



GOVERNMENT OF BALOCHISTAN
Balochistan Food Authority

Dated Quetta, the 15th June, 2022

NOTIFICATION

No. BFA-HQ/Legal/Oper: Rules (V-I) /29. In exercise of the powers conferred by section 56 of the Balochistan Food Authority Act, 2014 (Act VI of 2014), the Balochistan Food Authority, with the approval of Government of Balochistan, is pleased to make the following rules, namely:-

1. Short title and commencement:- (1) These rules may be called as “**The Balochistan Food Authority (Destructing /Discard of Unsafe / Adulterated Food) Rules, 2022.**”

(2) They shall come into force at once.

2. Definitions: (1) In these rules, unless there is anything repugnant in the subject or context;-

(a) “**Food Authority**” means the Balochistan Food Authority established under the Act;

(b) “**Act**” means the Balochistan Food Authority Act, 2014 (VI of 2014);

(c) “**Adulterated/Unsafe Food**” means food as defined in the Act;

(d) “**Food Item**” for the purposes of these rules means food as defined in the Act, and include any apparatus, utensil, vehicle or anything intended for human consumption seized by the Food Safety Officer, Food Safety Team or any authorized officer of the Food Authority as the case may be or otherwise confiscated, detained, recalled or impound by the Food Authority;

(e) “**Owner**” in respect of any food item means;-

i. food operator as defined in the Act;

ii. in case of food items in transit, the consignor or if the consignor does not have an address in the Balochistan, the consignee;


iii. in any other case, the person appearing to the Food Safety Officer to be the food operator who has custody of the food item at the time of taking custody of such food item;

(f) “**suspension from sale**” means temporary removal of a food item from sale, or offer for sale for human consumption;

- (g) **“withdrawal from sale”** means the permanent removal of a food item from sale, or offer for sale for human consumption;
- (h) **“destruction/discard”** means disposal of any food items which appears through any reasonable means adulterated, unsafe, unfit, injurious and harmful for human consumption;

(2) Words and expressions used but not specifically defined herein, but defined in the Act, shall have the same meaning as assigned to them in the Act.

3. Order for voluntary withdrawal/ suspension of Food Items; (1) The owner of any food item, on the directions of Food Safety Officer / Food Safety Team or any authorized officer of Food Authority, may voluntarily withdraw, destruct, discard or suspend such food from manufacturing, packaging, sale or transportation if such food, declared by Food Safety Officer or any authorized officer of Food Authority, to be in contravention of the Act or the rules and cease the use of such apparatus, utensil or vehicle. All such above mentioned activities shall be carried out in presence of Food Safety Officer or any authorized officer of the food Authority.

 (2) Where any food is withdrawn, discarded, destructed or suspended from manufacturing, sale or the use of the apparatus, utensil or vehicle is ceased under sub-rule (1), such food item shall be considered to be abandoned and declared not to be used for human consumption and the Food Safety Officer or any authorized officer of Food Authority, shall pass an order in the form specified in Schedule-I, appended with these rules.

(3) Any order passed under sub-rule (2) shall specify the conditions as may be specified by Food Safety Officer or any authorized officer of Food Authority regarding withdrawal of suspension of food item from manufacturing, storage, packaging or sale or cessation of use of the apparatus, utensil or vehicle.

(4) If the owner fails to comply with directions of the order passed by the Food Safety officer/ Food Safety Team or any authorized officer of Food Authority, it shall be considered as an offence under Section 27 of the Act.

(5) The voluntary withdrawal, destruction, discard or suspension of food item or cessation of use of apparatus, utensil or vehicle under these rules shall be without prejudice to any subsequent actions taken against the owner for a contravention of the Act and the rules made thereunder.

4. Mandatory destruction/ discard: (1) Where any food item is checked and analyzed by Food Safety Officer or any authorized officer of Food Authority is found or appears to be adulterated or unsafe which may cause health hazard or danger for health and is also in contravention with the Act or the rules, Food Safety Officer/ Food Safety Team or any authorized officer of Food Authority shall immediately order for direct destruction or discard of such food items on spot, in the form specified in the schedule. Where food item is destructed or discarded by Food Safety Officer or any authorized officer of Food Authority, he shall maintain record of such destruction or discard as the case may be and provide copy thereof to the Director General Food Authority.

(2) Where adulterated or unsafe food item is in huge volume and is not possible to be destructed on spot, the Food Safety Officer or any authorized officer of Food Authority may take custody of such food or order the owner to keep such food item at his own premises who shall ensure that such food will not be disposed of in any way.

Provided that if the food item is perishable or is likely to decay or decompose, the Food Safety Officer or any authorized officer of Food Authority shall order for direct destruction or discard on spot even if it is in huge volume or quantity.

5. Seizure of items: (1) If the Food Safety Officer or any authorized officer of Food Authority has reasons to believe that adulterated or unsafe food item is likely to be kept, packed, sold, or that the apparatus or utensil or vehicle is likely to be used; the Food Safety Officer or any authorized officer of Food Authority, in presence of owner of the food items or his agent or of the occupant of the premises, seize such food item and take it into his custody forthwith and bring it to the office of the Food Authority.

