

Food Rules, 2027 (1970)

Date of Publication in Nepal Gazette

2027.5.15 (Aug 31,1970)

Amendments:

1. Food (First Amendment) Rules, 2027 (1970) 2030.2.29 (1 June 1973)
2. Food (Second Amendment) Rules, 2032 (1975) 2032.6.6 (22 Oct. 1975)
3. Food (Third Amendment) Rules, 2048 (1991) 2048.3.17 (1 July 1991)
4. Food (Fourth Amendment) Rules, 2054 (1998) 2054.12.10 (23 March 1998)
5. Food (Fifth Amendment) Rules, 2064 (2007) 2064.6.14 (1 Oct. 2007)

In exercise of the powers conferred by Section 13 of the Food Act, 2023 (1967), Government of Nepal has framed the following Rules.

Chapter- 1

Preliminary

1. **Short title and commencement:** (1) These Rules may be called as the "Food Rules, 2027 (1970)".

(2) These Rules shall come into force in such area and on such date as the Act shall come into force.
2. **Definitions:** Unless the subject or the context otherwise requires, in these Rules:
 - (a) "Act" means the Food Act, 2023 (1967).

- (b) “Label” means a description or sign written, printed or marked on a container and/or on a cover containing any food which is put for sale or is being conveyed.
- (c) “Food Inspector” means a person appointed or authorized under these Rules to inspect the food.
- (d) “Local District Officer” means the chief district officer.¹
- ² (e) “Department” means Department of Food Technology and Quality control.
- ³(f) “Director General” means Director General of the Department.

Chapter-2

Department of Food Technology and Quality control⁴

- 3.⁵ Procedures of Department of Food Technology and Quality control**: (1) The Department of Food Technology and Quality control⁶ shall carry out the functions as follows:

- (a)⁷ To analyze the samples of food sent by the Adjudicating Authority or Appeal Hearing Court under the Act for its inspection and send an analysis report to such authority or court,
- (b) To carry out research and investigative works and present reports to the Food Standard Fixation

¹ Deleted by Fifth Amendment

² Inserted by Fifth Amendment.

³ Inserted by Fifth Amendment.

⁴ Amended by Second Amendment.

⁵ Amended by Second Amendment.

⁶ Amended by Second Amendment.

⁷ Amended by First Amendment.

Committee so as to assist the committee in determining the standard of a food,

- (c) To arrange for trainings to the Food Inspectors as to the inspection,TM supervision, examination, and analysis of food.

(2) It shall be the duty of the chief of the Department of Food Technology and Quality Control to make the report as referred to in Sub-rule (1).

4. Public analyst, and his/her qualifications, functions and duties: (1)

For the purposes of these Rules, Government of Nepal may, by a Notification in the Nepal Gazette, designate as the public analyst any employee who has possessed the following qualifications and is working in a governmental or non-governmental laboratory⁸ equipped with food analysis test facilities:

- (a) Having passed Masters in Science examination in chemistry or food science or biological science or bachelor examination in food technology⁹ and gained Two years of experience in the field of food research or analysis, or
- (b) Having passed Bachelor in Science examination with chemistry subject, and gained Five years of experience in the field of food research and analysis.

(2) The public analyst shall, at the request of the Food Inspector, test and analyze the sample of food and forward the analysis report thereof to the inspector.

TM Inserted by Fifth Amendment.

⁸ Amended by Fourth Amendment.

⁹ Amended by Fourth Amendment.

Chapter-3

Provisions relating to Food Inspector

5. **Appointment of Food Inspector:** (1) Department¹⁰ shall designate Food Inspector to carry out such activities mentioned in the Act and these Rules in respect of such food as Government of Nepal may, by a Notification in the Nepal Gazette, specify from time to time,

(2) The Food Inspector appointed under Sub-rule (1) shall carry out such functions and duties as entrusted to him/her under the Act and these Rules within the area assigned to him/her.

(3) Government of Nepal may, if it deems necessary, designate any person to exercise the powers of the Food Inspector as set forth in the Act and these Rules, in respect of any specified area.

(4) An identity card in the format as prescribed in Schedule-1 shall be issued to the Food Inspector so appointed, or to the person designated, pursuant to Sub-rules (1) and (3).

