requested by the Authority, be bound to assist the Authority to immediately identify the source of the misbranded or adulterated food and, if necessary, to become a witness during trial.

CHAPTER X

Food Court, Complaint, Trial, etc.

64. Designation of Food Court, its power and jurisdiction.—(1) There shall be such numbers of courts as may be necessary to be called the Pure Food Court for the trial of offences under this Act.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, for the purposes of sub-section (1), the Government in consultation with the Supreme Court may, by notification in the official Gazette, designate any court of

1st Class Magistrate or, as the case may be, in Metropolitan area, the court of Metropolitan Magistrate as Pure Food Court and, if more than one court are designated, shall specify the jurisdiction of each court.

(3) The Government in consultation with the Supreme Court may, from time to time, by notification in the official Gazette, define or redefine the jurisdiction of the court designated under sub-section (1).

(4) Notwithstanding anything contained in the Code of Criminal Procedure, in respect of imposing fine to any person under this Act, the Food Court shall have the power to impose fine of any scale as provided in this Act.

65. **Trial.**—(1) The trial of an offence under this Act shall generally be held by the Food Court within whose local jurisdiction, the offence is committed.

(2) The Food Court shall try the offences under this Act summarily and in this behalf, unless otherwise provided in this Act, shall follow, to the extent it applies, the provisions laid down in Chapter XXII of the Code of Criminal Procedure.

66. **Complaint and case filing.**—(1) Any person, including food purchaser, consumer, food receiver or user, may lodge a complaint in writing to the Chairman or any person authorized by him in this behalf or an Inspector, in respect of any anti-food safety practice under this Act.

(2) After being informed of an offence under this Act, the Chairman or the person authorized by him in this behalf or the Inspector, if primarily be confirmed about the commission of such offence after making necessary inquiry or investigation, shall file a case before the Food Court.

(3) Notwithstanding anything contained contrary in this section, any person may lodge a case before the Food Court in respect of any anti-food safety practice within 30 (thirty) days from the date of cause of such act.

67. **Investigation and Investigating Officer.**— (1) Any officer authorized by the Chairman or an Inspector having local jurisdiction shall, as an Investigating Officer, investigate all complaints lodged under this Act.

(2) During investigation of any complaint under this Act, the Investigating Officer may exercise powers as an Officer-in-Charge of a Police Station pursuant to the Code of Criminal Procedure.

(3) During investigation under sub-section (1), the Investigating Officer may, if necessary, ask for assistance from any organization including law enforcing agencies, and if such assistance is asked for, the organization or agency shall be bound to provide that.

68. Time limit for investigation.— (1) Any officer authorized by the Chairman or the Inspector shall conclude the investigation within 90 (ninety) working days from the date of issuing order of investigation by a Food Court.

(2) If it is not possible, for any reason, to conclude the investigation within the time limit mentioned in sub-section (1) the investigating officer shall, for reasons to be recorded in writing, conclude the investigation within next 30 (thirty) working days and inform the Food Court the reasons thereof in writing.

(3) If the investigation is not also possible to be concluded within the time limit mentioned in sub-section (2), the concerned investigation officer shall, within next 24 (twenty four) hours of expiring the extended period, inform the Food Court in writing as to non-completion of such investigation.

(4) After being informed of the non-completion of the investigation under sub-section (3) the Food Court shall transfer the responsibility of investigation of such complaint to any other officer and pass an order directing the controlling authority of such officer to initiate departmental proceedings against him treating his failure to conclude the investigation within the given timeframe as a disqualification.

69. Power to issue warrant.—If the Food Court, upon an application made by the Authority or an officer empowered in this behalf, has reasons to believe that—

- (a) an offence under this Act has been committed by any person; or
- (b) anything relating to an offence under this Act, or any document, paper or other thing necessary to prove such offence has been left in any place or lied with any person;

the court may, recording the reasons of such belief in writing, issue a warrant to arrest such person or to search the place at any time by day or at night.

70. Power to search, arrest, etc.—The provisions of the Code of Criminal Procedure shall be applicable for a search warrant, an arrest or a seizure to be effected under this Act.