(2) In case of seizure as mentioned in sub-rule (1), the Food Safety Officer or any authorized officer of Food Authority shall prepare an inventory of the items seized and of the apparatus, vehicles or utensils in which it was kept signed duly by the persons witnessing the seizure, if any, and the articles so seized shall be sealed accordingly.

(3) The Food Safety Officer or any other authorized officer as the case may be after lapse of seven days from such seizure as prescribed under section 13 (3) of the Act, under intimation to and after approval of the Director General Food Authority

may destroy or otherwise dispose of such seized food items. Where any food item is seized by the Food Safety Officer or any other authorized officer, he/she shall take all reasonable steps to maintain its original condition.

(4) If the owner of food item refuses willfully or obstruct, alters or interferes, in any manner, to the execution of seizure under these rules, it shall be considered an offence under Section 31 of the Act.

(5) The Food Safety Officer or any authorized officer of the Food Authority in addition to other legal actions may call for police help from the concerned Police Station/Levies Thana for assistance in execution of such seizure or destruction/discard.

(6) Notwithstanding anything contained in these rules, the Director General may authorize/depute one or more officer for execution of destruction or discard of adulterated or unsafe food items under these rules.

(7) If owner of any seized food items filed an application before court of competent jurisdiction, such seized food items shall not be destructed or discarded till the final decision of the case provided that food item is not perishable.

6. General conditions of destruction/seizure: (1) If the veracity of any food item is not possible to be determined through sensory evaluation by using all reasonable means, the Food Safety Officer / Food safety Team or any authorized officer shall take sample(s) of such food item for onward submission to the Food Testing Laboratory for analysis.

(2) In such cases, where samples are taken, it shall be the duty of the Food Safety Officer or any authorized officer to intimate the Director General Food Authority. No action shall be taken until the analysis report is not received from the laboratory.

(3) Costs and expenses incurred by the food safety officer/ food safety team or any authorized officer of the Food Authority, for accomplishing any process including transportation, sale or disposal of unsafe or adulterated food items or apparatus or utensil, shall be recovered from the owner of such food item.

BY ORDER OF
GOVERNOR BALOCHISTAN


**CHIEF SECRETARY
BALOCHISTAN**

The Chief Controller,
Printing & Stationery Department,
Balochistan, Quetta, for publication and
provision of 25 copies of the Gazette Notifications.

No. Even Dated Even

A copy is forwarded to for information to :-

1. The Secretary to Government of Balochistan , Food Department, Quetta
2. The Secretary to Government of Balochistan , Law and Parliamentary Affairs Department, Quetta.
3. All Members of Balochistan Food Authority. _____.
4. The Additional Secretary (Staff) to Chief Secretary, Balochistan, Quetta.
5. The Private Secretary to Minister for Food / Chairman BFA.


(Muhammad Naeem Bazai)
Director General

15
/06/2022

SCHEDULE - I
(See Rule 3 (2))

Order of Voluntary Withdrawal /Destruction

Order No. _____

Dated _____

Name of owner of food item, article or utensil.	
CNIC /Identity No.	
Address with Phone No.	
Food Business License No. with date	
Description/Type of Premises	
Address of Food Establishment with Phone No.	
Name of Product	
Product Registration No.	
Batch / Lot No.	
Detail of food items (brand, type, state, label).	
Quantity/ No. of Containers/Packs/Litres/ Kgs	
Total Value (at cost).	
Reason for Non-compliance (if any)	

I hereby voluntarily agree to :-

a. surrender the above described food, article or utensil.
b. withdraw the above described food, article or utensil from sale / use.
c. destruct the above described food, article or utensil .

Name / Signature of the owner

Name / Signature of FSO

Witnesses:

(1) Name _____

(2) Name _____

Signature/Thumb Impression

Signature Thumb Impression

CNIC No. _____

CNIC No. _____

SCHEDULE- II

(See Rule 4 (1))

Order of Mandatory Destruction / Suspension / Withdrawal or Seizure

Name of owner of food item, article or utensil.	
CNIC /Identity No.	
Address with Phone No.	
Food Business License No. with date	
Description/Type of Premises	
Address of Food Establishment with Phone No.	
Name of Product	
Product Registration No.	
Batch / Lot No.	
Detail of food items (brand, type, state, label).	
Quantity/ No. of Containers/Packs/Litres/ Kgs	
Total Value (at cost).	
Reasons for Condemnation	
Seizure/Withdrawal Notice/Order Number (if any)	

It is hereby notified that the food article (s)/utensil (s) described above is/are forthwith condemned and shall be subject to disposal by the Balochistan Food Authority in accordance with the provisions of the BFA Act, 2014, and rules made thereunder.

Name / Signature of the owner

Name / Signature of FSO

Witnesses:

(1) Name _____

(2) Name _____

Signature/Thumb Impression

Signature Thumb Impression

CNIC No. _____

CNIC No. _____