6.¹¹ **Qualifications of Food Inspector:** In order to be appointed to the post of Food Inspector, one has to possess the following qualifications:

- (a) Having done graduation in food technology or food science, or
- (b) Having passed certificate level in general science or lab technology or food technology and taken at least Six months of training on food test or inspection, or
- (c) Having passed the school leaving certificate (SLC) or equivalent examination, taken at least One year of training on food test or

¹⁰ Amended by Fifth Amendment.

¹¹ Amended by Fourth Amendment.

inspection and gained Three years of experience in the concerned field.

7. Functions and duties of Food Inspector: The functions and duties of the Food Inspector shall be as follows:

- (a) If he/she has the reason to suspect that any food has been produced or stored or sold or distributed or ¹²that such acts are about to be committed in contravention of the Act or these Rules, to take a sample of such food and give a notice as referred to in Schedule-2 to the owner of such food, and to immediately send the sample to the public analyst for test or analysis¹³,
- (b) If he/she receives a complaint¹⁴ or information that a person or organization or firm has committed any act in contravention of the Act or these Rules, to enquire into the matter. Provided that no one shall make any false complaint¹⁵ or information,
- (c) To maintain the records of the food which he/she has inspected and of the food in respect of which action has been taken or seized pursuant to the Act or these Rules,
- (d) To perform such functions and duties as may be entrusted to him/her and as are to be performed by him/her under the Act or these Rules, subject to the general control of the Local District Officer.

8. Powers of Food Inspector: (1) The Food Inspector may, in the course of performing his/her duties, exercise the following powers:

- (a) Power to take sample of a food from the places where the food is produced, stored or sold or distributed,

¹² Amended by Fourth Amendment.

¹³ Amended by First Amendment.

¹⁴ Amended by Fourth Amendment.

¹⁵ Amended by Fourth Amendment.

- (b) If he/she thinks that a communicable disease may spread out from the sale or distribution of any food and the local health officer is also agreed with his opinion, power to restrict the sale or distribution of such food, by obtaining approval of the Local District Officer,
- (c) If he/she has a reasonable ground to suspect that any food is adulterated, power to restrict the sale or distribution of such food, by obtaining approval of the Local District Officer,
- (d) If, in the course of inspecting any food, it is necessary to enter into any building or land where a container, utensil or packet or pouch containing any food is placed, power to enter into such building or land with the permission of the owner of that building or land or any person in charge of such place and where such person does not give permission, in witness of a representative of the concerned Village Development Committee or Municipality or the nearby police office, in accordance with the prevailing law,
- (e) If he/she sees a possibility or it is doubtful that any other edible or inedible substance found with the producer of any food or in the place of manufacture of such food that can be mixed with the food being produced if such other substance is kept being left there in that the producer fails to tell a satisfactory utility of that substance, power

to issue order to remove such substance from that place immediately,

- (f) If he/she thinks it necessary, power to hold and examine any food being exported or imported or transported; and if he/she has a reasonable cause to suspect that such food is contaminated, power to take action under these Rules, and
- (g) Power to send the samples of food, which have been taken under these Rules for food analysis, by any governmental or non-governmental means of transport or by post for such analysis.

(2) The Food Inspector shall immediately send a notice of the action taken pursuant to Clauses (b), (c) and (f) of Sub-rule (1) to the ¹⁶Director General, the chief of Regional office of the Food Technology and Quality Control and Local District Officer.

9. Powers of Food Inspector regarding person suffering from communicable and infectious disease: (1) If the Food Inspector is of the opinion that any person engaged in selling or preparing a food or sitting in the place of its manufacture is suffering from a communicable and infectious disease or harboring the germs of such disease, he/she may cause that person to undergo medical examination.

(2) If it is found, on such medical examination of the person referred to in Sub-rule (1), that the disease may spread out or such person may communicate the same, the Food Inspector may prevent such person from selling or manufacturing the food or sitting in such place.

¹⁶ Amended by Fifth Amendment.

- 9A.¹⁷ Powers to destroy food:** If a food is not edible for it being decayed, perished, rotten or full of insects or otherwise in a clearly visible manner while it is being produced or sold or put for sale, and it is sent for test, and the food may get further perished if it is kept on until its report is received, the Food Inspector may immediately destroy such food by burying or burning it or through any other means.

