

SPICES BOARD (QUALITY MARKING) REGULATIONS, 1992

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SPICES BOARD (QUALITY MARKING) REGULATIONS, 1992

In exercise of the powers conferred by Section 39 of Spices Board Act, 1986 (10 of 1986), the Spices Board, with the previous approval of the Central Government, hereby makes the following regulations, namely:-

1. Short title and commencement :-

- (1) These regulations may be called the Spices Board Quality Marking) Regulations, 1992.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) The scheme is voluntary and shall be applicable only to those who opt for the scheme.

2. Definitions :-

In these regulations, unless the context otherwise requires,-

- (a) "Act" means the Spices Board Act, 1986 (10 of 1986) ;
- (b) "Board" means Spices Board constituted under sub-section (2) of Section 3 of the Spices Board Act, 1986 (10 of 1986) ;
- (c) "Chairman" means the Chairman of the Spices Board;
- (d) "Authorised, Officer" means any officer of the Board authorised in terms of Section 34 of the Act;

- (e) "Exporter" means a person holding certificate for export of spices under Section 11 of the Act;
- (f) "Logo" means the registered quality mark of the Board;
- (g) "Packer" means an exporter authorised by the Board to affix logo on packs of spices for export;
- (h) "Unit" means an approved premises where the packer has been permitted by the Board to affix logo ;
- (i) "Panel" means panel of experts consisting of officers from the Spices Board, Export Inspection Agency and Directorate of Marketing and Inspection authorised for assessment of the units;
- (j) "Packs" means consumer packs of 1 kg or less containing spices and spice mixes specifically mentioned in the certificate of approval and conforming to the standard specification as laid down in the Appendix annexed to these regulations;
- (k) "Sample" means packages of spices drawn for inspection as laid down in Regulation 7.
- (l) "Specification" means grade specification as laid down in the Appendix annexed to these regulations.

3. Conditions to Affix Logo :-

- (1) A packer intending to use and affix logo shall apply to the Board in the prescribed pro forma in Pro forma-I in duplicate.
- (2) The logo shall be used by the packer only for the units approved by the Board.
- (3) For the purpose of approval, the packer shall satisfy the require- ments laid down in these regulations.
- (4) The certificate of approval shall be valid for a period of three years from the date of issue, subject to periodical review by the Board.
- (5) On receipt of application as per sub-regulation (1), the Board shall arrange to assess the unit, and if approved, issue a Certificate of Approval.
- (6) In the case of a unit not satisfying the requirements, non-approval shall be communicated to the packer by registered post.
- (7) The approval of the unit may be suspended by the authorised

officer for the following reasons, after giving notice of a period of seven days;

(a) If the sanitary and hygienic conditions of the unit are not satisfactory;

(b) If the approved technologist has left the services of the unit or he is on long leave and the post is kept vacant for more than two months;

(c) If the essential testing facilities are not maintained satisfactorily;

(d) If two consecutive samples of the same spice or spice powder drawn by the authorised officer do not conform to the required specifications.

(8) The approval of the unit shall be withdrawn for the following reasons after giving notice of period of fifteen days;

(a) If the reasons for suspension as at sub-regulation (7) persist for more than six months;

(b) If the packer has violated or deliberately attempted to violate the provisions of any of the rules and regulations made under the Act.

(9) The non-approval, suspension of approval and withdrawal of approval shall be intimated in writing to the packer by registered post.

(10) In the case of non-approval and withdrawal of approval, the unit shall be re-assessed on an application made by the packer and on the order of the Chairman.

(11) In the case of suspension, the unit shall resume affixation of logo only after rectifying defects and obtaining a written permission of the authorised officer.

(12) On receipt of application for the packer for renewal, the Chairman may renew the Certificate of Approval for a period of three years at a time on the basis of the past three years' performance of the Unit.

4. Application of Logo :-

Logo shall be applied only to packs containing spices specifically mentioned in the Certificate of Approval and conforming to the

standard specification as laid down in Appendix annexed to these regulations.

5. Procedure and requirements for quality marking :-

(1) A packer should document all the test procedures and analytical reports with a view to ensure that the product packed in the unit for export shall conform to the required standards as prescribed in the Appendix to these regulations. under the Grade Designations and Definitions for various spices.