71. Provisions regarding the person arrested and goods seized.—(1) If any person is arrested or any article is seized on the basis of a warrant issued under section 69, the person so arrested, or the article so seized shall forthwith be sent to the Officer-in-Charge of the nearest Police Station.

(2) The officer to whom the person so arrested, or the article so seized is sent under sub-section (1), shall take, as soon as possible, legal actions against such person or in respect of such article.

72. Evidential value of photographs taken on camera or of recorded conversation, etc.—Notwithstanding anything contained contrary to the Evidence Act, 1872 (Act No. 1 of 1872), if any person connected with the food safety management system or any member of any law enforcing agency or any

other person shoots or takes any video footage or still photograph of, or records any conversation or discussions about, any occurrence of committing or preparation for committing or abetment for committing any offence or mischief stated in this Act, such video footage, still photograph or audio record shall be admissible as evidence at the trial of any case relating to such offence or mischief.

73. Testing of food to ascertain the veracity of complaint.—(1) In ascertaining the veracity of any complaint, where the Food Court is of the opinion that it is not possible to ascertain the veracity of any complaint without proper analysis or testing of any food; the court may ask the complainant to submit a sample of such food, cause it to be authenticated with a seal in the manner determined by it and send it to such laboratory as designated by the Government or the Authority with a direction to analyze or examine the sample for tracing the presence of prohibited substance inside it.

(2) If any sample of food is sent to a laboratory under sub-section (1) for test, the laboratory shall forward a test report to the court within 1 (one) month from the date of sending of the sample :

Provided that, if the test is not possible to be completed within the time limit for any reason, the time for the test may be extended for another 2 (two) weeks if the laboratory asks for.

(3) Food Court may pass an order directing the concerned person or authority to submit necessary money or fee to meet the expenditure to be incurred for the test before sending the sample to the laboratory designated by the Government or the Authority for the sake of ascertaining the veracity of the complaint.

74. Appeal.—If any person is aggrieved with any judgment or order passed by a Food Court, he may, within 30 (thirty) days from the date of receiving such judgment or order, prefer an appeal to the Court of a Sessions judge having local jurisdiction over the matter.

75. Jurisdiction of the Mobile Court.—Notwithstanding anything contained contrary in this Act, the offences under this Act may, to the extent it is applicable, be tried in accordance with the provisions of the Mobile Court Act, 2009 (Act No. LIX of 2009).

CHAPTER XI

Civil Remedies

76. Civil remedies.—(1) There shall be no legal bar for any affected person or food consumer to institute a civil suit in a competent court claiming civil remedies against a person who is prosecuted for any activity against this Act and convicted of any criminal offence committed thereby.

(2) If any food consumer is affected by any anti-food safety practice of any seller, and if the reparation is assessable in terms of money, the consumer may institute a civil suit in any competent court claiming compensation not exceeding 5 (five) times of the assessed amount.

(3) The Civil court may, upon appreciation of the plaint, written statement, evidences and other circumstances, pass an order directing the defendant to pay such amount of compensation, as considered for the sake of justice, but within the limit not exceeding 5 (five) times of the actual assessed amount.

(4) Notwithstanding anything contained contrary in the Code of Civil Procedure, 1908 (Act No. V of 1908), the Contract Act, 1872 (Act No. IX of 1872) and the Civil Courts Act, 1887 (Act No. XII of 1887), the provisions of this section shall prevail.

77. **Civil appeal.**— Notwithstanding anything contained contrary in the Code of Civil Procedure, 1908 (Act No. V of 1908) and the Civil Courts Act, 1887 (Act No. XII of 1887), an appeal against the judgment or decree passed by a court under section 76 of this Act, shall lie to the Court of a District judge having local jurisdiction within 90 days from the date of such judgment.

CHAPTER XII

Administrative Inquiry and Fine

(78). **Power of the Authority to conduct administrative inquiry.**— (1) If any person has any allegation on purity of any food, he may, in the manner prescribed by rules, apply in writing to the Authority for taking Administrative action against it.