Chapter-4

Analysis of Food

- 10. Samples of food:** (1) In obtaining a sample of food, the Food Inspector shall go to the place where the sample may be obtained and take the sample in such amount in three parts as may approximately suffice the ratio specified in Schedule-3, put each part in a separate container, which shall then be sealed with wax, and do as follows:

- (a) To promptly send one container to the public analyst¹⁸ for analysis and test,
- (b) To send one container to the Local District Officer.

(2) The containers as referred to in Sub-rule (1) have to be so made that the substance placed in them cannot come out, leak and that no extraneous element or substance can be put or inserted thereinto, and be fresh and clean.

(3) The Food Inspector shall take a sample of food to be taken under Sub-rule (1) only after making payment of the prevailing value of the quantity to be set after deducting the quantity to be remained with the seller from the quantity of the sample.

¹⁷ Inserted by Fourth Amendment.

¹⁸ Amended by First Amendment.

(4) The owner or seller of the food shall sign on the wrapper of the container of food and on the notice as referred to in Schedule-2.

(5) If the owner or seller of the food refuses to sign on the wrapper of container of food pursuant to Sub-rule (2) or the notice as referred to in Schedule-2, the Food Inspector shall, while sending a sample to the public analyst for analysis, give a notice thereof to the chief of Department of Food Technology and Quality Control and Local District Officer.

11. Provisions to be followed while sending samples of food: (1) The Food Inspector or Adjudicating Authority or Appeal Hearing Court shall, while sending a sample of the food for its analysis and test, send it by fulfilling the following requirements:

- (a) The sample has to be attached with the form as prescribed in Schedule-4, sealed with wax and sent safely.
- (b) The container or packet containing a sample of food as well as its outer cover has to clearly indicate the name and quantity of the sample food or the code number of collection, if any.
- (c) A copy of the form to be sent pursuant to Clause (a) and the specimen of the wax seal put on the outer cover of the sample container have to be put in separate envelopes and sent accordingly.
- (d) The lid of a container containing a sample has to be so closed that it cannot be open and leaked on the way, wrapped in a thick paper with a wrapping material, and tightened with a thread or rope, and

so sealed with wax in at least Four various places¹⁹ that the letters are clearly legible. It has to be so sealed with wax that the container cannot be opened without breaking that wax seal.

(2) ²⁰The chief of the Department of Food Technology and Quality control or the public analyst or the person authorized by him/her shall examine whether the wax seal put on the cover of a sample of food received under Sub-rule (1) is in order or not, enter records of its situation and open the cover of that sample.

(3) The sample of food received pursuant to Sub-rule (1) has to be analyzed or tested, and results thereof have to be sent to the concerned officer or court, in the form as referred to in Schedule-4.

12. Addition of preservative to sample of food: (1) The Food Inspector shall add a preservative as referred to in Schedule-6 to a sample of food taken for analysis or test under these Rules so as to keep it preserved by preventing it from being perished, rotten and decomposed.

(2) Government of Nepal may, by a Notification in the Nepal Gazette, make an alteration and change in the matters contained in Schedule-6, from time to time.

13. Custody of food: (1) If, after the Food Inspector has, pursuant to these Rules, obtained a sample of food which is suspected of being contaminated, he is of opinion that such food has to be held from being sold and distributed or being misappropriated, he/she may, in accordance with the provisions of Rule 8, seal and take into custody of all the stock of such food or any of such portion thereof as deemed suspected, and shall give the

¹⁹ Amended by First Amendment.

²⁰ Amended by Second Amendment.

concerned person a receipt of the food of which custody has been so taken in the format as referred to in Schedule-7.

(2) If the Food Inspector considers that it is not necessary or possible to have custody of the food pursuant to Sub-section (1), he has to issue an order in the format as referred to in Schedule-8 to the owner of such food to safely retain that food so sealed with wax, by getting that owner to execute a deed to that effect.

14. To release stopped food in the event of found uncontaminated:

If, upon doing an analysis or test of the food of which sample has been obtained pursuant to these Rules, the food is not found to be contaminated, the Food Inspector may him/herself release or return the food where a case has not already been filed, and where a case has already been filed, the Adjudicating Authority or court shall issue an order to release such food so being stopped (hold) or return it to the concerned person.

