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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1376/9 - 2005 ජනවාරි 19 වැනි බදාදා - 2005.01.19

No. 1376/9 - WEDNESDAY, JANUARY 19, 2005

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## PART I : SECTION (I) — GENERAL

### Government Notifications

L.D. - B. 11/80 II

#### FOOD ACT, No. 26 OF 1980

REGULATIONS made by the Minister of Health in consultation with the Food Advisory Committee under Section 32 of the Food Act No. 26 of 1980.

NIMAL SIRIPALA DE SILVA,  
Minister of Healthcare Nutrition and  
Uva Wellassa Development.

Colombo.  
17th January, 2005.

#### Regulations

01. These Regulations may be cited as "Food (Labelling and Advertising) Regulations 2005."

02. No person shall sell, offer for sale, expose or keep for sale, transport or advertise for sale, any food contained in a package or container unless such package or container is labelled in accordance with these regulations.

Provided however that, these regulations shall not apply to any package of food if the food is of the nature, quality, quantity, origin or brand requested by the purchaser and is weighed, counted or measured in the presence of the purchaser.

Provided further, that these regulations shall not apply to any package which contains eggs using transparent blister packaging material if that is marked with the date of production and date of expiry of the content.

03.(1) The package or container shall bear a label upon which a description in respect of the food contained in such a package or container shall be clearly and conspicuously displayed.

(2) The label shall be on the main panel of the package or container of the food indelibly printed or painted or affixed.

(3) No person shall deface, distort, erase or obliterate the original date of manufacture, date of packing or date of expiry printed, painted or displayed by the manufacturer or packer.

(4) Where a label in any one of the three languages has been affixed on the main panel of such package or container of food and a supplementary label conforming to the regulations appears conspicuously and prominently in bold type, in any one or more of the other two languages, indelibly printed or painted or affixed on any other panel of such package or container, it shall be sufficient to satisfy the requirements of these regulations :

2 Provided however, where such supplementary label contains information in respect of date of manufacture, date of packing or date of expiry and other information required under the Act, such supplementary label shall be affixed securely without defacing, distorting, erasing or obliterating the original date of manufacture, date of packing, date of expiry and other information required to be declared by the manufacturer or packer.

4. (1) The following declarations shall be on the main panel of the package or container-

- (a) common name of the contents at least in any two of the three languages in bold face type ;
- (b) brand or trade name if any, in any one or more of the three languages in a manner that shall not mislead any person ;
- (c) the net contents of the package or container expressed by the international symbols 'g' or 'kg' in the case of solids, and 'ml' or 'l' in the case of liquids and, if packaged in liquid medium, the net drained weight expressed as 'g' or 'kg'.

Provided however that, the common name may be substituted by any other name as set out in Schedule I hereto.

(2) The following declarations shall be on any panel in any one or more of the three languages-

- (a) any permitted food additive's name or INS number as prescribed by regulations made under the Act ;
- (b) instructions for storage and use, if any ;
- (c) the name and address of the manufacturer and packer or distributor in Sri Lanka ;
- (d) the batch number or code number or a decipherable code marking ;
- (e) the date of expiry ;
- (f) the date of manufacture ;
- (g) in case where foods are imported in bulk and repacked, the date of manufacture and the date of repacking ;
- (h) a complete list of ingredients used in such food by their common names in descending order of their proportions ;
- (i) the country of origin, in case of imported foods ;
- (j) any other declarations stipulated under these regulations.

Provided however that, in the case of bottles containing liquid milk and carbonated (aerated) soft drinks, the date of expiry may be stamped on the bottle closure and in the case of metal cans containing food, the date of expiry may be displayed indelibly on the lid of the can either on the top or bottom of the can :

Provided further that, the date of expiry may not be required for sugar, tea, cereals and pulses in whole sale packs, fresh vegetables, fruits, roots and tubers and bread other than sliced bread.

(3) The provisions of this regulation shall not apply to prepackaged food products the weight of which does not exceed 25 grams, provided the dispenser package or container from which they are customarily sold to the buyer is labelled according to this regulation.

(4) No person shall sell, offer for sale, expose or keep for sale any food, transport for sale after the date of expiry thereof.

