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DRAFT LAW ON FOOD CONTROL
Law No. () of the Year 1999
(as finalized at the ministerial level-October 11, 1999)

Article (1):

This law shall be referred to as the “**Food Control Law**” No. () of the year 1999 and shall come into effect thirty days after its publication in the Official Gazette.

Article (2):

One. The following words and expressions wherever stated in this Law shall have the meanings designated hereunder unless otherwise connoted by the context.

<u>The Ministry</u>	:	Ministry of Health.
<u>The Minister</u>	:	Minister of Health.
<u>The Directorate</u>	:	Directorate General of Food Hygiene.
<u>The Council</u>	:	Food Administration Council.
<u>The Chairman</u>	:	The Chairman of the Council.
<u>The Director General</u>	:	Director General of the Directorate.
<u>The Functional Committee</u>	:	The Functional Committee established in compliance with the provisions herein.

Two. The following words and expressions, wherever stated in this Law, shall have the meanings designated herein unless otherwise connoted by the context, and with observance of any changes in the regulations and instructions issued in pursuance of this Law.

Food

Any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drink, pickles, spices, chewing gum and any substance used in the manufacture, preparation or treatment of “food”, but does not include cosmetics or tobacco or substances used only as drugs.

Food for Special Dietary Use

Those foods which are specially processed or formulated to satisfy particular dietary requirements which exist because of a particular physical or physiological condition and/or specific disease and disorders and which are presented as such, including foods for infants and young children. The composition of these foods must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist.

Food Additive

Any substance not normally consumed as a food by itself and not normally used as a typical ingredient of the food, whether or not it has nutritional value, the intentional addition of which to food for a technological (including organoleptic) purpose in the handling of such food results, or may be reasonably expected to result, (directly or indirectly) in it or its by-products becoming a u.y or

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characteristics of such foods. The term does not include “contaminants” or substances added to food for maintaining or improving nutritional qualities.

Nutritional Value:

The total of the natural basic components in a food including carbohydrates, proteins, fats, vitamins, minerals and salts.

Quality:

The degree of excellence of properties and distinctive points of food that are capable of fulfilling the need and desire of those consuming such food; or that make such food acceptable therefor; or that fulfill the requirements for the standard or technical regulation on quality as established by the competent authority.

Sanitary Measure:

Any measure applied to protect human life or health from risks arising from food additives, contaminants, toxins, or disease-causing organisms in food, and diseases carried by plants or plant or animal products. Sanitary measures include all relevant laws, decrees, policies, requirements and procedures including, *inter alia*, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labeling requirements directly related to the safety of food.

Good Manufacturing Practices (GMP):

Practices of food manufacturing industries that are necessary to produce safe and quality food products conforming to food laws, regulations and sanitary measures.

Hazard Analysis and Critical Control Points System (HACCP):

A system, which identifies, evaluates, and controls hazards, which are significant for food safety.

Hazard:

A biological, chemical, or physical agent in food, or a property of the food, that may have an adverse health effect.

Risk:

The probability of the occurrence of an adverse health effect and the severity of that effect as a result of a hazard or hazards in food.

Risk Assessment:

The scientific process of identifying a hazard and estimating the risk presented by human exposure to that hazard in food, in a qualitative or quantitative terms.

Appropriate Level of Protection

The level of protection deemed appropriate for the protection of human.

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Pesticide:

Any substance intended for preventing, destroying, attracting, repelling, or controlling any pest including unwanted species of plants or animals during the handling of food, agricultural commodities, or animal feeds or which may be administered to animals for the control of ectoparasites. The term includes substances intended for use as a plant growth regulator, defoliant, desiccant, fruit-thinning agent, or sprouting inhibitor and substances applied to crops either before or after harvest to protect the commodity from deterioration during storage and transport. The term normally excludes fertilizers, plant and animal nutrients, food additives, and animal drugs.

Handling:

The production, preparation, manufacturing, treatment, filling, packaging, processing, transporting, possession, distribution, displaying, selling, granting or donating of food.

Contaminants:

Any substance not intentionally added to food, which is present in such food as a result of its handling or as a result of environmental contamination.

Food Standard:

Document issued by the competent standardizing authority, which specifies the properties or rules or guides for food or its related processes and production methods, with which the compliance is not mandatory. These may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to food, its process or production method.

