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**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

**NOTIFICATION
(46 of 2017)**

15 March 2017

The following Notification No. DG(PFA)/Admin/827, dated 13.03.2017 issued under section 57 of the Punjab Food Authority Act, 2011 (XVI of 2011) for the Punjab Food Authority, Food Recall Procedure Regulations, 2017 is published for general information:

DR SYED ABUL HASSAN NAJMEE
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department

GOVERNMENT OF THE PUNJAB/827
PUNJAB FOOD AUTHORITY
Dated: 15th March, 2017

NOTIFICATION

No. DG/PFA/Admin/827 In exercise of the powers conferred under section 57 of Punjab Food Authority, 2011 (XVI of 2011), the Food Authority is pleased to frame following regulations;

"The Punjab Food Authority, Food Recall Procedure Regulations, 2017"

PART-I

Preliminary

1. Short title and Commencement:

(i) These regulations may be called as **"Punjab Food Authority, Food Recall Procedure Regulations, 2017"**.

(ii) These shall come into force with immediate effect.

2. Definitions.- In these regulations, unless there is anything repugnant in the subject or context,-

(a) **"Act"** means the Punjab Food Authority Act, 2011 (XVI of 2011);

(b) **"Food"** means as defined in the Act;

(c) **"Food Recall"** means action taken to remove a marketed food from distribution, sale and consumption which is the substandard, unsafe, adulterated, misbranded, mislabeled or is in violation of provisions of the Act, the rules or these regulations;

(d) **"Food Business Operator"** means any person who undertake, whether or not for profit, carrying out any of the activities related to any stage of manufacturing, processing, packaging, storage, transportation, distribution of food, imports and exports and includes food services, catering services, sale of food or food ingredients.

(e) **"Recall Order"** means order passed by the Director General in terms of section 20(1) of Act;

(f) "Voluntary Recall" means withdrawal of any substandard, adulterated, misbranded, mislabeled food from the market by the food operator at their own or upon the directions by the Food Authority as the case may be.

(2) An expression used in these regulations but not defined shall have the same meaning as assigned to it under the Act.

PART-II

Objectives and Scope of Food Recall

3. Objectives

(3.1) The objectives of food recall guidelines are:

(a) To guide food business operators how to carry out a food recall by efficient identification and removal of unsafe food from the distribution chain;

(b) To guide food business operators how to establish a written recall plan for carrying out food recall in order to ensure the hygiene, safety and quality of food to protect the health of consumers;

(c) To establish a follow-up action/post-recall report in order to ensure the effectiveness of the recall.

(3.2) All food recall may be carried out voluntarily by food operator including manufactures and distributors to remove unsafe food from the market to prevent injury to consumers.

(3.3) Recall or Seizure or other action may be taken when any food business operator or firm or company refuses to undertake a recall directed by the Director General, or where the Director General has sufficient reasons to believe that a recall is mandatory. The cost incurred by the Punjab Food Authority for carrying out such actions will be recovered from the firm responsible for such violations, laxities or aberrations.

(3.4) Recalls are to be carried out in the shortest time practicable to minimize the risk involved. Businesses engaged in the wholesale supply, manufacture or importation of foods regulated by Punjab Food Authority must have a up-to-date recall plan except food retailers. Food businesses within the food service sector such as restaurants and takeaways are exempted to have recall plan unless they are running multi-outlet food business chains having integrated manufacturing and distribution network. A recall plan must be in written form and should be made available to Punjab Food Authority on demand.

(3.5) The Punjab Food Authority will make available a description of each

new food recall to the public through its web portal on publication through electronic media or print media. The Punjab Food Authority may maintain confidentiality of commercially sensitive information as and when necessary upon specific request of recalling firm. The Punjab Food Authority may delay public notification of food recalls wherever it determines that public notification may cause unnecessary panic among consumers.