15. Filing of a case: (1) If the food of which sample has been taken pursuant to these Rules is found to be contaminated or sub-standard or constitute an action contrary to the act or these Rules²¹ on its analysis or test, the Food Inspector has to submit the matter, clearly indicating the charge under the Act and all the details related therewith, to the Adjudicating Authority.

(2) It shall be the duty of the concerned Food Inspector to assist the case trying authority and the appeal hearing court in the legal action against any person, firm or body corporate for a violation of the Act and these Rules.

²¹ Amended by Fourth Amendment.

15A.²² Re-analysis or re-test of food: If, after a case has already been filed pursuant to Rule 13, the Adjudicating Authority or the appeal hearing court, on a petition made by the accused, considers it reasonable to have the concerned food re-analyzed or re-tested, and sends the concerned food held under Clause (b) of Sub-rule (1) of Rule 10 to the chief of the Department of Food Technology and Quality Control²³ for its re-analysis or re-test; and no petition may be made for another re-analysis once the sample is so re-analyzed.

15B.²⁴ Designation of authority: The Chief District Officer is, hereby, designated as the authority for the purpose of Section 4A. of the Act.

Chapter-5

Food Standard Fixation Committee

16.²⁵ Formation of food standard fixation committee: (1) A Food Standard Fixation Committee is hereby formed as follows so as to carry out the functions as specified in the Act and these Rules:

- | | | |
|-----|---|--------------|
| (a) | Secretary, Ministry of Agriculture | -Chairperson |
| (b) | Representative, Ministry of Law and Justice | -Member |
| (c) | Representative, Ministry of Industries | -Member |
| (d) | Representative, Ministry of Commerce | -Member |

²² Inserted by second Amendment.

²³ Amended by second Amendment.

²⁴ Inserted by second Amendment.

²⁵ Amended by Fourth Amendment.

- (e) Representative, Ministry of Supplies -Member
- (f) Representative, Ministry of Home -Member
- (g) Representative, Ministry of Health -Member
- (h) Representative, Kathmandu Municipal Corporation -Member
- (i) One food industry entrepreneur nominated by Federation of Industries and Commerce Member
- (j) One nominated by the Ministry of Supplies from amongst the food consumers -Member
- (k) Chief, Department of Food Technology and Quality control -Member
Secretary

(2) The Ministry level representative member shall be of at least under secretary level.

(3) The tenure of the member nominated under Clauses (i) and (j) of Sub-rule (1) shall be Two years.

Provided that, if a nominated member remains absent from Three consecutive meetings of the committee without giving any notice, another person may be nominated in place of such member.

(4) If Government of Nepal considers it necessary, it may, by a Notification in the Nepal Gazette, alter the members as referred to in Sub-rule (1).

16A.²⁶ Procedures relating to meeting of committee: (1) The member secretary shall, at the direction of the chairperson, call a meeting of the committee.

(2) The meeting of the committee shall be presided over by the chairperson and by the person selected from amongst the attending members, in the absence of the chairperson.

(3) The committee may, if it considers necessary, invite an expert in the concerned field, to take part, as an observer, in the meeting of the committee.

(4) The presence of more than Fifty percent members of the total number of members in the meeting of the committee shall be deemed to constitute a quorum for the meeting.

(5) A decision of the committee shall be taken by majority, and in the event of a tie, the chairperson shall exercise the casting vote.

(6) The other procedures of the committee shall be as determined by the committee itself.

16B.²⁷ Meeting allowance: (1) The members of the committee and experts invited to the meeting of the committee shall get such meeting allowance as determined by Government of Nepal for taking part in each meeting.

(2) The members of a Sub-committee formed pursuant to Sub-rule (3) of Rule 17 shall get the same meeting allowance as the members of the committee get for taking part in each meeting.

17. Functions, duties and powers of committee: (1) It shall be the duty of the committee to fix the quality standard and limit of quantity of the food

²⁶ Inserted by Fourth Amendment.

²⁷ Inserted by Fourth Amendment.

and advise Government of Nepal on having the quality standard and quantity maintained and observed.