05. (1) For the purpose of regulation 04 -

- (a) The size of the letters used for the common name shall be not less than one third of the size of the letters used for the brand name with a minimum height of 3 millimeters. If the common name consists of one word or more than one word, such word or words (other than articles, conjunctions or prepositions) shall be in identical type and size and similarly displayed.
- (b) The height of the letters used for the common name in the supplementary label shall be not less than one half of the height of the letter used for the common name on the main panel of that package or container, subject to minimum height of 3 millimeters.

- (c) Where the net weight of the product does not exceed 25 grams, or the net volume does not exceed 30 milliliters, the height of the letters shall be not less than 1.5 millimeters.
- (d) Exemptions from declaration of net weight may be allowed by the Chief Food Authority when the surface area of the package does not exceed 25 square centimeters.
- (e) The letters used for the declaration in terms of paragraphs 1(c), 2(e) and 2(f) respectively of regulation 4 shall be in bold type and not less than the height as specified in Column I of Schedule II hereto in respect of the area of main panel of the label set out in the corresponding entry in Column II of the Schedule.
- (f) the declarations, other than the declarations in paragraph (e) shall be conspicuously printed in bold type letters of not less than 1.5 millimetres in height. In the case of sachets, where it is embossed, the letters shall be in bold type.

Provided however, closures of bottles containing beverages, the size of the letters used for any declarations shall be not less than 1 millimetre in height.

- (g) the date of expiry in respect of food contained in a package or a container shall be expressed in terms of day, month and year or year, month and day, which may be declared in numerical form provided the year is expressed in four digits, preceded by the word "Expiry" or the abbreviation "Exp" and the abbreviation "කා. දි." in Sinhala or "கா. தேதி" in Tamil.

Provided, where the year is expressed in two digits, the format shall be in the order of day, month and year.

Provided further, where only month and year are indicated as the date of expiry, the date of expiry of that product shall be deemed to be the last day of that month.

- (h) the date of manufacture in respect of food contained in a package or a container shall be specified in terms of day, month and year or year, month day, which may be declared in numerical form, provided the year is specified in four digits, preceded by the words "Date of Manufacture", "Manufactured Date" or the abbreviation "MFD" or the abbreviation "දි.දි." in Sinhala and "உ. தேதி" in Tamil :

Provided where the year is expressed in two digits, the format shall be in the order of day, month and year.

- (i) notwithstanding the provisions of paragraph (g), the date of expiry may be indicated in two digit format, provided the indications - DD/MM/YY representing day, month and year or YY/MM/DD representing year, month and day as the case may be shall be printed above the digits preceded by the word "Expiry" or the abbreviation "Exp." in any two of the three languages
- (j) notwithstanding the provisions of paragraph (h), the date of manufacture may be specified in two digit format, provided the indications - "DD/MM/YY" representing day, month and year or "YY/MM/DD" representing year, month and day as the case may be shall be printed above the digits preceded by the words "Date of Manufacture", "Manufactured Date" or the abbreviation "MFD" or the abbreviation "දි.දි." in Sinhala or "உ. தேதி" in Tamil :

(2) Notwithstanding the provisions of paragraph 1(e), the date of manufacture and the date of expiry in respect of food contained in a package or container may be declared in perforated type :

Provided that, the expression "Use Before" or "Best Before" may be used in place of the word "Expiry"

For the purpose of this regulation, the expressions "Best Before" and "Use Before" shall have the same meaning as the "Date of Expiry".

06. (1) Any edible oil (including any refined oil) represented as salad oil, vegetable oil, blended vegetable oil or any other name or description, shall bear clearly and conspicuously, its common name and the source of origin.

(2) Notwithstanding the provisions of paragraph (1) of this Regulations—

- (a) any blended vegetable oil may be labelled as blended oil, giving the name of the oil which constitutes more than seventy five per centum (75%) of the blend provided the constituents shall be declared on the label.
- (b) Where no single constituent of the blended of vegetable oil exceeds seventy five per centum (75%) of the oil, such oil shall be labelled as Blended Vegetable Oil, provided the constituents shall be declared on the label.