Technical Regulation:

Document which lays down food characteristics or its related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with safety requirements, terminology, symbols, packaging, marking, or labeling requirements as they apply to a product, process or production method.

Conformity Assessment Procedures:

Any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled. These may include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combination.

Label:

Any tag, mark, pictorial or other descriptive matter, written, printed, stenciled, marked, embossed or impressed on, or attached to, a container of food.

Announcement:

Any representation whether read, heard, or seen or by any other method whatsoever that is meant to promote, sell or dispose any food whether directly or indirectly.

Food Safety:

Food that will not cause harm, whether directly or indirectly, to the consumer when it is handled according to its intended use.

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Food Suitability:

Food that is suitable for human consumption according to its intended use. Suitable for human consumption shall mean that the food is safe and meets quality and safety standard requirements by being free from decays, disease-causing organisms and their toxins; free from harmful parasites, their cycles, secretions and toxins; free from heavy metals, chemical contaminants in quantities exceeding the allowed limits, and harmful radiation and radioactivity levels exceeding the allowed limits; free from prohibited food additives or shall not have permissible additives in quantities exceeding the allowed limits. It shall also mean that the food is free from other contaminants and harmful impurities, which pose a threat to health, and any other internationally defined factors. The food shall be free from fraudulence and that it maintains its nutritional value, and distinctive grade quality and is within the validity period stated therefor.

Place:

Any establishment, factory or facility where food is handled, and includes vehicles, conveyances, or other means used to transport food.

Peddler:

Any itinerant person who handles food not in a particular place.

Article (3):

One- Notwithstanding what was stated in any other legislation, the Directorate shall report directly to the Minister.

Two- The Directorate shall have administrative units in all the Health Directorates. Such units shall assume the tasks assigned to them by the Directorate.

Article (4):

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7. Ensure that advertisements about food through the local media without the Directorate's prior approval.
8. Control and monitor the implementation of GMP and HACCP systems to control food by the food industries.
9. Conduct studies and research about food, its ingredients, and nutritional value and publish the same, and encourage research and scientific initiatives from outside the Ministry, by adopting such researches and disbursing honorary remuneration towards such from the allowances allocated for this purpose and upon the Cabinet's approval.
10. Cooperate with official and non-official bodies, universities, national scientific centers, institutions, and Arab and international organizations in the field of food, environment, disease, technical regulations and sanitary measures
11. Disseminate and sell the publications on Standard and Sanitary measures issued by the Directorate.

Article (6):

One. A Food Council shall be established in the Ministry under the Chairmanship of the Minister and the membership of:

1. The Director General as the Vice-Chairman.
2. The Director of the Disease Control at the Ministry.
3. The Director of Environment Health at the Ministry.
4. Representative of the Ministry of Industry and Trade.
5. Representative of the Ministry of Agriculture.
6. Representative of the Ministry of Finance/ the Customs Directorate.
7. Representative of the Ministry of Municipal, Rural and Environmental Affairs.
8. Representative of the Institution of Standards and Metrology.
9. Representative of the Amman Greater Municipality.
10. Six food experts and specialist appointed by the Minister upon the recommendation of the Director General and the recommendations of their concerned authorities as follows:
 - Two representatives from Jordanian State Universities.
 - A representative from the Association of Foodstuff Merchants.
 - A representative from the Union of the Chambers of Trade.
 - A representative from the Union of the Chambers of Industry.
 - A representative from the Consumer Protection Society.

Two. The members of the Council who are representatives of the authorities indicated in Paragraph (4-9) of this Article shall have the required expertise and experience in food, shall enjoy first rank officially and shall be nominated by their respective Ministers or Directors General.

Three. The members shall be assigned for two renewable years. Any member shall be discharged from the Council's membership upon a decision by the Minister as necessary.

Four. The remuneration of the Council's members shall be determined by a Cabinet decision upon the Minister's recommendation.

Article (7):

One. The Council shall convene its meetings upon an invitation by the Chairman at least once every month and whenever necessary. The meeting shall be considered legally

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valid when attended at least by two thirds of the members, provided that the Chairman or Vice-Chairman shall be one of them.

Two. The Council shall pass its resolutions upon the majority of the attending votes. In case of tied votes, the vote of the Chairman shall be preponderant.

Three. The Chairman shall be entitled to invite the expertise he deems suitable for consultation in the discussion of any of the subjects submitted to the Council, but such expert shall not be entitled to vote.