(2) If Government of Nepal seeks advice on the food, it shall be the duty of the committee to render such advice.

(3)²⁸ The committee may, as per necessity, form a sub-committee for any specific function. The functions, duties, powers and procedures of such Sub-committee shall be as specified by the committee.

(4) The committee may frame necessary Bye-laws to set its procedures.

Provided that, such Bye-laws shall come into force only upon approval of Government of Nepal.

(5) The committee may appoint necessary employees for its office.

(6) The committee shall liaise with Government of Nepal, generally through the ²⁹Ministry of Agriculture and Cooperation.

Chapter-6

Label of Packed Food

18. Labeling on container of packed food: (1) No packed food shall be sold or kept for sale unless and until a label is put on the wrapper of container of that food specifying the following fact or description:

- (a) The description of the food shall be so specified on the label that it may be easily and clearly seen, and where such food is kept in more than one container or cover, the label shall also be put on such inner container or cover.

²⁸ Amended by Fourth Amendment.

²⁹ Amended by Fifth Amendment.

- (b) The name and address of the entrepreneur who has packed the food stuff or put the label thereon for sale shall be clearly specified on the label; and where such packing or labeling is carried out at the direction of or on behalf of an entrepreneur carrying on a business ³⁰in the Nepal, the name and address of that entrepreneur shall also be specified on such label,
- (c) The label shall specify the real (usual) name of a food in case the food is made from only one food substance, the usual name, if any, of a mixed food, the real or usual name(s) of the different contents mixed to the food if the food is made from Two or more food substances, and in the case of a means substance, the name and quantity thereof, in an order of the applied weight or volume thereof. Provided that, where the water is used as a means, it is not required to specify its quantity and measure on the label under this Clause.
- (d) Both the net weight and measurement of the packed food shall be clearly specified, and the measurement or quantity so specified shall not be lesser in any case. If the food is allowed to be sold on the basis of weight and quantity of its container or wrapper thereof, the minimum weight and quantity of the packed container and its wrapper shall also be clearly mentioned.
- (e)³¹ Where a colour or a preservative is added to a food pursuant to Clause (a) of Schedule-10 or Clause (b) of

³⁰ Amended by Fifth Amendment.

³¹ Amended by Second Amendment.

Schedule-11, any statement or any kind of symbol or sign indicating such addition shall be mentioned on the label.

(f)³² The label of a container containing a packed food shall compulsorily specify the batch number, date of production and expiry date.

(2)³³ The description to be specified in a label pursuant to Sub-rule (1) shall be in the Nepali or English language. The description may also be specified in another language, in addition to these Two languages, if one so wishes.

(3)³⁴ Where a preservative is added to a food, its label shall not contain words such as "pure", "*chokho*", "*bisuddha*" and "*sudda*" or another description mentioned in such label shall not contain any false or misleading claim or sign or symbol.

(4) A retailer of packed food shall not be required to put on the label as referred to in Sub-rule (1) to sell it after opening the packet.

(5) The label of a food claimed to contain vitamins, minerals or other nutritional substances shall specify the matters required to be specified under Sub-rules (1), (2) and (3), subject to the matters mentioned below:

- (a) One shall not claim that a food sold by him/her contains such vitamins and/or other nutritional substances without specifying the same on the label of that food.
- (b) An advertisement or publicity statement shall not mention that a food contains such vitamins and/or

³² Inserted by Fourth amendment.

³³ Amended by Fourth Amendment.

³⁴ Amended by First Amendment.

other nutritional substances without specifying the quantity of such vitamins and/or other nutritional substances.

Note: (The label of a food claimed to contain vitamins, minerals or other nutritional substances shall clearly specify each of such vitamins, minerals or nutritional substances in the unit as prescribed by Schedule-9.)

(6) Notwithstanding anything contained in Sub-rule (5), it shall not be required to put a label on the following packed food:

- (a) Fruits or green leaves kept fresh through the use of gas or cold storage or freezing or any other provision,

Provided that, the exemption as referred to in this Rule shall not be available to any food canned, bottled or subject to other processing system, except in cases where it is kept fresh as mentioned above.

