

EDIBLE OIL PACKAGING (REGULATION) ORDER, 1998

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EDIBLE OIL PACKAGING (REGULATION) ORDER, 1998

Ministry of Food and Consumer Affairs (Deptt. of Sugar and Edible Oils), Noti. No. G.S.R. 584(E), dated September 17,1998, published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th September, 1998, pp. 6-11, No. 370 [F. No.]7/]98-EXP.] In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely :-

1. Short title and commencement :-

(1) This Order may be called the Edible Oils Packaging (Regulation) Order, 1998.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

In this Order, unless the context otherwise requires,-

(a) "Act" means the Essential Commodities Act, 1955 (10 of 1955);

(b) "Edible Oils" means vegetable oils and fats ¹ "but does not include" any margarine, vanaspati, bakery shorting and fat spread as specified in the Prevention of Food Adulteration Act, 1954 and rules made thereunder, for human consumption;

(c) "Edible Oils Commissioner" means the person appointed as Edible Oils Commissioner by the Central Government and includes any other person empowered by the Central Government to exercise any or all of the functions of the Edible Oils Commissioner under this Order;

(d) "factory" means any premises including the precincts thereof wherein, or in any part of which one or more of the edible oils is packed or stored for sale;

(e) "Inspecting Officer" means an Inspecting Officer appointed under Clause 8;

(j) "label" means any written, marked, stamped, printed or graphic matter affixed to or appearing upon, any container containing any edible oil;

(g) "registered packer" means a person who has obtained a certificate or registration under sub-clause (4) of Clause 4 for carrying on business of packing of any, edible oil;

(h) "registering authority" means any officer of the State Government notified by that Government in the Official Gazette to exercise the powers and functions of a registering authority within the local areas as specified in the notification for the purposes of this Order;

(i) "registration" means registration granted to a packer under Clause 4 of this Order;

(j) "sample" means a sample of any edible oil taken under the provisions of this Order;

(k) "Schedule" means a Schedule appended to this Oer;

(l) The words and expressions used herein and not defined but defined in the Prevention of Food Adulteration Act, 1954 and the rules made thereunder have the meanings respectively assigned to them in that Act and rules made thereunder.

1. Substituted for "and includes" by the Edible Oils Packaging (Regulation) (Amendment) Order, 2000.

3. Prohibition as to sale, etc :-

On and from the 15th day of December, 1998, no person shall sell or expose for sale, or distribute, or offer for sale, or despatch, or deliver to any person for the purpose of sale any edible oil-

(a) which does not conform to the standards of quality as provided in the Prevention of Food Adulteration Act, 1954 and rules made thereunder; and

(b) which is not packed in a container, marked and labelled in the manner as specified in the Schedule 1: Provided that the State Government may, in the public interest, for reasons to be recorded in writing, in specific circumstances and for a specific period by a notification in the Official Gazette, exempt any edible oil from the provisions of this Order.

4. Registration :-

(1) No person shall carry on business as a packer except under a certificate of registration granted to him under this Order and in accordance with the terms and conditions specified in the Schedule III.

(2) Every person who intends to carry on the business of a packer shall make an application to registering authority in the Form specified in the Schedule II together with the fee to be paid to the State Government, in such manner as may be specified by the State Government.

(3) No person shall be eligible for grant of certificate of registration under this Order unless he has his own laboratory facilities and has appointed in that laboratory at least one chemist having Bachelor of Science Degree with Chemistry as one of the subjects or has made any other arrangement of a common laboratory for such purpose to the satisfaction of the registering authority for testing of samples of edible oils.

(4) After making necessary enquires, the registering authority may,

as he deems fit, issue certificate of registration containing terms and conditions to the applicant as specified in Schedule III or reject the application, for reasons to be recorded in writing, within ninety days from the date of receipt of application: Provided that where the registering authority issues certificate of registration under this sub-clause, it shall forward a copy of the certificate of registration to the Edible Oils Commissioner within fifteen days from the date of such registration.

(5) Where a certificate of registration is not granted to a person under this clause, the fee paid by him shall be refunded to him in the manner as specified by the State Government.

5. Requirements to be complied with by the registered packer :-

(1) No registered packer shall pack any edible oil except under and in accordance with the provisions of this Order.

(2) Every registered packer shall pack edible oils in conformity with the sanitary and other requirements specified in the Schedule IV.

(3) Every registered packer shall, in regard to packing, marking and labelling the containers of edible oils, comply with the requirements specified in the Schedule 1.

(4) Notwithstanding anything contained in sub-clauses (1) and (2), the Edible Oils Commissioner may by order published in the Official Gazette, specify any other conditions to be complied with by a registered packer, and it shall be the duty of every registered packer to comply with such conditions.

6. Period of validity of certificate of registration :-

A certificate of registration, unless sooner suspended or cancelled, shall be valid for a period of three years from the date of registration.

7. Renewal of certificate of registration :-

(1) Every registered packer shall make an application for renewal of the registration within the period of sixty days before the date of expiry of the certificate of registration to the registering authority in the form specified in the Schedule II together with the fee specified by the State Government to be paid to the registering authority in the manner as may be specified by the State Government for such renewal.