Four. The Minister, upon the recommendation of the Director General, shall appoint employees to perform the secretarial activities of the Council. The remuneration of such employees shall be determined by a Cabinet decision upon the Minister's recommendation.

Article (8):

a. Subject to what is stated in Article (4) of this Law and notwithstanding what was stated in any other legislation, the Council shall assume the following tasks and powers:

1. Formulating the general policy for food control, and overseeing its implementation.
2. Formulating the necessary plans for control of food safety and quality and ensuring food nutritional value.
3. Approving, canceling, or replacing technical regulations and sanitary measures and any amendments, and the suspension thereof.
4. Approving the instructions and sanitary conditions necessary to control local and imported food and verify safety and suitability thereof.
5. Determining the sanitary requirements necessary for licensing places for handling food in order to assure food safety and its suitability for human consumption and allow for issuance of licenses pursuant to legislation in effect.
6. Approving risk assessment procedures and determining bases for the collection of food samples, methods of sampling, sample size for various sampling purposes, and sample handling instructions, in accordance with the international practices.
7. Approving the necessary food tests and examination methods and conformity assessment procedures for food standards and technical regulations and the sanitary measures pursuant to international practices and the legislation in force and in coordination with the other concerned authorities.
8. Approving the necessary procedures and requirements for the use of food additives.
9. Establishing food laboratories at the Directorate and approving any official laboratories and any other laboratories for the testing and analysis of food.
10. Approving, and adopting, where appropriate, the technical regulations, guides, recommendations or any other documents issued by other countries or Arab, regional and international organizations.

Two. The Council shall have the right to form one or more specialized committee(s) from the Council Members or others in order to perform the tasks defined for each of them. The specialized committees shall submit their recommendations to the Council.

Article (9):

a. The Director General shall assume the following tasks and powers:

1. Application of the general policy of the Directorate.

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2. Execution of the instructions and resolutions approved by the Council.
 3. Management of the Directorate and supervision of its employees and its technical, administrative, and financial affairs.
 4. Development of programs that shall serve the objectives and functions of the Directorate, and submission of recommendations for such programs to the Council.
 5. Submission of proposals for new or revised sanitary measures or technical regulations, which are referred by the Functional Committee, to the Council for consideration and decision thereabout.
 6. Any other task specified by the Council or designated pursuant to the articles of this Law.
- b. The Director General shall be entitled to delegate any of his responsibilities stated in Paragraph (a) of this Article upon a written notice to any officer of the Directorate.

Article (10):

One.A Functional Committee shall be established under the Chairmanship of the Director General and the membership of:

1. A person specialized in Preventive Medicine from the Ministry nominated by the Minister.
2. A person specialized in Veterinary Medicine from the Ministry of Agriculture nominated by the Minister of Agriculture.
3. A person specialized in Plant Pathology and Protection from the Ministry of Agriculture and nominated by the Minister of Agriculture.
4. A person specialized in Standards and Metrology nominated by the Institution of Standards and Metrology's Director General.
5. A person specialized in Food Microbiology from the Food Laboratories at the Ministry and nominated by the Minister.
6. A person specialized in Food Chemistry from the Food Laboratories at the Ministry and nominated by the Minister.
7. A person specialized in Food Manufacturing from the Directorate and nominated by the Director General.
8. Two people specialized in food from the Jordanian State Universities nominated by the President of the concerned university.
9. Two people specialized in food from the food industry sector assigned by the Minister upon the recommendation of the Director General and the concerned authorities.

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7. Recommending specific food control programs designed to address food classified as hazardous food and periodically evaluating the implementation and results of such programs.
8. Reviewing the use of new and novel technologies in the handling of food and determining the need for specific procedures, rules or instructions to control the safe use and to evaluate the safety of food handled by use of such technologies.
9. Any other tasks related to the Directorate's tasks and objectives referred by the Council or its Chairperson.

Five. The Functional Committee shall convene its meetings upon an invitation by its Chairperson at least once every month or whenever necessary. The meeting shall be considered legally valid when attended at least by two thirds of the members provided the Director General or anyone who assumed his position is one of the members present. The Council shall pass its resolutions by majority vote if attended by all the members and by consensus if attended by two thirds of the members. In the case of equal votes, the vote of the Chairman shall be preponderant.

