Circular No. 36 /2001-CUS.

F.No.450/21/98-CUS.IV
Government of India
Ministry of Finance
(Department of Revenue)
Central Board of Excise & Customs

15th June, 2001

Subject: Application of PFA Act, 1954 and other Acts for the clearance of consignments of food articles - instructions - regarding -

I am directed to refer to the Board"s Circular No.103/2000-Cus. dated 15th December, 2000 on above mentioned subject. In the said Circular, detailed guidelines were provided for examination, testing of food items prior to Customs clearance. Since then the Directorate General of Foreign Trade has issued a notification No. 3(RE-2001)/1997-2002 dated 31/3/2001 asking the Customs to ensure that all the imported edible/food products comply with the conditions of the Prevention of Food Adulteration Act, 1954 prior to their clearance. In this connection, the D.O. letter No. R-2604/M(CUS&EP)/2001 dated 21/4/2001 of Member (Customs) to all the Chief Commissioners refers.

2. Pursuant to the said notification of the DGFT, the following decisions have been taken for clearance of food articles.

2.1 The Customs shall undertake following general checks in addition to testing of samples in terms of sub-paragraph 2.3 and paragraph 3 prior to clearance of food items, and if the product does not satisfy these requirements, clearance shall not be allowed:-

(a) The condition of the hold in which the products were transported should be checked to see whether they meet the requirements of storage, as per the nature of the product, and does not in any way cause deterioration or contamination of the products.

(b) Physical/ visual appearance in terms of possible damage - whether it is swollen or bulged in appearance; and also for rodent/insect contamination or presence of filth, dirt etc. - should be checked.

(c) The product should meet the labelling requirements under the Prevention of Food Adulteration Rules and the Packaged Commodities Rules. This includes ensuring that the label is written not only in any foreign language, but also in English. The details of ingredients in descending order, date of manufacture, batch no., best before date etc. are mandatory requirements. All products will also have to indicate details of best before on all food packages. (Reference Ministry of Health notification No. GSR 537(E) dated 13th June 2000).

2.2 All the consignments of edible/food products imported through ports,airports, ICDs, CFSs, Land Customs Stations shall be referred to PHOs for testing and clearance shall be allowed only after receipt of the test report. Pending receipt of test report, such consignments may be allowed to be stored in warehouses under section 49 of the Customs Act, 1962. If the product fails the test, the Customs authorities will ensure that the goods are re-exported out of the country by following the usual adjudication procedure or destroyed as required under the relevant rules.

2.3 As regards ICDs/CFSs/ports/airports/LCSs, where Port Health Officers are not available, the Customs shall draw the samples and get these tested from the nearest Central Food Laboratory or a laboratory authorised for such testing by the Directorate General of Health Services.

2.4 The Customs shall also develop a data base regarding importers and import sources and products which are found to consistently fail the tests and give some feedback on the nature of the shortcomings noted to the DGHS to serve as input for policy formulation.

3. In addition to testing of food items under the PFA Act, 1954, these items shall also be subject to examination/testing to ensure compliance of the requirements of other Acts, regulations, and orders such as Meat Food Products Order, 1973, Plants, Fruits and Seeds (Regulation of Import into India) Order, 1989, the Livestock Act etc. for the time being in force if these are also covered by these Acts/orders, before these are allowed clearance into the country.

4. The Board Circular No. 103/2000-Cus., dated 15/12/2000 stands rescinded.

5. These instructions, issued in continuation of Member(Customs)"s D.O. letter referred to above, may be brought to the notice of all concerned by way of issuance of a suitable Public Notice/ Standing Order.

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6. Difficulties, if any, in implementation of these instructions, may be brought to the notice of the Board. Kindly acknowledge receipt of this Circular.

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