(2) On receipt of an application, under sub-clause (1), the registering authority may renew the certificate of registration for a further period of three years at a time.

(3) Notwithstanding anything contained in sub-clauses (1) and (2), the certificate of registration issued or renewed under this Order shall be valid till a decision on the application for its renewal is taken by the registering authority.

8. Appointment of Inspecting Officers :-

The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the qualifications determined by the Government for this purpose to be Inspecting Officers for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be: Provided that no person who has any financial interest in the packing of edible oils shall be appointed to be an Inspecting Officer under this Order.

9. Power to carry out inspection, entry and sampling :-

(1) The Edible Oils Commissioner and Inspecting Officers of the Central Government as well as of the State Government may enter and inspect any premises or vehicle and seize stocks of edible oils, in respect of which he has reason to believe that a contravention of any of the provisions of this Order has been or is being or is likely to be committed.

(2) The Edible Oils Commissioner or Inspecting Officer may enter and inspect any place where any edible oil is packed, stored and sold and take sample of such oil for examination in the manner as specified by the Central Government in the case of Edible Oils Commissioner and Inspecting Officer appointed by the Central Government or the State Government in the case of Inspecting Officer appointed by the State Government.

10. Laboratory for analysis :-

(1) An edible oil sample, drawn by the Edible Oil Commissioner or an Inspecting Officer of the Central or State Government, authorised under this Order, shall be analysed by a laboratory of the Central or State Government or a laboratory authorised for this purpose by the Edible Oils Commissioner.

(2) The laboratory shall make a report to the Edible Oils

Commissioner or any Officer or authority of the Central Government or State Government authorised in this behalf by that Government, as the case may be, of the results of analysis of the sample sent to it for examination.

11. Power to prescribe monthly returns :-

(1) Every registered packer shall furnish, by the 7th of the each following month, to the State Government, a return in respect of edible oils packed and sold by him during a month in the proforma as specified in the Schedule V.

(2) The State Government shall intimate to the Edible Oils Commissioner information relating to each edible oil packed and sold by the registered packers in the State at the end of the each following month in consolidated form.

12. Suspension of certificate of registration :-

The registering authority may, after giving the registered packer an opportunity in writing to show cause and after giving him one month's notice, suspend a certificate of registration issued to him under this Order for any breach of terms and conditions of the certificate of registration or for contravention of the provisions of this Order or for any failure to comply with any order, direction or requisition made under this Order: Provided that where the edible oil being found to contain harmful substances such as, argemone oil, mineral oil, or any other substance injurious to human health, the certificate of registration of the registered packer shall be suspended immediately by the registering authority without issuing a show-cause notice.

13. Appeal :-

A registered packer aggrieved by any order passed by the registering authority under this Order may appeal against such order to the State Government within a period of thirty days from the date on which such order has been communicated to him and the State Government shall give opportunity of being heard to the registered packer and the registering authority before making any decision in such appeal.

14. Power to review :-

A review petition may be filed to the Edible Oils Commissioner against the decision of the State Government under Clause 13 by any party aggrieved by such decision within thirty days from the date of such decision and the Edible Oils Commissioner shall decide

the review petition after giving the parties in such petition the opportunity of being heard.

15. Power to issue directions :-

The Edible Oils Commissioner may, if he deems fit for the purpose of giving effect to the provisions of this Order, issue such directions which are not inconsistent with the provisions of this Order.

SCHEDULE 1

SCHEDULE

[See Clause 5(3)] Requirements to be complied with in regard to packing, marking and labelling of tile container containing any edible oil 1 Every container in which edible oil is packed shall bear the following particulars in English or Hindi in Devnagri script : (a) the name, trade name (if any); (b) name and address of the packer; (c) the name/description of the contents; (d) the net mass/volume of the contents; (e) the batch No., month and year of manufacture; and (f) registration No. Provided that nothing contained in this para, shall prevent the use of any other language in addition to the language required under this para. 2. The Registration No. shall bear three parts. The first part will be EOP, The second part shall be the name of the concerned State Government. The third part shall be numerical No. given by State Government to the packer. Illustration: For the State of Uttar Pradesh, it shall be. for example, EOP/UP/001. - The type size of the matter and numerals shall be specified under the provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 . - The label shall not contain any statement or claim which is false or misleading in respect of any edible oil contained in the package or concerning the quantity or quality or the nutritional value of the such edible oil. - Edible oil shall be packed in conformity with the provisions of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and the Prevention of Food Adulteration Act, 1954 and rules thereunder.

