Circular No. 103/2000-Cus
15-12-2000

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

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

I am directed to refer to the Board's Circular No. 29/99-Cus., dated 25th May, 1999 [See 1999 (108) E.L.T. T48] on above mentioned subject. In the said Circular, it was provided that no consignment of food articles would be cleared without taking no objection certificate from the Port Health Officers (PHOs). Since then several references have been received from the trade as well as Customs field formations stating that the testing of samples of all the consignments of food articles in Central Food Laboratories causes delay in clearance of such articles. The Ministry of External Affairs has also highlighted such problems faced by trade at the Indo-Nepal border. Considering the difficulties faced by the trade, the said Circular has been reviewed in consultation with the Ministry of Health and Family Welfare.

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

The Customs shall undertake following general checks in 2.1. addition to testing of samples in terms of sub-paragraphs 2.3 and 2.4 prior to clearance of food items, and if the product does not satisfy these requirements, clearance shall not be allowed :-

The condition of the hold in which the products were (a) 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.

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

The product should meet the labelling requirements under the (c) 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].

The perishable food items like fruits, vegetables, meat, 2.2. fish cheese etc. which have quick turnover and which, once opened, can lead to quick spoilage, if not kept in refrigerated conditions, should not be subject to drawal of samples and testing prior to clearance of the same. Such items should be cleared after conducting the checks as mentioned in sub-para 2.1 above and relying on the certificates from internationally known testing labs or Government labs about these products conforming the food safety and quality of such products. If perishable items such as raw meat, fish etc. are not meant for direct use by the importer, samples shall be taken and tested. The consignments should be released after receipt of test report. Pending testing goods may be stored under bonded warehouse in proper refrigerated conditions.

As regards non-perishable items, it has been decided to 2.3(i) categorise the products of mass consumption like edible oil, pulses, cereals as high risk products. The list of high risk products may be expanded by the DGHS/Ministry of Health and Family Welfare to include the products which are found to have failed the post clearance tests consistently. For such high risk category all the consignments shall be referred to PHOs for necessary testing and clearance will be allowed after taking no-objection certificate from PHOs.

However, for products other than high risk items, a 2.3(ii) random approach of testing may be introduced. This would involve testing of 5% of consignments of food items brought in a day. The random selection of the food products to be tested shall be done taking into consideration factors like the nature of the product, its source of origin and past track record of the importer as well as the manufacturer. The remaining 95% of the consignments shall be cleared after conducting checks as per sub-para 2.1 above and these shall not be referred to the PHOs. The consignments to be tested shall be selected at random by the system. In manual system, the consignments to be tested shall be selected by the Assistant Commissioner/Deputy Commissioner of Customs.

In case of high risk items, not imported in bulk, through 2.4. land routes, sampling will be done from every consignment. After taking the samples, such consignments may be allowed to be stored in the Customs bonded warehouses until the report of analysis is available. If the product fails the test, the Custom authorities will ensure that the goods are re-exported out of the country or destroyed as required under the relevant rules.

As regards ICDs, CFSs ports airports, where Port Health 2.5. 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.

The Customs shall also develop a data base regarding 2.6. 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.

The Board Circular No. 29/99-Cus., dated 25th May, 1999 3. [1999 (108) E.L.T. (T48)] stands rescinded.

These instructions may be brought to the notice of all 4. concerned by way of issuance of suitable Public Notice/Standing Orders.

Difficulties, if any in implementation of these 5. instructions, may be brought to the notice of the Board. Kindly acknowledge receipt of this Circular.

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