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Six. All sanitary measures referred to in this Article-including measures adopted in urgent circumstances- shall be reviewed

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commercial interests of the applicants.

6- The collected fees shall not exceed the actual cost of the service rendered.

b. The Minister shall issue instructions that shall regulate the review of complaints and objections submitted to the Ministry regarding the execution of the procedures referred to in paragraph (a) of this Article and determines the necessary periods of time for addressing such concerns..

Article (13):

1. The Directorate shall participate with competent authorities in establishing or revising national standards for food.
2. The Council shall approve technical regulations with regards to food quality subject to the provisions of relevant national laws and international agreements to which the Kingdom is a party. However, all such technical regulations shall be no more restrictive of domestic and international trade than necessary to fulfill the legitimate objective of the regulation.
3. The Directorate shall be in charge of verifying compliance of food with the technical regulations it issues. The Directorate shall also participate with other competent authorities in verifying compliance of food with all the technical regulations issued by other entities. This shall include the Directorate conducting- either solely or in participation with other entities -conformity assessment procedures on food before handling or importation thereof. When conducting conformity assessment procedures, the Directorate shall take into consideration legislation in force and international agreements to which the Kingdom is a party.

Article (14):

One. The Directorate shall provide any natural or legal person whether domestic or international with all information concerning food sanitary measures and technical regulations in return for a fee determined by a regulation issued for that purpose. Such information includes the following:

- 1) The Scientific basis for sanitary measures that are applied on both imported and domestic food;
 - 2) Procedures and means of risk assessment of the hazards to food, as well as any other reports related to the assessment of such risk;
 - 3) Procedures and means of controlling food in the Kingdom;
 - 4) Current instructions, requirements and procedures of food inspection and control;
 - 5) The membership and participation of the Ministry in relevant international and regional organizations or agreements regarding sanitary measures and the texts of such; and
 - 6) Any other available information related to this subject.
- b. The Directorate shall maintain all documentation related to accredited sanitary and measures referred to in Paragraph (a) of this Article.

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Article (15):

Subject to the relevant imports and exports legislation, the entry of any food for special dietary use and of food additives into the Kingdom or the handling of such food shall not be allowed without the Directorate's approval issued subject to the terms and instructions issued by the Minister.

Article (16):

All food places and peddlers shall be prohibited from handling food prior to being licensed to do pursuant to the terms and instructions issued by the Minister.

Article (17):

The entry or handling of any food into the Kingdom, which is adulterated, misbranded or unsuitable for human consumption, is prohibited.

Article (18):

Food shall be deemed as adulterated in the following cases:

- One. If it contains a toxic or harmful agent, excluding pesticides or contaminants for which a maximum residue limit has been established by international or national standards or technical regulations for that food and that residue has been found in that food to be within the established limits.
- Two. If it contains a food additive that is not permitted in that food; or an additive is present that is not approved for any use; or a food additive that is approved for that food but has been added in amounts that exceeds the established maximum permitted limits as determined by international or national standards or technical regulations.
- Three. If it is rotten, decayed, putrid, or contaminated with poisonous or deleterious material whether whole or in part.
- Four. If it is handled under conditions or circumstances which may cause the food to become unsafe or unsuitable for human consumption, such as in the absence of Good Manufacturing Practice.
- Five. If its is a product of a diseased animal or an animal that has perished by means other than by slaughter in accordance with the provisions of the enforced laws.
- Six. If it is packed in a container made of a material that is not approved for food packaging, or can contaminate and otherwise effect the food to compromise the quality and safety of the food or cause it to be unsuitable for consumption.
- Seven. If it is exposed to radiation and its radiological activity rate is above the maximum permitted limits established at the international or national level.
- Eight. If it contains hormones, chemicals, veterinary drugs or the residues of any of these agents and the residue levels exceed established maximum residue limits established by international or national standards or technical regulations, or there is no standard or technical regulation permitting their use or the residue of these non-permitted agents in food.
- Nine. If any of its ingredients is removed, changed or reformulated unless stated in the label and such processes had been approved within the terms and instructions issued by the Minister.

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Ten. If a substance is added to it and the substance diminishes the food's nutritional value with the aim of benefiting economically, or when added in order to conceal a certain defect or shortage or to add bulk or weight to the food.

Eleven. If the food does not meet international or nationally established standards or technical regulations.

Article (19):

The food shall be considered as misbranded in any of the following cases:

One.If the label is false or misleading.