(3) No label shall bear the word "butter" or any synonym thereof or any word implying the presence of butter -

- (a) in the description of any sugar confectionary or chocolate product, unless the fat used in the manufacture of confectionary or chocolate product contains not less than four per centum (4%) by weight, of butter fat ;
- (b) in the description of any flour confectionary unless the fat used in the manufacture of such confectionary consists entirely of butter fat.

07. (1) Prepackaged food shall not be described or presented on any label by words, pictorial or other devices which refer to or are suggestive either directly or indirectly, of any other product with which such food might be confused, or in such a manner as to mislead the purchaser or consumer to suppose that the food is connected with such other product.

(2) No fruit based beverage for direct consumption or reconstitution shall be described in any label or advertisement as an identical fruit based beverage, unless it contains an amount of fruit juice of such fruit in accordance with the quantities specified in the Schedule III hereto, otherwise it shall be described as "artificial syrup", "artificial cordial" or "artificial beverage" as the case may be.

(3) Any bottle or receptacle of vinegar, except when produced by fermentation of plant products, shall be labelled as "artificial vinegar."

(4) Any label or advertisement relating to any food product or vinegar referred to as "artificial" in paragraph (2) and (3) of this regulation shall -

- (a) bear thereon clearly and conspicuously the word "artificial" in close proximity to the name of the product and the type and size of the letters of such word shall be of the same type and size of the letters used for the common name of the product ;
- (b) not bear the word "fruit" in the description of such product or carry thereon the picture of any fruit ;
- (c) not carry any pictorial representation of any vinegar related plant or plant product.

(5) The provisions of paragraph (2) and (4) shall not apply to any carbonated soft drinks.

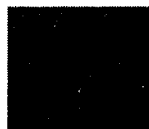
08. Where confectioneries, chocolates, biscuits or any similar products not based on fruits and in non fruit based drink mixes and dessert preparations, the name of a fruits or a pictorial representation of a fruit or fruits may be made on the label.

Provided that in the case of non fruit based drink mixes and dessert preparations, the common name "artificial X flavoured drink mix/dessert preparation" shall be used on the main panel of the label, where "X" is the name or names of the fruits.

09. (1) Where a standard is specified in any regulations made under Act for any food, only such ingredients as may be named in such standards shall be used in such food. Any addition or admixture of any other ingredients, whether with or without a label or declaration in respect of such ingredients, shall be prohibited.

(2) Where any food for which a standard is not specified in any regulations made under the Food Act contains an addition, admixture or has any deficiency, the label or advertisement relating to such food shall contain a declaration of such addition, admixture or deficiency and such declaration shall clearly state the name and percentage of the addition or admixture or of the deficient ingredient as the case may be.

10. (1) The label of a food, which has been treated with ionizing radiation shall carry a written statement to that effect in close proximity to the common name of the food. The international symbol given below shall be indicated in close proximity to the common name.



(2) When an irradiated product is used as an ingredient in another food, such product shall be declared in the list of ingredients in the same manner as referred to in paragraph (1) of this regulation.

(3) When a single ingredient product is prepared from a raw material which has been irradiated, the label of the product shall contain a statement indicating such treatment.

11. No label or advertisement relating to any food shall contain words indicating that it is recommended by a Medical Practitioner or Association or any professional or any other words or device, pictorial or otherwise, which may imply or suggest that such food is recommended, prescribed or approved by any Medical Practitioner, Association or any professional unless approval is granted by the Chief Food Authority.

12. No label or advertisement relating to any food shall contain a statement or claim thereon that such food has special characteristics unless approval is granted by the Chief Food Authority.

13. (1) No label relating to any article of food shall contain a false claim or misleading description of such food in such a manner as to mislead the purchaser or consumer of such food.

(2) No food shall be described or presented in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

(3) For the purpose of this regulation "Claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality.

Provided however, nutrition claims may be used on foods only if they are in compliance with conditions specified in Table A of schedule V hereto.

(4) No label relating to any article of food shall, in the description of such article of food bear the word "pure" or any other word implying that it is pure, unless such article is of such character, value, composition and merit as prescribed by regulations made under the Act, and contains no additives of any kind.

(5) No label shall, in the description of any food product, bear the word "natural" thereon unless—

- (a) such food or food product consists of unmixed, unadulterated or unprocessed product with no additives. It may however be subjected to pasteurization, chilling or freezing; and
- (b) such food or product is produced from biological material as distinct from synthetic material.

(6) No label relating to any article of food shall, in the description of such food, bear the word "substitute" or any other word implying that it is a substitute for such food, unless such food is permitted under any regulation made under the Act, to be used in such description.

(7) (i) No label or advertisement relating to any food shall contain a statement or claim thereon -

- (a) that such food contains a special nutritive value, unless such label or advertisement bears a declaration thereon stating the nutritional content thereof and the quantity of such food recommended for daily consumption; or
- (b) that such food is a sufficient source of one or more nutrient, unless the quantity of such food that could reasonably be expected to be consumed in one day contains one third of the recommended daily dietary allowance of such nutrient or nutrients as set out in Schedule IV hereto; or
- (c) that such food contains carbohydrates, proteins, fats, vitamins or minerals unless such label or advertisement bears thereon a declaration stating the content, to be minimum of 5 per centum (5%) of the recommended daily allowance of such carbohydrate, protein, fat, vitamins or minerals as the case may be, present in the quantity of such food that could reasonably be expected to be consumed in a day. For the purpose of these regulation the recommended daily dietary allowance shall be as set out in the Schedule IV hereto.

(ii) No label or advertisement relating to any food shall state or indicate thereon that such food is a source of protein unless:

- (a) the quantity that would reasonably be expected to be consumed in one day contributes at least 12 grams of protein;
- (b) at least 20 percentum (20%) of the energy value of the food is provided by protein; and
- (c) the label states the protein content in grams per 100g or 100 ml of the food.

(iii) No label or advertisement relating to any food shall indicate that it is an enriched food, unless such food contains added vitamins, minerals or amino acids in addition to what is naturally contained in such food; and the percentage available shall be declared on the label.

- (iv) Subject to the approval of the Chief Food Authority on limits of the fortification, no label or advertisement relating to any food shall indicate that it is a fortified food, unless any nutrient added to the food is not a natural constituent of the food.
- (v) Where in a label or in an advertisement, a claim or statement made in respect of similar foods, having the same characteristics, such label or advertisement shall be required to carry another claim or statement specified in the language required and in same fonts and in close proximity to the original statement specifying that all similar foods have the same characteristics.  
  
e.g.: if the label of a container containing a vegetable oil claims that the oil is free from cholesterol, another statement shall be made on the label in the same language and fonts and in close proximity to the original statement that vegetable oils do not contain cholesterol.
- (vi) No fruit product or vegetable product or sugar based product shall be described on any label, as to be "fortified or enriched with vitamin C" unless such products contains not less than 40 milligrams of ascorbic acid per 100 grams of the product.
- (8) (i) Where a statement or claim implying a special dietary use is made on the label or advertisement, relating to any food, such label shall bear a declaration stating the type of diet for which that food is recommended.
- (ii) Where a statement or claim implying low sodium content in any food is made on the label or advertisement, it shall bear a declaration stating the sodium content of such food in milligrams per 100 grams.
- (iii) No label or advertisement relating to any food shall claim directly or indirectly that such food is an energy provider or calorific contributor unless -
  - (a) the quantity that could reasonably be expected to be consumed in one day provides 300 Kcal; and
  - (b) such label bears a true statement of the energy in Kcal contributed by 100 gram of such food.
- (9) (i) No label or advertisement relating to any food shall claim that dietary fats are a protection against heart diseases or of benefit to persons suffering from heart disease.
- (ii) No label or advertisement relating to any food shall indicate directly or indirectly that such food contains tonic, restorative or medicinal property or properties which make it beneficial for invalids or which will cure, alleviate or prevent any illness.
- (iii) No label or advertisement relating to any food shall indicate directly or indirectly that such food is a cure for any illness.
- (iv) No label or advertisement relating to any food shall claim such food to be an aid for slimming, weight control or weight reduction.

14. In these regulations unless the context otherwise requires -

"Act" means the Food Act No. 26 of 1980.

"Chief Food Authority" shall have the same meaning as in the Act.

"Common Name" of a food shall be the name under which the food is commonly identified.

