

**TITLE 7 – PUBLIC HEALTH, SAFETY AND WELFARE  
CHAPTER 19 - FOOD SAFETY**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**FOOD SAFETY ACT 2010**

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**AN ACT** to provide for the health, safety and welfare of the people by prohibiting the importation, production, processing, handling, distribution, and domestic trade of unsafe, unwholesome and poor quality food.

*Commencement:*

*March 24, 2010*

*Source:*

*P.L. 2010-37*

**PART 1 – PRELIMINARY**

**§1901. Short Title.**

This Chapter may be cited as the Food Safety Act, 2010.

**§1902. Interpretation.**

In this Chapter, unless the context otherwise requires:

- (a) “**adulterated**”, in relation to a food, means:
  - (i) it contains, or is mixed with, any substance which reduces its properties as compared with such food in a normal or non-deteriorated state;
  - (ii) a substance has been removed from it so that its properties are reduced as compared with such food in a normal or non-deteriorated state;
  - (iii) it contains a substance which is not permitted for use in food;

- (iv) it contains more of a substance than is permitted;
  - (v) it is prepared so that the damage, deterioration, or inferiority is or may be concealed;
  - (vi) it is the product of an animal that died naturally of disease; or in the case of a warm-blooded animal, in any way other than by legal slaughter;
  - (vii) it consists wholly or in part of any diseased or putrid or rotten animal or vegetable substance whether manufactured or not;
  - (viii) it contains a hazard or any physical, chemical or biological agent that is or is likely to be injurious to the health of the person consuming the food, whether added with intent or otherwise;
  - (ix) the food comes into contact with a material that contains a substance which may render the food unfit for human consumption;
  - (x) it contains a foreign substance;
  - (xi) it is in a sealed package which is damaged and can no longer protect the contents from contamination or deterioration; or
  - (xii) it is in a package and any contents of the package are different from what the label states the package contains.
- (b) **“advertise”** means use of words, whether written or spoken, symbolic or pictorial representation or design, or any other representation that has the effect of promoting a product for sale;
- (c) **“article”** means:
- (i) any food; or
  - (ii) anything used to label or advertise food; or
  - (iii) anything or machine used for the preparation, preservation, packing, storing or displaying of any food.
- (d) **“charity and community food business operations”** refers to charitable, community based or other socially beneficial organisations that sell food to raise funds for charitable or

community purposes and not for personal financial gain, and shall include, but not necessarily be limited to community markets, bazaars, raffles, school fundraising activities, church fundraising activities and district stalls;

- (e) **“date of minimum durability”** (**“best before”**) means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made. However, beyond the date the food may still be perfectly satisfactory;
- (f) **“food”** means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, packaged water, chewing gum and any substance which has been used in the manufacture, preparation or treatment of **“food”** but does not include cosmetics or tobacco or substances used only as drugs;
- (g) **“food business”** means any undertaking, whether for profit or not, and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food for sale. While not limited to the following, food businesses include restaurants, bakeries, caterers, food wholesalers and retailers, fish vendors, food sellers, meat butcheries, food processors, food importers and food exporters;
- (h) **“food handler”** means any person who directly handles packaged or unpackaged food, food equipment and utensils, or food contact surfaces and is therefore expected to comply with food hygiene requirements;
- (i) **“food inspector”** means a person appointed under Section 10 of this Chapter;
- (j) **“label”** means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food;
- (k) **“Minister”** means the Minister for Health;
- (l) **“Premises”** means: