



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**SALE OF FOOD ACT**

**(CHAPTER 283)**

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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; to provide for the regulation of food establishments.

[7/2002]

[1st May 1973]

## PART I

## PRELIMINARY

**Short title**

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

**Interpretation**

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;

“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;

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

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

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

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

“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;

“food establishment” means any place or any premises or part thereof used for the sale, or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption;

“import”, with its grammatical variations and cognate expressions, means to bring or cause to be brought into Singapore by land, water or air from any place which is outside Singapore but does not include the bringing into

Singapore by water or air of any goods which it is proved to be intended to be taken out of Singapore on the same vessel or aircraft on which they were brought into Singapore without any landing or transshipment within Singapore;

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

“infectious disease” means —

- (a) any disease set out in the First or Second Schedule to the Infectious Diseases Act (Cap. 137);
- (b) any skin disease which is likely to be contagious; and
- (c) such other disease as the Minister may prescribe;

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

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

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

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

“premises” means messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof used or intended to be used for human habitation or for any other purpose whatsoever;

“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.

[7/2002]

## PART II

### ADMINISTRATION AND ENFORCEMENT

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

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

4.—(1) Any authorised officer may —

- (a) at any reasonable time enter and inspect any place where he has reason to believe that there is any food or 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 applies;
- (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;
- (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; and any article seized under this Act may at the option of an authorised officer be kept or stored in the building or place where it was seized or may at the direction of an authorised officer be removed to any other proper place;
- (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.

[7/2002]

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

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

[7/2002]

(4) Where the seizure of any food or appliance is made under subsection (1)(e), the authorised officer making the seizure shall immediately give notice in writing of the seizure in Form 1 in the First 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 authorised officer and such address is in Singapore.

[7/2002]

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

**5.—(1)** For the purpose of discharging his functions and duties under this Act, an authorised officer may at any time require any person —

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

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

[7/2002]

**Power to demand and select and take or obtain 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 samples of the food or appliance, any authorised officer may at any place demand and select and take or obtain such samples for the purpose of analysis or examination.

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

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

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

[7/2002]

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

authorised officer requires for the purpose of analysis or examination, shall be guilty of an offence.

[7/2002]

### **Any person may have sample analysed**

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

[7/2002]

### **Procedure for taking sample**

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

[7/2002]

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

[7/2002]

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

[7/2002]

(4) Where —

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

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

subsection (2) shall be deemed to be complied with if the authorised officer procuring the sample divides the containers or packages into the requisite number of lots and deals with each lot in the manner

provided by this section as if it were a part, and references in this Act to a part of a sample shall be construed accordingly.

[7/2002]

### **Certificate of authorised analyst**

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

[7/2002]

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

[7/2002]

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

[7/2002]

## PART III

### SALE OF FOOD

#### **Adulterated food**

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

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

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

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

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

**Food containing alcohol, etc.**

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

**Food unfit for human consumption**

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

**Labelling of food**

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.

**False labelling, etc.**

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

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

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

**Sale of food prepared under insanitary conditions**

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

**Offences under this Part**

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

## PART IV

## FOOD ESTABLISHMENTS

**Food establishments to be licensed**

**21.** No person shall operate or use or knowingly permit a food establishment to be used for any of the purposes specified in the Second Schedule without obtaining a licence from the Director-General.

[20A  
[7/2002]

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

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

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

to submit to medical examination.

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

- (a) the licensee is suffering from an infectious disease;
- (b) the licensee knowingly employs any person who is suffering from or is suspected to be suffering from an infectious disease;
- (c) the licensee, his assistant or employee refuses to comply with any requisition made by the Director-General under subsection (1), (2) or (3); or
- (d) the licensee does not comply with subsection (5).

[20B  
[7/2002]

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

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

[7/2002]

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

[20C  
[7/2002]

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

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

[7/2002]

(2) Notwithstanding subsection (1) or any other written law for the time being in force, any police officer or authorised officer who, having effected an arrest under subsection (1), is satisfied as to the identity, name and place of residence of the person arrested, may,

instead of taking him before a Magistrate's Court or to a police station, serve upon that person a notice in such form as may be required under section 53 requiring him to attend at the Court described at the hour and on the date specified in the notice.

