

THE STATUTES OF THE REPUBLIC OF SINGAPORE

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

**Act
12 of 1973**

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Sale of Food Act

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An Act for securing wholesomeness and purity of food and fixing standards for the same; for preventing the sale or other disposition, or the use of articles dangerous or injurious to health.

[1st May 1973]

PART I

PRELIMINARY

Short title.

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

Interpre-
tation.

2. In this Act, unless the context otherwise requires —
 - “advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound, and “advertise” shall be construed accordingly;
 - “analysis” includes micro-biological assay, and “analyse” shall be construed accordingly;
 - “analyst” means an analyst appointed under this Act;
 - “appliance” includes the whole or any part of any utensil, machinery, instrument, apparatus or

article used or intended for use in or for making, keeping, preparing or supplying any food;

“Director” means the Director of Food Administration appointed under section 3;

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include —

(a) live animals or birds;

(b) fodder or feeding stuffs for animals, birds or fish; or

(c) articles or substances used only as drugs;

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

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

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

“label” means any printed, pictorial, or other descriptive matter appearing on or attached to, any package containing food for sale;

“officer” means any person appointed as an officer for the purposes of this Act by the Minister and includes the Director;

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

“poison” means any substance deemed to be a poison within the meaning of the Poisons Act;

“sale” or “sell” includes barter and exchange, and also includes offering or attempting to sell, or causing or allowing to be sold, or exposing for sale, or receiving or sending or delivering for sale, or supplying any food where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for, or having in possession for sale, or having in possession any food or appliance knowing that the same is likely to be sold or offered or exposed for sale, and refers only to sale for human consumption or use;

“substance” includes a liquid.

PART II

ADMINISTRATION AND ENFORCEMENT

Appointment
of Director,
analysts and
officers.

3.—(1) The Minister may appoint a Director of Food Administration and a sufficient number of analysts and of officers under this Act and make rules for the conduct of their duties.

(2) The Director and such analysts and officers shall be deemed to be public servants within the meaning of the Penal Code.

Cap. 224.

Power of
officers to
enter, etc.

4.—(1) Any officer may —

- (a) at any reasonable time enter and inspect any place where he has reason to believe that there is any food or appliance intended for sale;
- (b) inspect any food or appliance wherever found which he has reason to believe is intended for sale;
- (c) open and examine any receptacle or package which he has reasonable grounds for believing to contain any article to which this Act or any regulations made thereunder apply;
- (d) mark, seal or otherwise secure, weigh, count or measure any food or appliance the sale, preparation or manufacture of which is, or appears to be, contrary to this Act or any regulations made thereunder;

- (e) seize any food or appliance wherever found which is or appears to be unwholesome or deleterious to health or which is contrary to this Act or any regulations made thereunder; and any article seized under this Act may at the option of an officer be kept or stored in the building or place where it was seized or may at the direction of an officer be removed to any other proper place;
- (f) require any person selling or making any food or appliance or his agent or employee to state his name and place of residence; and
- (g) destroy any food wherever found which is decayed or putrefied or deleterious to health.

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

(3) If within 48 hours after such seizure no complaint has been made, or if the seizure is confirmed, the article seized shall become the property of the Government and shall be destroyed or otherwise disposed of so as to prevent it being used for human consumption.

(4) Where the seizure of any food or appliance is made under subsection (1) (e), the officer making the seizure shall forthwith give notice in writing of the seizure in the Form 1 in the Schedule to the owner or to the consignor or consignee or to the agent of the owner of the thing seized, if his name and address are attached thereto or are otherwise known to the officer and such address is in Singapore.

(5) Any person who obstructs any officer in the exercise of his powers under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

5.—(1) If, in the opinion of an officer appointed by the Minister for the purposes of this section, there is reasonable ground for suspecting that any person is in possession of any food, appliance or other substance for the purpose of sale or of manufacturing or preparing the same for sale in breach of this Act or any regulations made thereunder, he may

Power to
call for
information.

require that person to produce for his inspection, or to produce to any other officer authorised to act for the purposes of this section, any book or document dealing with the reception, possession, purchase, sale or delivery of any such food, appliance or other substance.

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

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

(4) Any person, who refuses or neglects to comply with any requisition made in pursuance of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

(5) Any officer who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section, or who communicates any such matter to any person whomsoever except for the purpose of carrying into effect this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Power to demand, select and take samples.

6.—(1) On payment or tender to any person selling or making any food or appliance or to his agent or employee of the current market value of the samples referred to in this section, any officer may at any place demand and select and take or obtain samples of that food or appliance for the purpose of analysis or examination.