"Dessert Preparation" includes jelly crystals and pudding mixes.

"Flour Confectionery" means any solid or semi solid product complete in itself and suitable for consumption without further preparation or processing (other than re-heating) of which the characteristic ingredients are ground cereal including short bread, crumpets, sponge, muffins, macaronis, ratafias, pastry and pastry cake and also includes meringues, petite fleurs and uncooked pastry, pastry cakes, whether or not flavoured or coated with any carbohydrate sweetening matter, chocolate or cocoa, but does not include bread, biscuits, pizzas or any food containing filling with as an ingredient or any meat, fish, cheese, offal, shellfish, vegetable protein material or microbial protein material.

"Main Panel" means the part of a label that is most likely to be displayed, presented, shown or examined under customary conditions of display for retail sale.

Provided however, that the area considered to be the "main panel" shall not be less than 20 percentum (20%) of the total surface area excluding the bottom of the package or container.

"Sugar Confectionery" means any solid or semi solid food complete in itself and suitable for consumption without further preparation or processing, of which the main ingredients are carbohydrate, sweetening matter with or without the addition of edible fat, dairy products, gelatin, edible gums, nuts or preserved fruits and includes sweetened liquorices and chewing gum but does not include chocolate confectionery and, cream, ice lollies, table jellies, table jelly preparations, slab marzipan, meringues or pharmaceutical products or sugar.

"Wholesale Pack" means a package or a container from which a specific food item shall be taken, counted, weighed or measured and sold in the presence of the buyer and does not include a container containing prepackaged retail packs.

15. Part I of The Food (Labelling & Miscellaneous) Regulations - 1993, made under the Food Act, No. 26 of 1980 and published in gazette extraordinary, No. 788/7 of 14 October, 1993 together with the Food (Labelling and Advertising) Regulations 2003, made under the Food Act, No. 26 of 1980 and published in gazette extraordinary No. 1323/2 of 12 January, 2004 are hereby rescinded.

#### SCHEDULE I

[ Regulation 4(1) (a) ]

- (a) Biscuits :  
Cheesebits, Cream Crackers, Bran Cracker, Kurakkan Cracker, Crisco, Lemon Puff, Marie, Ginger Nuts, Nice, Cookies, Wafers
- (b) Meat Products :  
Pasika Mortadella, Pawkies, Salami, Lingus, Chiplotas, Bratwurst, Bockwurst, Whitewurst, Frankfurters, Luncheon meat, Pate, Meat loaf, Meat balls, Chicken Roll
- (c) Special Tuna :  
Ambulthiyal
- (d) Carbonated Soft Drinks :  
All carbonated soft drinks may be exempted from the use of the common name.

#### SCHEDULE II

[ Regulation 5(e) ]

| Column I       | Column II   |
|----------------|---|
| Minimum Height | Area of Main Panel of the Label                               |
| 1 mm           | for bottle closures containing aerated waters and liquid milk |
| 1.5 mm         | not exceeding 120 Square cm.                                  |
| 3 mm           | Exceeding 120 and not exceeding 240 Square cm.                |
| 6 mm           | Exceeding 240 and not exceeding 600 Square cm.                |
| 9 mm           | Exceeding 600 Square cm.                                      |

#### SCHEDULE III

[ Regulation 7(2) ]

| Item  | Fruit Juice content                  |
|---|--------------------------------------|
| Fruit Drinks and Beverages ready for consumption without dilution | Not less than 5 percent fruit juice  |
| Fruit Nectars   | Not less than 15 percent fruit juice |
| Fruit Crush, Cordial, Squash or Syrup                             | Not less than 25 percent fruit juice |
| Fruit concentrates  | Not less than 45 percent fruit juice |

SCHEDULE IV  
 RECOMMENDED DIETARY ALLOWANCES FOR SRI LANKANS 1998

[Regulation 13(7)]

| Group | Particulars # | Body<br>Wt.<br>##<br>Kg. | Net energy<br>Cal/day | Protein<br>[kJ] | Calcium<br>mg/day | Iron<br>mg/day | Vitamin<br>A<br>μg | Thiamin<br>mg/day | Riboflavin<br>mg/day | Niacin<br>mg/day | Ascorbic<br>acid<br>mg/day | Folic acid<br>μg | Vitamin<br>B 12<br>μg |
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# All ranges of age starts at given figure in months or years and ends one decimal point short of the given figure (e.g. 3 - 6 months = 3 - 5.99 months)