- (b) Milk in liquid state other than condensed milk,
- (c) Whole egg,
- (d) Various kinds of fishes, meat other than the fish or food containing meat sealed in a can or bottle,

Provided that, in the case of meat, it shall clearly indicate in writing the meat of which animal,

- (e) Where the concerned trader sells or distributes through his/her own people the dish prepared in any hotel or any portion of the dish so prepared.

Provided that, in the case of the ghee and oil used in the preparation of a dish, it shall clearly indicate in writing that the dish has been prepared with the use of such ghee, oil or fatty substance.

(7) A person who has a duty to act in accordance with this Rule shall not overwrite, alter or deface or erase the label put in accordance with these Rules.

Chapter-7

³⁵ ----- and Matters to be Observed by Food seller

19.³⁶ Prohibition on sale of contaminated, sub-standard or injurious

food: No person shall him/herself or through his/her representative produce, sell, or hold for the sale of, the following food:

- (a) Contaminated or sub-standard food,
- (b) Brominated vegetable oil (BVO) mixed food,
- (c) *Khesari*, *Kshesari* pulse, *Khesari* flour, and food containing *Khesari*,
- (d) Fruits cooked artificially from carbyde (acetylene) gas, and
- (e) Such other food as Government of Nepal may, by a Notification in the Nepal Gazette, specify.

20. Prohibition on sale: No person shall sell the flesh of any animal having died a natural death or a food containing such flesh or keep such flesh or food for sale.

³⁵ Deleted by Fourth Amendment.

³⁶ Amended by Fourth Amendment.

21. Matters to be observed by food seller: (1) Any utensil or container used to contain, prepare or transport any food or the place where such food is stored in shall be as follows:

- (a) Neat and clean, and unbroken or properly repaired,
- (b) In the case of an enameled or galvanized container, the enamel or galvanized is not disappeared or chipped,
- (c) Its lid is properly tightened or it is properly covered to prevent the food from dust, dirt, flies or insects, and
- (d) It is kept in a place not exposed to deleterious gas, wastes, impure air or water,

(2) The food contained in a container in the following condition shall be considered as injurious to health:

- (a) Iron container or utensil which is rusty,
- (b) Enameled container which is chipped or rusty,
- (c) Copper or brass container which is not galvanized and
- (d) Container made of aluminum with glass.

(3) Notwithstanding anything contained in Sub-rules (1) and (2), even a copper or brass container not galvanized may also be used to prepare or store sugar confectionary, sweets and oils.

Chapter-8³⁷

Use of colour or preservative in food

22. Use of colour in food: No person shall, in a manner contrary to the provisions contained in Schedule-10, produce, sell, distribute or export a

³⁷ Inserted by First Amendment.

food mixed with a colour, or keep such mixed substance for any of such purposes.

Explanation: “Colour” means any natural or artificial colour to be mixed in a food.

- 23. Use of preservative in food:** No person shall, in a manner contrary to the provisions contained in Schedule-11, produce, sell, distribute or export a food mixed with a preservative, or keep such mixed substance for any of such purposes.

Explanation: “Preservative” means any substance used to prevent, suppress or retard fermentation or acidification in, or any other process of decomposition of, any food.

Part- 9³⁸

License

- 24.³⁹ License to be obtained:** A person, who intends to produce, sell, distribute, store or process any food from commercial viewpoint, shall obtain a license as referred to in this Chapter.
- 25. Guaranteed retailer:** For the purpose of Sub-section (2) of Section 4B. of the Act, a retailer carrying a cash memo in person, which sets out the type, standard, quantity and price of the food and has been issued by the licensed producer or whole-seller or his/her agent, shall be considered as the guaranteed retailer.
- 26. License for itinerant sale:** (1) A person who sells or distributes the food mentioned in Rule 24 by moving from place to place shall obtain a license as referred to in Schedule-12 from a Village Development

³⁸ Inserted by Second Amendment.

³⁹ Amended by Fourth Amendment.

Committee or Municipality situated in the place of his/her residence or of his/her normal sale or distribution of the food, upon making payment of the fee of Twenty Five Rupees,⁴⁰ and shall hold the license in person while so selling or distributing the food.

(2) A person having obtained the license pursuant to Sub-rule (1) may, at his/her own exclusive responsibility, send any member of his/her joint family to sell or distribute the food specified in the license, by taking custody of the license.