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

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

(4) Any person who refuses or neglects to comply with any demand or requisition made by an officer in pursuance of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

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

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

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

(2) The seller or consignor or any person entrusted by him for the time being with the charge of such milk or other article of food, if he refuses to allow an officer to take the quantity which the officer requires for the purpose of analysis or examination, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

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

Any person may have sample analysed.

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

Procedure for taking sample.

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

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

(4) Where a sample consists of a substance contained in unopened containers or packages and the division into parts of the substance contained in those containers or packages is not reasonably practicable or might affect the composition

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

Certificate
of analyst.

10.—(1) A certificate of the results of an analysis given by an analyst shall be in the Form 2 in the Schedule and signed by the analyst but the analysis may be made by a person acting under the direction of the analyst.

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

(3) No such copy of an analysis shall be used as an advertisement, and any person who so uses it shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

PART III

SALE OF FOOD

Adulterated
food.

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

Food con-
taining
prohibited
substance.

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

Food con-
taining
substance
in excess of
permitted
proportion.

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

Food con-
taining
alcohol, etc.

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

Food unfit
for human
consumption.

15. No person shall sell any food which is unsound or unfit for human consumption.

16. Except as otherwise provided by any regulations made under this Act, no person shall sell in a package any food unless there is a statement or label legibly and durably written on or attached to the package of food indicating the trade name or description, the net weight or the number, true measure or volume, the quality, strength, purity, composition and proportion of the contents, and the name and address of the importer, manufacturer or packer thereof.

Labelling
of food.

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

False
labelling,
etc.

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

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

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

Sale of food
prepared
under
insanitary
conditions.

20. Any person who contravenes or does not comply with any of the provisions of this Part shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding \$1,000 and for any subsequent offence under this Part, whether of the same or a different nature, to a fine not exceeding \$5,000:

Penalty.

Provided that if any such offence is committed by the personal act, default or culpable negligence of the offender, the offender shall be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months although it may be a first offence.

PART IV

PRESUMPTIONS OF LAW

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

Adulteration.

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

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

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

Liability of importer, packer or manufacturer.

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

Sale by agent or employee.

23. For the purposes of this Act —

- (a) every person shall be deemed to sell any food or appliance who sells the food or appliance either on his own account or as the agent or employee of any other person; and
- (b) in the case of any sale by an agent or employee, his principal or employer shall be under the same liability as if he had effected the sale personally.

24.—(1) When any food or appliance is sold or exposed or offered for sale, it shall, unless the contrary is proved, be deemed to be sold or exposed or offered for sale for human consumption or use. Presumptions as to sale for human consumption.

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

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

PART V

LEGAL PROCEEDINGS

25.—(1) All proceedings in respect of an offence under this Act or of a breach of any regulations made thereunder may be taken in a District Court or a Magistrate's Court. Proceedings for offences.

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

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

(4) When any food or any appliance has been purchased or procured from any person for test purposes, no proceedings in respect of the sale thereof or of any offence under this Act shall be instituted after the expiration of 56 days from the time of purchasing or procuring the article of food or appliance, as the case may be.

26. In any proceedings under this Act, it shall not be a defence that the purchaser bought any food or appliance for analysis or examination and therefore was not prejudiced. No defence that purchaser bought for analysis.

27. In a prosecution for selling any food or appliance contrary to this Act or any regulations made thereunder, it shall be no defence that the defendant did not act wilfully, unless he also proves that he took all reasonable steps to No defence that offence not wilfully committed.

ascertain that the sale of the food or appliance would not constitute an offence under this Act or any regulations made thereunder.

Reliance on
written
warranty a
good
defence.

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

- (a) he purchased the food or appliance sold by him in reliance on a written warranty or other written statement as to the nature of the food or appliance purchased, signed by or on behalf of the person from whom the defendant purchased the food or appliance;
- (b) he had no reason to believe that the food or appliance sold did not conform to such warranty or statement; and
- (c) if the food or appliance had truly conformed to such warranty or statement, the sale of the food or appliance by the defendant would not have constituted the offence charged against him.

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

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

(4) When the defendant is an employee or agent of the person who purchased the food or appliance under such a warranty or written statement, he shall be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been, if he had been the defendant:

Provided that the employee or agent further proves that he had no reason to believe that the article did not conform to the warranty or statement.

(5) Any person who in respect of any food or appliance sold by him as principal or agent gives to the purchaser a false warranty in writing shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and for any subsequent offence to a fine not exceeding \$5,000, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

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

Analyst's certificate to be prima facie evidence.

