

## **Unofficial Translation**

### **Republican Decree by Law No (38) of 1992 on Control of Food and its Circulation**

#### **Chapter One**

##### Definitions:

Article (1) this law shall be called (Law of Control of Food and its Circulation) and aims to protect the consumer from the health hazards resulting from using unfit foods.

Article (2) the following terms and phrases shall have their corresponding meanings unless context suggests otherwise.

**Competent Authority:** General Directorate of Environmental Health,

Ministry: Minister of Housing and Urban Development

Sector: Municipality, environment at the Ministry of Housing and Urban Planning

Publicity: any means through which any food is promoted and disposed of whether directly or indirectly.

Competent Employee: observers, food inspectors and health officers and Veterinary doctors.

**Competent Department:** The General Department for Environmental Health at the Ministry of Housing and Urban Development and its branch offices in the administrative units.

**Committee:** Technical Advisory Committee or its subsidiaries designated under the provisions of this law.

**Accredited laboratory:** it is the official or approved body by Ministry of Housing and Urban Planning entrusted to conduct examinations and tests

and laboratory findings pursuant to the provisions of this law and its implementing regulations.

**Packaging:** anything in which food is placed or packaged, whether in whole or in part, or any container or whether Receptacle covered or enclosed.

**Store (place):** any place fixed or not fixed with attachments and used for the purpose of trading or sale of any food.

**Food standards:** some or all of the -descriptions that denote function or levels of food quality or in respect of composition, color or shape or taste or smell, or feature the distinctive features or the minimum or maximum levels of additives or color illustrations or packing label.

Food: a substance produced or manufactured as a food or drink for human consumption, including chewing materials.

**item:** Any substance used in food processing or food preservation.

**Unsanitary conditions:** the conditions in which dietary exposure to pollution that makes it harmful to health.

## Second chapter

Administration and implementation

Responsibilities of the technical consultative committee  
the inspection and analysis organ.

Article (3) for the purpose of implementing the provisions of this law, a technical advisory committee is formed in the Ministry chaired by the competent Deputy Minister and representatives of authorities and ministries. A decree by the Minister shall be issued defining its members based on a nomination from the concerned ministries.

Article (4): the Technical Committee may form a sub committee or committees from its members to perform any action whenever it is deemed necessary and therefore it has the right to use whoever it deems





result of laboratory testing, its fitness for human consumption and

15- The results of the tests conducted by the officially Accredited Laboratory are considered the ones that are relied on, in case of opposition, the test is redone and the result becomes final... subject to the provisions of Paragraph (b) of Article (9) and no violation to the same.

### Chapter Three

#### General and concluding provisions

Article (16) every person practicing trade or manufacturing food stuff or one of its items should provide the Competent Authority with information that it required in accordance with the provisions of this Law and laws in effect. This authority may not disclose any information it obtained, nor announce it.

Article (17) : a- every package containing an item or food covered by the provisions of this law and carries the name of the producer, packer or his address or his trademark is considered an assumption ( indication) that this item or food has been produced or packed by him unless proved otherwise.

b- Every item or food available in the place of circulation that is usually used for human consumption or in the formation or preparation of food is considered to be put up for sale for human consumption unless proved otherwise.

Article (18): every producer, distributor and whole seller of any item or food is prohibited from selling that item or food to any retailer unless he provides him with a written security (guarantee) on the nature of the items, and their fitness for human consumption.

Article (19): importation of the item or food is prohibited if it does not comply with this law or any law in effect in the Republic.

Article (20): the following is considered in violation to this law and its  
Implementing Regulation

consumption or adulterated food or food whose marketing validity date has expired.

- b- Everyone who displays in the label or package, or processed or publicized any food in a fake or misleading or deceptive manner with respect to the food, its nature or nutritional value or its material or its quality or its composition.

Article (21): in case that violation is proven by any individual who has committed one of the violations referred to in this law, the Minister may or his representative may cancel or withdraw the Professional Practice License of this person or close his store for a period not exceeding one week and refer the violation to the Attorney General.

Article (22): without prejudice to more severe penalties by other laws in effect, anyone who violates the provisions of this law with a fine of no less than (Yr1000) only and not more than half the value of the violating goods or food or item whichever is greater, or suspension of the permit for a period of not more than six months. In case of repetition, the punishment provided above shall be doubled.

Article (23): The Yemeni food standards for any food are mandatory in accordance to the provisions of this Law, when not available, the Ministry may apply Arab or International standards that are issued by Arab or international specialist organization and accredited by the Yemeni Standardization and Meteorology Authority (YSMO), if no Yemeni, Arab or international standard exists, the Competent Authority may specify the requirements that food should meet in cooperation with the Standardization and Metrology Authority or any other authority with competence.

Article (24): The implementing Regulation of this law is issued by a Republican Decree based on a presentation from the Minister and the approval of the Council of Ministers.

Article (25): Any provisions or texts that contravene the provisions of this law shall be nullified.

Article (26): This law comes into effect from the date of its issuance and shall be published in the Official Gazette.

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