(2) Within 30 (thirty) days from the date of receiving an application under sub-section (1), the Authority shall, after conducting necessary administrative inquiry on such allegation, give an appropriate direction to the person who prepared, marketed or sold such food as to what he should do for this.

(3) For holding the inquiry under sub-section (2), the Authority may appoint any of its officers as Inquiry Officer for the purposes of this section.

(4) The Inquiry Officer appointed under sub-section (3) shall hold inquiry in the manner prescribed by rules and submit a report thereof to the Authority.

(5) If the Authority, after considering the inquiry report submitted under this section, gives any direction to any person related there to, such person shall be bound to comply with such directions, and if he fails to comply with such direction, the Authority may, in the manner prescribed by rules, impose upon him an administrative fine not exceeding Taka 3 (three) lakh.

(6) Notwithstanding anything contained in sub-section (5), no administrative fine shall be imposable under this section for the violation of sections 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35 and 37.

(7) If any person fails to pay the administrative fine imposed under this section within prescribed time, it shall be recoverable as public demand under the Public Demands Recovery Act, 1913 (Act IX of 1913).

79. **Appeal.**— If any person is aggrieved by an order passed under section 78, he may prefer an appeal to the Government within 30 (thirty) days from the date of receiving such order and the Government shall take appropriate steps to dispose of such appeal within 60 (sixty) days from the date of preferring the appeal.

CHAPTER XIII

Miscellaneous

80. **Public servant.**— The Chairman, members, officers and employees of the Authority including every Food Analyst and Inspector appointed or designated under this Act shall be regarded as a public servant within the meaning of the term “public servant” as defined in section 21 of the Penal Code.

81. **Failure in discharging duties by government officers and employees.**— (1) If any Government officer and employee fails to discharge his duty in preventing offence under this Act or in violation of any provision, he shall be liable for such failure or violation unless he proves that such failure or violation, as the case may be, has occurred beyond his knowledge or despite his due diligence, has failed to prevent such failure or violation.

(2) If any government officer and employee is found liable for the failure or violation mentioned in sub-section (1), he shall be charged with violation of the conduct and disciplinary rules applicable for a government employee, and consequently departmental proceedings shall be initiated against him.

82. **Cooperation of the concerned Ministries, Divisions and organizations.**— To ensure proper implementation of this Act, the Government may, if necessary, in consultation with the Council, by notification in the official Gazette, specify the areas of cooperation among different Ministries, Divisions, Directorates, Departments and Local Government Bodies and non-governmental organizations and determine their duties, responsibilities and accountabilities.

83. **Preservation of confidential information.**— If the Authority is requested not to disclose any information provided to it by a person and if the Authority agreed with such request, the Authority shall not disclose it to any third party, or use it as a source of information:

Provided that, such information may be disclosed to the public if it is necessary for the protection of public health.

84. **Annual report.**— The Authority shall, by 31st January of every year, submit to the Government an annual report on the activities carried out by it during the previous year and the Government may, at any time, require the Authority to submit a report or statement on any of its activities.

85. **Delegation of Power.**— In case of urgency, the Authority may, by an order made in writing, upon specific conditions, delegate any of his powers or responsibilities entrusted upon it by this Act to the Chairman, any member or any other officer of it.

86. **Power to make rules.**— The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

87. **Power to make regulations.**— The Authority, with prior approval of the Government, may, by notification in the official Gazette, make regulations to carry out the purposes of this Act.

88. **Removal of ambiguity.**— To give effect to any provision of this Act, if any ambiguity arises, the Government may, by notification in the official Gazette, remove such ambiguity, subject to keeping consistency with the provisions of this Act.

89. **Publication of English translation of the Act.**— After the commencement of this Act, the Government may, if necessary, by notification in the official Gazette, publish an authentic English text of the Act:

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

90. **Repeal and savings.**— (1) On the commencement of this Act, the Pure Food Ordinance, 1959 (E.P. Ordinance No. LXVIII of 1959), hereinafter referred as the said Act, shall stand repealed.

(2) The Pure Food Court established under sub-section (1) of section 41 of the said Act shall be deemed to be the Pure Food Court as designated under section 64, and the cases pending before Pure Food Court may be disposed of therein according to sub-section (3) of this section.