27. License to keep shop of, carry on wholesale business of, food: A person who sells, distributes, or carries on the wholesale business of, or imports, the food specified in Rule 24 by keeping a shop shall obtain a license as referred to in Schedule-13 from the Village Development Committee or Municipality where the place of his/her business is situated, upon making payment of the fee of One Hundred Rupees,⁴¹ and shall show the license whenever so required by the competent authority.

28. License for food industry: (1) A person who intends to produce or process any food as referred to in Rule 24 has to obtain a recommendation of the Department of Food Technology and Quality Control prior to making an application to the Department of Industries to establish an industry.

(2) The person who intends to obtain the recommendation as referred to in Sub-rule (1) has to prepare a scheme setting out the following matters on the industry which he/she intends to establish and make an application to the Department of Food Technology and Quality Control:

(a) Type of the industry,

⁴⁰ Amended by Fourth Amendment.

⁴¹ Amended by Fourth Amendment.

- (b) Machinery required for the industry,
- (c) Technical skills,
- (d) Provision of sanitation,
- (e) Kinds of raw materials and source for the same.

(3) If the application as referred to in Sub-rule (1) is made, the Department of Food Technology and Quality Control shall make necessary alterations in the scheme of the proposed food industry, get a bond executed to do accordingly and make a recommendation for the issuance of the license to establish the industry.

⁴²(4) The person licensed to establish a food industry shall, after the establishment of that industry, obtain the license as referred to in Schedule-14 from the Department of Food Technology and Quality Control, by making payment of as follows prior to the commencement of the production of food.

- (a) Two Hundred Rupees for the industry which has upto Half a Million Authorized Capital.
- (b) Five Hundred Rupees for the industry which has upto One Million Authorized Capital.
- (c) One Thousand Rupees For the industry which has upto Two Million Authorized Capital.
- (d) One Thousand Five Hundred Rupees for the industry which has upto Ten Million Authorized Capital.
- (e) Two Thousand Rupees for the industry which has upto Thirty Million Authorized Capital.

⁴² Amended by Fifth Amendment.

- (f) Three Thousand Rupees for the industry which has upto Hundred Million Authorized Capital.
- (g) Four Thousand Rupees for the industry which has more than Hundred Million Authorized Capital.

(5) The food industries established prior to the commencement of these Rules have to make an application, setting out the details as referred to in Sub-rule (2), to the Department of Food Technology and Quality Control and obtain the license as referred to in Schedule-14 by making payment of Twenty Rupees, no later than Three months from the date of the commencement of these Rules.

(6) The license as referred to in Sub-rules (4) and (5) has to be so placed at the industry site that it can be shown as and when so required by the authorized person.

- 29. Powers to seize license and restrict production:** If, upon inspection made by the Department of Food Technology and Quality Control after the commencement of the production of food, after having obtained the license from the Department of Food Technology and Quality Control pursuant to Sub-rules (4) and (5) of Rule 28, it is found that provisions have not been made as per the terms mentioned in the scheme or the produced food is not of such standard or in such quantity as specified under the Act, the concerned Chief District Officer may, on recommendation of the Department of Food Technology and Quality Control, restrict the production of that food until the provisions as per the terms are made and the standard is improved.
- 30. Separate license to be obtained:** A person who intends to produce or sell or distribute a food in more than one place has to make a

separate application and obtain the license as referred to in this Chapter, for each of such places.

Provided that, this provision shall not be applicable to an itinerant seller selling the food roaming in various places without being confined to any specific place.

31. Validity period and renewal of license: (1) The license as referred to in this Chapter shall remain valid until the last day of *Ashad* (mid July) each year except in cases where the licensing authority revokes or cancels such license prior to its validity period.

(2) The license has to be got renewed by the licensing authority by paying the renewal fee in such a sum as is chargeable for the issuance of license prior to the expiration of its validity period as referred to in Sub-rule (1) or within Thirty Five days from the date of expiration of such validity period.

(3)⁴³ If a licensee applies for the renewal of the license after the expiry of the time limit as referred to in Sub-rule (1), the license may be renewed for a period not exceeding Three years by collecting the renewal fee chargeable for that fiscal year and a fine in a sum equal to Hundred per cent of that fee, and thereafter, the renewal fee for each fiscal year and a fine in a sum equal to Hundred per cent of that fee.