SCHEDULE 2

SCHEDULE

[See Clauses 4(2) and 7(1)] Form Application for grant/renewal of Certificate of Registration under the Edible Oils Packaging (Regulation) Order, 1998 for the period commencing fromto - Name and address of the applicant or registered packer: - Address of the factory (i) No.(incase there is no premises No., the boundaries of site shall be noted) (ii) Municipality/Notified Area/Town Area/Railway Area/Village of.....:..... (iii) District of (iv) State of.....:..... - No.and dated(No. of certificate of registration, if any, already granted under this Order). 4.- Description* of the edible oils and fats (i) (ii) (iii) "Insert the name and nature of edible oils and fats for which application is made for grant or renewal of certificate of registration. - Period for which certificate of registration is required. - Details of the equipments installed for packing of edible oils and fats: (i) (ii) (iii) - Details of laboratory testing facilities installed or arrangements made for testing of edible oils and fats as required under sub-clause (3) of Clause 4 of this Order :- (i) (ii) (iii) - I/We hereby undertake to comply with all the provisions of the Edible Oils

Packaging (Regulation) Order, 1998. - I/We have forwarded requisite fee in respect of grant/renewal of certificate of registration to the registering authority in the manner as specified by the State Government. (Signature of the applicant/registered packer) Dated: Note : Please strike out which is not applicable.

SCHEDULE 3

SCHEDULE

[See Clause 4(4)] Certificate of Registration [Under the Edible Oils Packaging (Regulation) Order, 1998] An application dated..... for grant/renewal of certificate of registration under the said Order having been received from (Name) son of resident of district of in the State of subject to the provisions of the said Order and to the terms and conditions specified below, Shri/M/s..... (Name and address of the packer) hereby granted/renewed certificate of Registration No. EOP/..... (Name of the State/.....) (Numerical No. allotted by the State Government) to carry on the sale of packed edible oils and fats, namely,(Insert the name and nature of edible oils and fats for which certificate of registration has been granted), as a registered packer in the premises: () Signature of the registering authority Dated: Terms and conditions of certificate of registration - The business premises where the edible oils are stored/packed for sale, shall be maintained in proper hygienic conditions. - No registered packer shall employ any person who is suffering from infectious/contagious disease which is likely to affect packing in hygienic conditions. - Every registered packer shall maintain a register showing the quantity received, packed for sale, and sold, in the form as specified by the State Government and this register shall be produced by the registered packer to the Inspecting Officer on demand for inspection. - The registered packer shall pack and sell edible oils which shall be free from any adulterant and labelled in accordance with the said Order. - No article which is not intended for human consumption shall be stored or sold in the same premises where such edible oils are stored or packed. - The Registration No. shall be displayed prominently at the entrance of the business premises. - This certificate of registration shall be valid with effect from to unless previously cancelled or suspended under the provisions of this Order. - These conditions of certificate of registration are in addition to the other conditions which may be specified under the provisions of this Order.

SCHEDULE 4

4

[See Clause 5(2)] Sanitary and other requirements to be complied with by a registered packer The factory of the registered packer shall, in the opinion of the registering authority, be fit for packing edible oils for which the certificate of registration is granted to him. The minimum sanitary requirements are given below:- (i) The premises of the factory of the registered packer shall be clean, adequately lighted and ventilated, properly whitewashed or painted. There shall be proper and adequate arrangements

for disinfecting and deodorising in such premises and there should preferably be space around it on all sides. (ii) The building of such factory shall be of permanent nature and shall be of brick, masonry, cement, concrete and any other material which would ensure cleanliness. The ceiling or roof of such building shall be of permanent nature. The floor of such building should be cemented, tiled or laid in stone to withstand the use of acid or alkali. Walls of such building shall be tiled or otherwise made impervious to water up to a height of at least 1.5 metres from the floor level. (iii) The establishment of such factory shall be so maintained as to permit hygienic production and all operations in connection with the packing of edible oils, be carried out carefully under strict sanitary conditions as laid down by the State Government. The premises of such factory shall not be used as residential premises; nor shall it have or be capable of having direct access to such premises. (iv) There shall be an efficient system and provision for treatment of refuse and effluents before disposal in such factory. Such facilities shall conform to the requirements laid down by the local water and drainage control authorities and the respective State Pollution Control Board. (v) No person suffering from infectious or contagious disease shall be allowed to work in the premises of such factory. Arrangements shall be made by the registered packer to get the staff medically examined once in six months to ensure that they are free from infectious, contagious and other diseases. The staff working in such factory shall be inoculated against the enteric group of disease and vaccinated against smallpox. In case of epidemic, all workers of such factory shall be inoculated/vaccinated. No employee of such factory who is suffering from a hand or face injury, skin infection or clinically recognisable infectious disease shall be permitted to work in the factory.

SCHEDULE 5

5

[See Clause 11(1)] Monthly statement in respect of edible oils stored/packed/sold under the provision of Edible Oils Packaging (Regulation) Order, 1998 Name and address of the registered packer: Certificate of Regulation No. : EOP/.....(Name of the State)/..... (Numerical No. allotted by the State) Details of edible oils stored/packed/sold:

| Month of transaction | Quantity (in quintal) of edible oil* | | | To whom sold (with complete address) | Stock in hand (In quintal)* |
|----------------------|--------------------------------------|----------|------|--------------------------------------|-----------------------------|
| | stored | packed** | sold | | |
| | | | | | |
| | | | | | |
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