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

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

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

Court may order independent analysis.

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

Non-disclosure of information.

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

Recovery of fees and other expenses incidental to prosecution.

32.—(1) When any person is convicted of an offence under this Act, the Court may order that all fees and other expenses incidental to the analysis of any food or appliance in respect of which the conviction is obtained, including an analysis made under section 30, and any other reasonable expenses incurred by the prosecution, shall be paid by the person convicted.

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

Appeal.

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

PART VI

SUPPLEMENTARY PROVISIONS

Sale of prohibited appliance.

34.—(1) The Minister may, by notification published in the *Gazette*, prohibit after the date therein mentioned the importation, advertising or sale of any appliance which is, in the opinion of the Minister, injurious to life or health.

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

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and for any subsequent offence to a fine not exceeding \$5,000.

Interference with official marks.

35. Any person who without authority opens, alters, breaks, removes or erases any mark, fastening or seal placed by any officer in pursuance of this Act upon any food or appliance or upon any package, place, door or opening containing or affording access to any food or appliance, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

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

Forfeiture of food or appliance upon conviction.

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

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

Notification of conviction.

38.—(1) The Minister may make regulations —

Regulations.

- (a) to prescribe the standard of strength, weight, quality or quantity of any food or of any ingredient or component part thereof;
- (b) to prohibit the addition or use of any specified thing or of more than the specified quantity or proportion thereof to any food or appliance;
- (c) to prohibit any modes of manufacture, preparation or preservation of any food or appliance;
- (d) to secure the cleanliness and freedom from contamination of any food in the course of its manufacture, preparation, storage, packing, carriage, delivery, exposure for sale or sale and to secure the cleanliness of places, receptacles, appliances and vehicles used in such manufacture, preparation, storage, packing, carriage, delivery, exposure for sale or sale and to secure the proper conduct of places in which the sale or preparation for sale of food is carried on and for these purposes to require any person to submit to a medical examination;
- (e) to prescribe the mode of labelling food sold in packages or otherwise, and the matter to be contained or not to be contained in such labels;

- (f) to prescribe the method of analysis of any food and form of certificate of analysis;
- (g) to fix the fees to be paid in respect of the analysis of the food by an analyst and for any licence or registration issued or effected under this Act and for copies of a certificate of analysis;
- (h) to prohibit or regulate the sale, advertisement for sale, or importation of specified articles of food;
- (i) to prohibit the sale of specified food or appliances otherwise than by weight;
- (j) to prohibit or regulate whether by licence or otherwise the importation or sale of separated or skimmed milk or filled milk or whey;
- (k) to prescribe that any act or omission, or any contravention of the provisions of any regulations shall be an offence and to provide for the imposition of a fine not exceeding \$2,000; and
- (l) generally to carry out the purposes of this Act.

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

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

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

(5) For the purposes of subsection (4) any goods purchased before the date of the publication in the *Gazette* of such regulations for importation into Singapore shall be deemed to form part of the purchasers' stock-in-trade in Singapore.

THE SCHEDULE*

FORM 1

THE SALE OF FOOD ACT
(CHAPTER 283)

Section 4 (4).

NOTICE OF SEIZURE

To:

.....
.....

Take notice that under section 4 (4) of the Sale of Food Act the undermen-
tioned goods

..... lying at

.....
which have been placed under seal under section 4 (1) (d) of the Act, have been
seized by me at a.m./p.m. on the day of
19 under section 4 (1) (e) of the Act.

Should you have any reason to claim these goods you may complain to a
Magistrate's Court under section 4 (2) of the Sale of Food Act within 48 hours of
the time of seizure, failing which these articles shall become the property of the
Government and shall be destroyed or otherwise disposed of so as to prevent their
being used for human consumption or application.

Dated this day of 19.....

.....
Officer appointed under the Act

How served

When served

By whom served

*This Schedule was formerly the First and Second Schedules to the Act.

THE SCHEDULE — *continued*

FORM 2

THE SALE OF FOOD ACT
(CHAPTER 283)

Section 10 (1).

ANALYST'S CERTIFICATE

I, the undersigned, an analyst appointed under the Sale of Food Act, do hereby certify that on the day of 19..... I received by from Singapore, an officer appointed under the Act, a sample of contained in a properly closed, labelled and sealed

I further certify that an analysis of the sample was made and that the result of that analysis is as follows:

OBSERVATIONS

As witness my hand this day of 19.....
at

.....
Analyst