(2) For the purpose of quality control an inspection testing, the packer shall employ a qualified technologist with a minimum qualification of a graduate degree with Chemistry as a subject or a degree in Agriculture.

(3) A packer shall have own testing facilities with minimum equipments and chemicals to carry out the testing for relevant quality parameters prescribed in the Appendix to these regulations for various spices.

(4) A packer affixing logo should have control at different stages namely, acceptance of raw material, processing, packing, testing and storage. For this purpose premises handling such activities shall either be in direct possession of, duly leased or such activities carried out under specific contracts. Any change of such premises shall be duly intimated to the Board for amending the certificate of approval.

(5) Where the packer does not have his own laboratory, testing facilities, he may use the services of an outside laboratory provided such laboratory is an approved one under the quality inspection scheme of Export Inspection Agency/Directorate of Marketing and Inspection. The use of such laboratories will be restricted to a maximum period of three years by which time the packer should arrange to establish his own laboratory. The Chairman may extend this period for two more years in exceptional cases.

(6) Sanitation and Hygiene.-

(i) All the premises, machinery equipment and utensils in the factory should be kept clean to avoid accumulation of dust, cobwebs, entry of rodents, birds and insects by providing wire mesh or net to the doors, windows and ventilators. The surroundings of the premises should be kept clean to avoid

harborage of rodents and prevent entry of animals.

(ii) The personnel engaged in handling, processing and packing shall be free from communicable diseases. They should be provided with headgears and cover for mouth while working in the unit.

(iii) The unit should have at least two toilets separate for gents and ladies provided with water taps, wash basin, sufficient quantity of water and detergent for cleaning hands and legs.

(7) Control of Animals, Rodents, Birds and Pests.-

(i) The packer shall ensure that animals, rodents and birds do not enter in the handling, processing, manufacturing, packing and storage premises.

(ii) The packer should set up and maintain effective control mechanism to prevent entry of insects and should have a laid down programme for periodic disinfestation and prophylactic spraying wherever necessary.

(8) Storage and Housekeeping.-

(i) The rejected goods should be kept separately in the store room with identification mark "Rejected" so that the same do not mix up with accepted goods.

(ii) The rejected and waste materials shall be periodically removed from the unit.

(iii) All packing materials and empty packs shall conform to the specifications prescribed for Brand Registration by the Board.

(iv) There shall be separate arrangements to store packing materials without affecting its quality by getting it contaminated with dust, insect infestation, harborage by rodents and exposure to extreme conditions of light and temperature.

(v) The products finally packed and passed for export shall be stored separately with the identification mark "For Export".

(9) Maintenance of Records.-

(i) The unit shall lay down documentation system and maintain records for the purpose. This includes documentation of quality parameters of various spices at different stages.

(ii) The quantity of consumer packs printed with logo shall be

accounted for their use in export consignments and records should be made available to the authorised officer during his review/inspection.

(10) Calibration.-All equipments, instruments, gauges and scales used in the unit for weighing and measurement shall be periodically got calibrated and records maintained in proof of the calibration.

6. Procedure for Inspection :-

(i) On receipt of an application as given in the Pro forma-I annexed with these regulations for authorising the use of logo the Board shall arrange to assess the facilities in the unit on the basis of the report submitted by a team of two officers of the Spices Board. The unit should possess facilities such as cleaning, grading, destoning and packaging to meet the quality requirements prescribed in the Appendix to these regulations for various spices.

(ii) Deficiencies, if any, shall be communicated by the Board within seven days after the inspection to the unit for rectification.

(iii) Rectification carried out shall be verified by the officials of the Board prior to the assessment by the panel of experts within fifteen days on receipt of the intimation.

(iv) The unit having facilities as per these regulations on the basis of the report of the Board's officers shall be submitted to the panel of experts.

(v) The following shall be the composition of the panel of experts for adjudging adequacy of the facilities as reported by the team of the two officers of the Board, namely:- 1. Executive Director, Spices Board. Chairman 2. Director (Marketing), Spices Board. Member 3. Senior Scientist (Quality Control), Spices Board. Member 4. A representative of the concerned Export Inspection Agency. Member 5. A representative of Directorate of Marketing and Inspection. Member The quorum for the panel shall be three.