4. Powers and Procedure of Food Recall:

(4.1) If the Director General has reason to believe that some food is not in compliance with this Act, rules, or the regulations, he may, after recording reasons, order immediate withdrawal of the said food from the market.

Notwithstanding the generality of clause 1, if the Food Safety Officer on his/her own or upon the information received from any person or otherwise has sufficient grounds to believe that there are unhygienic conditions exist at the premises or if food safety or quality issues exist at food manufacturing or processing unit or storage area

5. Firm-Initiated Recall:

(5.1) A firm or company either of its initiative or through any other information, has reasons to believe that any wholesaler, distributor, retailer, exporter, importer, consumer, etc., is manufacturing, processing, selling, distributing or exporting food product that is unsafe or deficient and violating provisions of the Punjab Food Authority Act 2011 and rules & regulations made there under, the Director General may initiate a recall. In such situations the firm or company is required to submit a recall alert notification as per **Annexure-I** to Punjab Food Authority immediately but not later than 24 hours.

(5.2) Recalling firm or company will stop any further production, processing, packaging, distribution and sale recharging import of the food product under recall without waiting for Punjab Food Authority so as to ensure that consumer safety is not compromised.

6. Punjab Food Authority Initiated Recall:

(6.1) The Director General may direct a firm or company to initiate a recall if a food product manufactured and distributed by him poses a health hazard or violation or firm has not initiated a recall by its own. The Director General will notify the firm of its determination and of the need to begin immediately a recall of the food product. Such notification will be communicated through letter, e- mail or fax to a responsible official of the firm and will specify the violation.

- (6.2) On such directions, the firm or company shall execute the recall and will stop any further distribution of the food product under recall so as to ensure that it does not reach the consumer. At the same time the recalling firm will provide a recall alert as per **Appendix-I** to the director General. The firm or company will inform the Director General of such recall alerts within 24 hours of receipt of recall orders.

7. Classification of Food Recall

The Director General will evaluate the health hazard posed by a food product under recall and categorize the recalls on his own assessment or on the recommendations of the scientific panel based on lab reports.

Class-I Recalls:

For dangerous or defective food products that cause serious health problems or even death.

Class-II Recalls:

For food products that are unlikely to cause any adverse health problems but that violate the Act and the rules & regulations made there under.

8. Food Recall Plan

(8.1) Within time period prescribed by the Director General, each firm or company should frame its proposed recall plan and submit to the same to the Food Authority.

(8.2) The Director General will review the adequacy of a proposed recall plan developed by a recalling firm and recommend changes as appropriate.

(8.2.1) Wherever the urgency or gravity of the situation so demands, the Food Authority in consultation with the recalling firm will issue a public warning. The recall plan will specify the need for such public warning and the media likely to be used for effective and speedy dissemination of such information. In all cases, the cost of such public warning will be borne by the recalling firm.

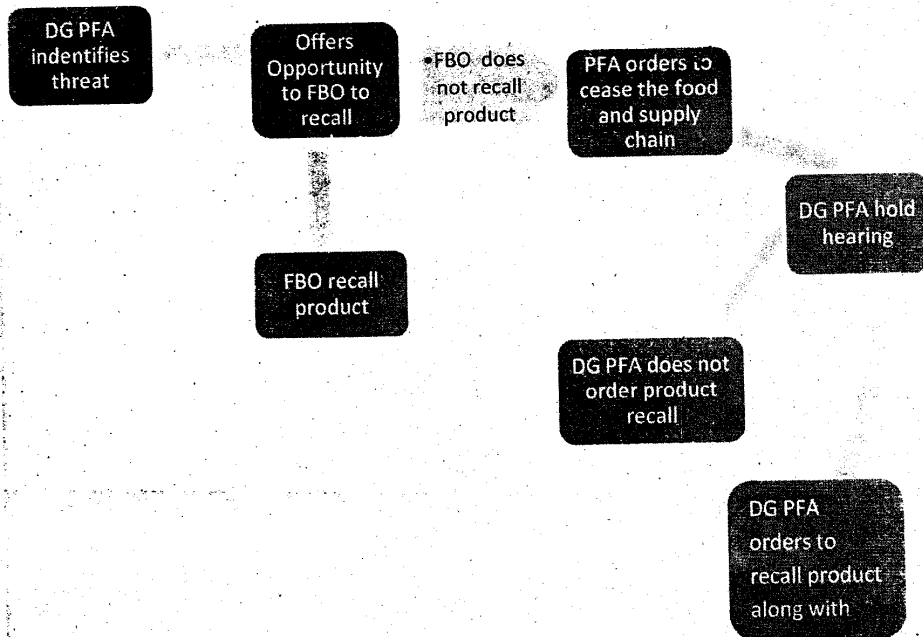
(8.2.2) In case of recalls involving exported food products, the Food Authority will specifically monitor the recall strategy.