(3) The cases remain pending under the said Act immediately before such repeal and the appeal against the order passed, judgment given or penalty imposed in such cases shall be conducted and disposed of respectively before the concerned Pure Food Court and the concerned court of appeal in such way as if the said Act had not been repealed.

(4) Notwithstanding repeal under sub-section (1)—

- (a) the rules and regulations made under the said Act, subject to being consistence with this Act, and until repealed or amended under this Act, shall have effect;
- (b) any act or proceeding under the said Act if remains pending immediately before the commencement of this Act shall be disposed of under the said Act in such way as if this Act had not been made.

SCHEDULE
(See Section 58)

Sl. No.	Sections	Description of offences	Impossible penalty for the offences committed first time	Imposable penalty for repetition of offences
1	2	3	4	5
(1)	23	To use or include any chemical or its ingredients or substance, insecticides or pesticides or food colour or flavouring matter, or any other intoxicated additives or processing aid in any article of food which may cause injury of toxicity to human health or store, market or sell any article of food or food ingredient possessing such matter.	Imprisonment for a period not exceeding five years but not less than four years, or a fine not exceeding Taka ten lac but not less than Taka five lac, or with both.	Imprisonment for five years or a fine of Taka twenty lac, or with both.
(2)	24	To use or include any radioactive or irradiated matter or naturally or otherwise occurring similar matter or heavy metal, in violation of maximum acceptable limit set out by regulations of under any other law for the time being in force, in any article of food or food ingredient.	Imprisonment for a period not exceeding four years but not less than three years, or a fine not exceeding Taka eight lac but not less than Taka four lac, or with both.	Imprisonment for four years or a fine of Taka sixteen lac, or with both.

1	2	3	4	5
(3)	25	With an intention to sell, to produce, or import, process, store, supply or sell any adulterated article of food or food ingredient.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(4)	26	To produce or import, process, store, distribute or sell any article of food or food ingredient which is of sub-standard for human consumption in comparison with the standard set out by regulations.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(5)	27	To use or include any food additive or processing aid in violation of maximum acceptable limit set out by regulations, in any article of food or food ingredient; or import, process, store, distribute or sell such produced food or food ingredient processing such matter.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(6)	28	To keep or permit to keep in his food establishment, any oil for industrial use or industrial waste or adulterant with intention of mixing with any article of food or food ingredient.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(7)	29	To import, process, store, distribute or sell any article of food or food ingredients after the date of its expiry.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka four lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.

1	2	3	4	5
(8)	30	To use or include any insecticide or pesticide residue, veterinary or aquaculture drug residue, hormone, antibiotic or growth promoters residue, solvent residue, active ingredients of drugs, microbes or parasites in any food or food ingredient in excessive quantity than the recommended maximum residue limit as determined by regulations or under any other law for the time being in force; or store, market or sell any such article of food or food ingredient possessing such matter.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(9)	31	To produce, import, process, store, distribute or sell any genetically modified food, engineered food, organic food, irradiated food, proprietary food, novel food, functional food, foods for special dietary uses, nutraceuticals and any such other food without taking approval in the manner prescribed by regulations or under any other law for the time being in force.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(10)	32(a)	To manufacture, distribute or sell any packages food or food ingredient which are not packaged, marked and labeled in the manner as may be prescribed by regulations or under any other law for the time being in force.	Imprisonment for a period not exceeding two years but not less than one year, or a fine not exceeding Taka four lac but not less than Taka two lac, or with both.	Imprisonment for two years or a fine of Taka eight lac, or with both.