Two.If it is an unharmful imitation of another food unless the label states clearly that it is an "imitation" before mentioning the name of the original food directly and the label has been approved by the concerned authority for use before the food's handling.

Three.If the food is filled or prepared in a misleading manner.

Four.If the label does not state the following:

1. Name of the Food.
2. Name and street address of the manufacturer, packaging party or distributor.
3. Statement of contents in net terms of weight or measure or count.
4. Statement of ingredients in the order of their preponderance.
5. Storage method when the food is made of substances that require certain storage conditions.
6. Date of production or validity (expiration date) when the food is considered to have a limited shelf life.

Five.If the label includes words, expressions or data that are not readable or understandable for the lay person within the usual conditions of handling.

Six.If the food contains any artificial flavor, color or permissible food additive, and the label does not reveal those facts and the presence of such substances does not

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5. Authorize in writing any of the Directorate's employees to inspect the food place and to collect, without charge, samples of imported or locally produced food for the purpose of testing and analyzing it to determine its suitability for human consumption and compliance with the food standards or technical regulations, all at the expense of the owners or possessors, except for fees for samples of handled food items taken for the purposes of periodic control activities of the Directorate.
6. Prohibit the storage of any imported food in the Kingdom or the free zones if found to be unfit for human consumption.
7. Prohibit any processes, which modify the foods stored in the free zones that may result in the falsehood of data on the label, excluding the manufacturing processes that have been approved.

Two. The Minister's decision issued pursuant to Paragraph (a) of this Article shall be subject to appeal at the Supreme Justice Court within a period not exceeding sixty days from the date of being notified.

Three.

1. The Minister shall have the right to order the destruction of meat and meat products, milk and milk products or any other perishable food that has been handled for national consumption, at the owners or possessors expense, if it is established that such products are unsuitable for human consumption on the basis of tests carried by Public Health or Veterinary Practitioners or on basis of reports issued by the Ministry's labs.
2. The Minister shall have the right to order the destruction of any food other than stated in Clause (1) in this Paragraph when the Ministry's official laboratory results reveal that the food is unfit for human consumption.

Four. The Minister shall order the re-exportation of any food imported to the Kingdom to the country from which it was imported and at the importer's expense, if it is found to be adulterated or unfit for human consumption. Re-exportation shall be within a period not exceeding forty days from the date of the order, unless this is not possible in which case the Minister may order the destruction of the food at importer's expense.

Five. The Minister shall have the right to order the re-exportation of any food item at the importer's expense to the place set by the importer if the food is misbranded or found not to be in compliance with the food technical regulation. The Minister shall also have the right to order that the food be kept so as to be prepared in a manner that renders it conforming to technical regulations, if the food item lends itself to this, and to permit its entry once it complies with the technical regulations after preparation.

Article (22):

One. The Minister or any employee he delegates from the Directorate shall have the right to enter into any place used to handle food any time during working hours to verify that it is applying sound quality and safety control procedures and that the place is in compliance with food quality and safety requirements, food standards and technical regulations and to ensure the suitability of food for human consumption.

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Two. The Minister or any employee he delegates from the Directorate shall have the right to inspect any means used to transport food in order to assure that food quality and safety requirements are being met. The Minister shall also refer any violation to the Court and order the seizure of the means of transport until the requirements are met within the period set by the Minister.

Three. The owner of any place or its managers shall be responsible for any breach of the provisions of this Law.

Four. The Minister or any employee he delegates from the Directorate shall have the right to forward a notice to the owner or manager of the food place found to be in violation. The notice shall define a certain period in which to rectify the violations. Otherwise, the person violating the requirements shall be referred to the Court.

Five. The Minister shall have the right to shut down the food place found to be in violation until the violations are rectified.

Article (23):

One. Those who handle an adulterated food as meant in Article (18) herein shall be subject to a penalty of with imprisonment for a minimum period of three months and a maximum of one year and a fine of JD 1000-3000 (one thousand to three thousand Jordanian Dinars) and the closing of the food place from one month to three months.

Two. Every one of the following shall be penalized with imprisonment for a minimum of two months and a maximum period of six months and with a fine of JD 500-1000 (five hundred to one thousand Jordanian Dinars):

1. Those who handle a misbranded food as connoted in Article (19) of this Law.
- 2.

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to the Director General.

Article (26):