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

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

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

[20D

[7/2002]

**PART V****PRESUMPTIONS OF LAW****Adulteration**

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

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

[21]

**Liability of importer, packer or manufacturer**

**26.** Where any food or appliance in connection with which there is a breach of any provision of this Act is sold in an unopened package, any person who appears from any statement thereon or attached thereto to have imported or manufactured or prepared that food or 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. [22

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

27. 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.

[23

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

28.—(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.

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

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

[24

## PART VI

### LEGAL PROCEEDINGS

#### **Jurisdiction of court**

29. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court

shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of any offence under this Act.

[25  
[7/2002]

### **Proceedings for offences**

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

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

[7/2002]

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

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

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

[7/2002]

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

[25  
[7/2002]

### **No defence that purchaser bought for analysis**

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

[26

### **No defence that offence not wilfully committed**

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

the sale of the food or appliance would not constitute an offence under this Act.

[27

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

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

- (a) he purchased the food or 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 out in such warranty or statement.

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

(4) When the defendant is an employee or agent of the person who purchased the food or appliance under such a warranty or written statement, he shall, if he further proves that he had no reason to believe that the article did not conform to the warranty or statement,

be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been, if he had been the defendant.

(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, unless he proves to the satisfaction of the court that when he gave the warranty he had reason to believe that the statements or descriptions contained therein were true.

[28  
[7/2002]

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

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

[7/2002]

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

[7/2002]

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

[29

### **Court may order independent analysis**

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

sample retained by an authorised officer to be submitted to another authorised analyst for analysis.

[30

[7/2002]

### **Non-disclosure of information**

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

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

[31

[7/2002]

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

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

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

[32

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

**38.** All fees, charges, composition fines and moneys collected under this Act shall be paid to the Authority.

[32A

[7/2002]

**Appeal**

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

[33]

**PART VII****SUPPLEMENTARY PROVISIONS****Sale of prohibited appliance**

**40.—**(1) The Minister may, by notification published in the *Gazette*, prohibit 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.

[34

[7/2002]

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

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

[7/2002]

(2) No person shall, without authority —

- (a) open, alter, break, remove or erase any mark, fastening or seal placed by an authorised officer under this Act upon any food or appliance or upon any package, place, door or opening containing or affording access to any food or appliance; or

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

[7/2002]

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

[35

[7/2002]

### **Forfeiture of food or appliance upon conviction**

**42.**—(1) In the case of any conviction under this Act the District Court or the Magistrate's Court, as the case may be, may order that any food or 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 Authority.

[7/2002]

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

[36

[7/2002]

### **Notification of conviction**

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

[37

[7/2002]

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

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

- (a) by delivering it to the person or by delivering it at his usual or last known place of residence to some adult member or employee of his family;

- (b) by leaving it at his usual or last known place of residence or business in a cover addressed to him; or
- (c) by forwarding it by post in a pre-paid letter addressed to him at his usual or last known place of residence or business.

[7/2002]

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

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

[7/2002]

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

[7/2002]

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

[37A  
[7/2002]

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

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

[7/2002]

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

[37B  
[7/2002]

## Licences

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

- (a) shall be in the discretion of the Director-General;
- (b) may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned therefor; and
- (c) may be granted or renewed subject to such restrictions and conditions as the Director-General may think fit.

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

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

[7/2002]

(12) Where a licensee —

(a) is in breach of any restriction or condition subject to which the licence was granted; or

(b) has contravened any provision of this Act,

the Director-General may —

(i) suspend or cancel the licence; and

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

[7/2002]

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

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

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

[7/2002]

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

[37C  
[7/2002]

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

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

[7/2002]

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

[37D  
[7/2002]

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

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

[7/2002]

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

[7/2002]

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

[37E

[7/2002]

### **General penalties**

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

[37F

[7/2002]

### **Composition of offences**

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

[7/2002]

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

[7/2002]

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

[37G

[7/2002]

**Inaccuracies in documents**

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

[7/2002]

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

[37H  
[7/2002]

**Evidence**

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

[7/2002]

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

[37I  
[7/2002]

**Forms**

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

[37J  
[7/2002]

**Amendment of Schedules**

**54.** The Minister may, from time to time, by order published in the *Gazette*, add to, alter or amend any of the Schedules.