## Body weight is as at the mid point of the age range (NCHS)

\* Values in parenthesis are requirements of reference proteins

\*\* Based on dietary iron absorption levels, (for rice based diet)

5% for adult men, children and adolescent boys; 8% for adolescent girls, adult and lactating women; 13.3% for pregnant women

[Based on WHO recommendation 1985 (RDA for iron is based on ICMR recommendation 1990)]

# SCHEDULE V

## Explanatory Notes :

### (a) Nutrition claim -

(i) Nutrient content claim is a nutrition claim that describes the level of a nutrient contained in a food. (Example : "source of calcium", "high in fiber", "low in fat") Comparative claim is a claim that compares the nutrient levels or energy value of two or more foods. (Example : "reduced", "less than", "fewer", "increased", "more than")

(ii) Nutrient function claim is a nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body. (Examples : "Calcium aids in the development of strong bones and teeth", "Protein helps build and repair body tissues", "Iron is a factory red blood cell formation", "Vitamin E protects the fat in body tissues from oxidation", "Contains folic acid : folic acid attributes to the normal growth of the fetus").

(b) When a nutrient content claim is made, the conditions specified for that claim in Table A shall apply.

(c) Where a food is by its nature low in or free of the nutrient that is the subject of the claim, the term describing the level of the nutrient should not immediately precede the name of the food but should be in the form "a low (naming the nutrient) food" or "a (naming the nutrient) - free food".

(d) Nutrient function claims relating to the function of a nutrient in the body are permitted provided the following conditions are fulfilled :

(i) Only those essential nutrients for which a Nutrient Reference Value (NRV) has been established under Schedule IV of these regulations ;

(ii) The food for which the claim is made shall be a significant source of the nutrient in the diet ;

(iii) The nutrient function claim shall be based on the scientific consensus which is supported the Chief Food Authority ;

(iv) The claim shall not imply or include any statement to the effect that the nutrient would afford a cure or a treatment for or protection from, any disease.

TABLE A

[Regulation 13(3)]

| Component     | Claim | Conditions<br>Not more than   |
|---------------|-------|---|
| Energy        | Low   | 40 kcal (170 kJ) per 100 g (solids) or                                    |
|               | Free  | 20 kcal (85 kJ) per 100 ml (liquids)<br>4 kcal per 100ml (liquids)        |
| Fat           | Low   | 3 g per 100 g (solids)<br>1.5 g per 100 ml (liquids)                      |
|               | Free  | 0.5 g per 100 g (solids) or 100 ml (liquids)                              |
| Saturated fat | Low   | 1.5 g per 100 g (solids)<br>0.75 g per 100 ml (liquids) and 10% of energy |
|               | Free  | 0.1 g per 100 g (solids)<br>0.1 g per 100 ml (liquids)                    |

| <i>Component</i> | <i>Claim</i> | <i>Conditions<br/>Not more than</i>   |
|------------------|--------------|---|
| Cholesterol      | Low          | 0.02 g per 100 g (solids) and 1.5 g saturated fat per 100 g (solids)<br>0.01 g per 100 ml (liquids) and 0.75 g saturated fat per 100 ml (liquids)<br>and 10% of energy of saturated fat   |
|                  | Free         | 0.005 g per 100 g (solids) and 1.5 g saturated fat per 100 g (solids)<br>0.005 g per 100 ml (liquids) and 0.75 g saturated fat per 100 ml (liquids)<br>and 10% of energy of saturated fat |
| Sugar            | Free         | 0.5 g per 100 g (solids)<br>0.5 g per 100 ml (liquids)  |
| Sodium           | Low          | 0.12 g per 100 g  |
|                  | Very Low     | 0.04 g per 100 g  |
|                  | Free         | 0.005 g per 100 g   |

In the case of claim "low in saturated fat", trans-fatty acids should be taken into account where applicable. This provision consequently applies to foods claimed to be "low in cholesterol" and "Cholesterol free".