8 Standard Operating Procedures (SOPs) for Food Recall

(9.1) The Director General shall identify the threat which may be of food safety or food quality oriented.

(9.2) The Director General shall inform the Food Business Operator (FBO) accordingly and shall offer an opportunity to recall product voluntarily.

(9.3) If the Food Business Operator (FBO) fails to fully recall the product within stipulated time, the Punjab Food Authority shall seal the premises. The Director General shall hold hearing and may order recall of the product in addition to imposition of fine which may extend to Rs. One Million Rupees.



9 Food Recovery

(10.1) The recalling firm is liable to ensure that the food product recovered as a result of recall must be stored in an area which is separated from any other food product.

(10.2) The recalling firm is liable to maintain accurate records of the recovered food product and their batch codes. Proper recording system must be available to ensure all food products are retrieved.

(10.3) Recalling firm may correct or reprocess the recovered food product in consultation with Director General before release to the market if it is fit and safe for human consumption. In all other cases, the recalling firm will ensure appropriate destruction of such product.

10 Effectiveness Check

During the recall, recalling firm is required to carry out effectiveness checks to verify that all consignees at the recall specified by the strategy have received notification about the recall and have taken appropriate action. The effectiveness of the recall will be assessed based on the amount of food product returned as a percentage of the amount of food product which left the manufacturer, while taking into account the retail turnover of that food product.

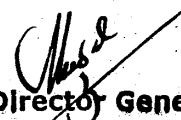
11 Termination of Recall

(12.1) A recalling firm or company may request termination of its recall by submitting a written request to the competent authority along with latest recall status report stating that the recall was effective.

(12.2) A recall will be terminated when the Director General determines that all reasonable efforts have been made in accordance with the recall strategy and it is reasonable to assume that the food product subject to the recall has been removed and proper correction has been made commensurate with the degree of hazard of the recalled food product. Written notification that a recall is terminated will be issued by the Director General to the recalling firm or company as the case may be.

(12.3) In case of unsatisfactory reports the Director General may consider further legal action against the recalling firm.

(12.4) The completion of either a firm or company initiated recall or Director General initiated recall does not preclude the Food Authority from taking further regulatory legal action against the Food Business Operator (FBO) responsible for the purpose.


**Director General
Punjab Food Authority**

ANNEXURE-I

FOOD RECALL ALERT NOTIFICATION
(To be given on recalling firm's letter head)

To

**Director General,
Punjab Food Authority/ Competent Authority**

1.	Name and Address of the Recalling Firm	
2.	Name, designation and Contact details of person who should be contacted	
3.	Identity of the Product (brand, code, type etc.)	
4.	Reason for recall	
5.	Date and circumstances under which product deficiency was discovered	
6.	Evaluation of the risk involved with deficiency(if any testing done, results should be indicated)	
7.	Total amount of product produced	
8.	Time span of production	
9.	Total amount of product in distribution channels	
10.	Detailed distribution information	
11.	Copy of recall communication	
12.	Action already taken and proposed strategy for recall	
13.	Any other relevant information	