(vi) The panel, after due consideration of the assessment report may visit the unit, and shall make its recommendations as per Pro forma II.

(vii) The recommendations of the panel, shall be submitted to the Chairman for approval. Chairman's decision on the recommendations shall be communicated to the unit in writing.

(viii) Non-Approval.-In the case of non-approval, the unit may be reassessed as per these regulations.

(ix) Withdrawal of the Approval.-

(a) The approval of the unit may be suspended by the authorised officer for the reasons given in sub-regulation (7) of Regulation 3.

(b) The approval of the unit shall be withdrawn for the reasons given in sub-regulation. (8) of Regulation 3, after giving a notice of minimum period of fifteen days.

(c) In the case of suspension, the unit shall resume affixation of logo only in accordance with sub-regulation (11) of Regulation 3. In the case of withdrawal, the unit shall resume affixation of logo only in accordance with sub-regulation (10) of Regulation 3.

(x) Review of approved units.-

(a) The operation of an approved unit may be reviewed once every year by the panel of experts. While doing so the performance of the unit during the preceding one year shall be taken into consideration and recommendations made to continue or withdraw the approval.

(b) In all cases of suspension/withdrawal of approval of the logo, the Brand Registration approved by the Board shall automatically be suspended/ cancelled.

(xi) Preparation of (consignments for Export under Spices Board Logo.-

(a) A packer shall prepare the consignment for export in consumer packs as per this regulation and the consignment so prepared shall conform to the grades and definition of quality prescribed in respect of these grades as set out in the specifications prescribed for each spice as given in Appendix to these regulations.

(b) Grade designations and definition of quality for other spices will be notified separately by the Spices Board.

(c) Spices shall be packed in packets/containers of one kilogram or less, approved and registered with the Spices Board.

(xii) Intimation Regarding Export.--A packer intending to pack spices for export under the logo shall give an intimation in advance to the Board in the Pro forma-III annexed to these regulations.

(xiii) Place of Inspection.-

(a) On receipt of an intimation, the Board may decide whether or not to sample the consignment for inspection.

(b) The Board may decide to inspect a consignment either on receipt of the intimation or otherwise and such inspection shall be carried out in the approved premises of the packer.

(c) It shall be the responsibility of the packer to make arrangements for sampling and sealing and also to provide facilities for inspection.

(d) In addition to the inspection of the premises, the Board shall have the right to exercise such supervision of the consignments at any place of storage in transit or prior to actual shipment.

(xiv) Basis of Inspection.-Inspection of the spices meant for export shall be normally carried out with a view to see that the same conforms to the grade designations specified in Appendix annexed with these regulations.

7. Procedure for Sampling and Testing :-

(1) When the Board decides to examine the consignments, representative samples shall be drawn from each lot. A lot in this context shall mean the total number of packages of the same variety and grade.

(2) For the purpose of drawing representative samples, the Board's officer shall select the packages as one per cent of the samples subject to a maximum, of 5 packets per lot shall be taken for analysis. For the purpose of inspection one lot shall be a maximum of 10 Metric tonnes for whole spices and 5 Metric-tonnes in the case of ground spices.

(3) The selection of packages for Inspection shall be done at random and should cover as far as possible packages from various positions.

(4) If the lot after the analysis of the samples is found not conforming to the specifications of variety and grade declared in Pro forma-III annexed to these regulations, and the same shall be intimated to the exporter.

(5) If two consecutive samples of the same spice or spice powder drawn by the authorised officer do not conform to the specifications for that spice or powder as per these regulations, the approval of

the unit shall be suspended.

8. Testing of Samples in the Laboratory :-

(1) The spice samples shall be analysed for all relevant characters specified for individual items as per these regulations.

(2) A report on the testing of each sample shall be made on completion of testing and observations recorded.

(3) A copy of the test report along with recommendations/suggestions of the authorised officer shall be intimated to the packer.

9. Appeal :-

A Packer aggrieved by non-approval, suspension of approval or withdrawal of approval of a unit may appeal within thirty days of receipt of the communication to the Ministry of Commerce, Government of India. The decision on such an appeal shall be final.

10. Punishment :-

Any exporter or packer using the logo without the necessary approval specified in these regulations shall be liable for punishment under Section 30 of Spices Board Act, 1986 (10 of 1986).