1	2	3	4	5
(11)	32(b)	To inscribe any false information or claim, or any mischieving or misleading information on the label mentioned in clause (a) of section 32 concerning the food contained in the package or concerning the quantity of the nutritive value implying medicinal or therapeutic claims or in relation to the place of origin of the said food.	Imprisonment for a period not exceeding two years but not less than one year, or a fine not exceeding Taka four lac but not less than Taka two lac, or with both.	Imprisonment for two years or a fine of Taka eight lac, or with both.
(12)	32(c)	To manufacture, distribute or sell any packaged food or food ingredient without complying with the obligation of labelling it with a representation of clear information about the production, packaging and expiry date of food and traceability information in the manner prescribed by regulations.	Imprisonment for a period not exceeding two years but not less than one year, or a fine not exceeding Taka four lac but not less than Taka two lac, or with both.	Imprisonment for two years or a fine of Taka eight lac, or with both.
(13)	32(d)	To sell any packaged food or food ingredient by changing or erasing any information inscribed on the label of the packaged food product or food ingredient.	Imprisonment for a period not exceeding two years but not less than one year, or a fine not exceeding Taka four lac but not less than Taka two lac, or with both.	Imprisonment for two years or a fine of Taka eight lac, or with both.

1	2	3	4	5
(14)	33	To manufacture, import, process or sell any article of food or food ingredient in unhygienic process, in contravention of the conditions and in deviation from the standard process specified by regulations or under any other law for the time being in force, which may cause harm to human health.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(15)	34	To produce, store or sell diseased or decomposed fish or fish product or meat of diseased or dead animals or fowl or decomposed milk or egg or any food products made of such thing.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(16)	35	To cause hazard to human health through irresponsibility, negligence or carelessness in deviation from the standard prescribed by regulations or under any other law for the time being in force, while rendering food serving or catering services in a hotel, restaurant or food premises, by himself or by any other person acting on his behalf.	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.

1	2	3	4	5
(17)	36	To cause to manufacture, store or sell any article of food or food ingredient by any person who is suffering from any contagious diseases.	Imprisonment for a period not exceeding two years but not less than one year, or a fine not exceeding Taka four lac but not less than Taka two lac, or with both.	Imprisonment for two years or a fine of Taka eight lac, or with both.
(18)	37	To manufacture, import, store, distribute or sell any misbranded article of food or food ingredient similar or resembling to any article of food or food ingredient marketed in the name of any trade mark or in any trade name registered under the Trademark Act, 2009 (Act No, XIX of 2009).	Imprisonment for a period not exceeding three years but not less than one year, or a fine not exceeding Taka six lac but not less than Taka three lac, or with both.	Imprisonment for three years or a fine of Taka twelve lac, or with both.
(19)	38	While operating food business, not to keep the name, address and receipt or <i>challan</i> of all parties involved in the manufacture, import, processing, storage, distribution or sale of any article of food or food ingredient, and to exhibit the information to the Authority or any officer designated by it.	Imprisonment for a period not exceeding one year but not less than six months, or a fine not exceeding Taka two lac but not less than Taka one lac, or with both.	Imprisonment for one year or a fine of Taka four lac, or with both.
(20)	39	To manufacture, import, process, store, distribute or sell of any article of food or food ingredient without registration which is mandatory under any other law for the time being in force.	Imprisonment for a period not exceeding one year but not less than six months, or a fine not exceeding Taka two lac but not less than Taka one lac, or with both.	Imprisonment for one year or a fine of Taka four lac, or with both.

1	2	3	4	5
(21)	40	While operating food business, not to extend all kinds of cooperation to the Authority or to any officer designated by it at the time of inspection, investigation, sample collection or testing of anything related to food business.	Imprisonment for a period not exceeding one year but not less than six months, or a fine not exceeding Taka two lac but not less than Taka one lac, or with both.	Imprisonment for one year or a fine of Taka four lac, or with both.
(22)	41	With the intention of marketing or selling any article of food or food ingredient, to give any false or misleading information or statement in advertisement in contravention of the conditions for advertisement prescribed by regulations.	Imprisonment for a period not exceeding one year but not less than six months, or a fine not exceeding Taka two lac but not less than Taka one lac, or with both.	Imprisonment for one year or a fine of Taka four lac, or with both.
(23)	42	To make, print, publish or propagate any advertisement containing false information as to quality, nature, standard etc. of any article of food or food ingredient.	Imprisonment for a period not exceeding one year but not less than six months, or a fine not exceeding Taka two lac but not less than Taka one lac, or with both.	Imprisonment for one year or a fine of Taka four lac, or with both.

By order of the President

A. M. Badrudduja
Secretary
Ministry of Food

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