[37K  
[7/2002]

**Exemption**

**55.** The Director-General may, subject to the general or special directions of the Minister, either permanently or for such period as he may think fit, exempt any person or premises or any class of persons or premises from any of the provisions of this Act.

[37L  
[7/2002]

**Regulations**

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

- (a) to prescribe the standard of strength, weight, quality or quantity of any food or of any ingredient or component part thereof;
- (b) to prohibit the addition or use of any specified thing or of more than the specified quantity or proportion thereof to any food or 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 authorised 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 regulate the seizure and disposal of unwholesome meat, fish, fruit, vegetables or other food or drink exposed or intended for sale;
- (l) to prescribe the fees for licences and to prescribe the fees and charges for any of the purposes of this Act;
- (m) to prescribe that any act or omission, or any contravention of the provisions of any regulations shall be an offence and to provide for the imposition of a fine not exceeding \$5,000 and, in the case of a continuing offence, a further fine of \$500 for every day or part thereof during which the offence continues after conviction; and
- (n) generally to carry out the purposes of this Act.

[7/2002]

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

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

[7/2002]

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

(5) Notwithstanding anything in any regulations made under this section, any person may, at any time within 12 months after the date of the publication in the *Gazette* of such regulations, sell any food the sale of which is otherwise lawful, if he proves that at that date the food or 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.

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

[38

FIRST SCHEDULE

Section 4(4)

FORM 1  
SALE OF FOOD ACT  
(CHAPTER 283)

NOTICE OF SEIZURE

To:

.....

.....

Take notice that under section 4(4) of the Sale of Food Act the undermentioned goods ..... lying at ..... which have been placed under seal under section 4(1)(d) of the Act, have been seized by me at

FIRST SCHEDULE — *continued*

..... a.m./p.m. on the ..... day of ..... 20..... 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 Authority and shall be destroyed or otherwise disposed of so as to prevent their being used for human consumption or application.

Dated this ..... day of ..... 20.....

.....  
*Authorised Officer*

How served .....

When served .....

By whom served .....

FORM 2

Section 10(1)

SALE OF FOOD ACT  
(CHAPTER 283)

AUTHORISED ANALYST’S CERTIFICATE

I, the undersigned, an authorised analyst appointed under the Sale of Food Act, do hereby certify that on the ..... day of ..... 20..... I received by ..... from Singapore, an authorised 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:

\_\_\_\_\_

FIRST SCHEDULE — *continued*

## OBSERVATIONS

As witness my hand this      day of      20  
at

.....  
*Authorised Analyst*

[7/2002]

## SECOND SCHEDULE

Section 21

## PART I

## DESCRIPTION OF PURPOSES FOR USE OF FOOD ESTABLISHMENTS TO WHICH SECTION 21 APPLIES

1. As a food processing establishment where food is manufactured, processed, prepared or packed for the purpose of distribution to wholesalers and retailers, whether or not the food processing establishment also consists of a retail food establishment or a catering establishment.
2. As a cold store.

## PART II

## DEFINITIONS

In Part I —

“catering establishment” means a catering establishment as described in the First Schedule to the Environmental Public Health Act (Cap. 95);

“cold store” means any premises —

(a) used for the cold storage of food intended for human consumption; and

(b) prescribed as a cold storage for the purposes of this Act;

“retail food establishment” means a retail food establishment as described in the First Schedule to the Environmental Public Health Act;

SECOND SCHEDULE — *continued*

“retailer” includes any person who supplies food for the consumption or use of any other person as part of a service rendered by him to that other person.

[7/2002]

LEGISLATIVE HISTORY  
SALE OF FOOD ACT  
(CHAPTER 283)

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

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

Date of First Reading : 16 February 1973  
(Bill No. 4/1973 published on  
20 February 1973)

Date of Second and Third Readings : 7 March 1973

Date of commencement : 1 May 1973

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

Date of operation : 30 March 1987

**3. Act 7 of 2002 — Sale of Food (Amendment) Act 2002**

Date of First Reading : 3 May 2002  
(Bill No. 10/2002 published on  
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 1 July 2002

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

Date of operation : 31 December 2002

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

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

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

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

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