32. Terms and conditions to be observed by licensee: The licensee who produces, sells or distributes the food as mentioned in Rule 24 has to observe the following terms and conditions:

(a) Not to engage any one who is suffering from a communicable or contagious disease or is dirty in the production, storage or sale of the food.

⁴³ Inserted by Fourth Amendment.

- (b) To keep always clean satisfactorily the places for the production, storage or sale of food; and there shall be separate places for a toilet, urinal and collection of wastes or useless materials.
- (c) The producers or whole sellers or sellers have to maintain, and show wherever required, a registration book indicating the quantity of the food they have produced, the quantity of food dispatched for sale or distribution and the places where the food has been sold and distributed.
- (d) Proper attention has to be paid to the food hygiene, and the container of food prepared or held for sale has to be closed properly so that external elements cannot enter into the container.

⁴⁴**32A To help:** It shall be the duty of a Government office, Local Body and General people to help for employees who works in maintaining purity/freshness and quality control of food.

33. Delegation of authority: The chief of the food laboratory section may delegate in writing the powers conferred to the food laboratory section under this Chapter any officer of Government of Nepal.

⁴⁵**33a. May issue Directives:** Ministry of Agriculture and Cooperation may issue directives for the implementation of the objectives of the Act and such directives which shall not to be in contravention of Act and these Rules.

34.⁴⁶ Alteration in Schedules: Government of Nepal may, as per necessity, make alteration in the Schedules, by a Notification published in the Nepal Gazette.

⁴⁴ Inserted by Fifth Amendment.

⁴⁵ Inserted by Fifth Amendment.

⁴⁶ Inserted by Fourth Amendment.

Modification: The words Central Food Laboratory have been modified into Department of Food Technology and Quality Control instead.

NEPAL LAW COMMISSION

Schedule- 1

(Relating to Sub-rule (4) Rule 5)

Number:

Date:

Photo

Identity card of Food Inspector:

Name, surname and address:

Specimen of signature:

Designation:

Note: The certifying authority's signature and the office seal shall also put over the photograph.

Assigned area and period

Area	Date		Certifying authority's signature, and date
	From	To	

This is to certify that the above-mentioned person has been empowered to act as the Food Inspector pursuant to Rule 5 of the Food Rules, 1970 (2027) for the above-mentioned area from the prescribed date.

Signature:

Certifying authority:

Office:

Note:

1. The Food Inspector shall carry this certificate with him/her and shall show it whenever any person so requires.
2. This certificate shall not be given or handed over to any other person in any case.
3. This certificate shall be surrendered to the Director immediately when the Food Inspector resigns from the post of Food Inspector or is retired from that post for any other reason.

Schedule- 2

(Relating to Clause (a) of Rule 7)

Name and address of the owner of food:

I have, on the date, taken from the shop/godown/house and compound of
... located at... .., a sample of the below-mentioned food for analysis.

Description of food:

.....

Area

Place:

Food Inspector

Date:

.....

NEPAL LAW COMMISSION

Schedule-3⁴⁷

(Relating to Sub-rule (1) of Rule 10)

Types of food	Approximate quantity of sample
1. Milk	250 milliliter
2. Ghee	150 grams
3. Butter	150 grams
4. <i>Khuwa</i>	250 grams
5. Curd/..... (<i>Dahi</i>)	200 grams
6. Baby milk food	450 grams
7. Baby food	450 grams
8. Milk powder	250 grams
9. Condensed milk	250 grams
10. All kinds of ice-cream	300 grams
11. Oil	250 grams or 225 milliliter
12. <i>Vanaspati</i> (vegetable) ghee	150 grams
13. Fats (except ghee and oil)	125 grams
14. Jams, jellies, fruits, vegetables (prepared, processed)	300 grams
15. Spices	200 grams
16. Tea	125 grams
17. Biscuits	250 grams

⁴⁷ Amended by Fourth Amendment.

18.	Confectionaries	250 grams
19.	Salt	250 grams
20.	Food, <i>dalahan, telahan</i>	250 grams
21.	<i>Keshar</i> , color etc.	150 grams
22.	Readymade processed food	250 grams
23.	Sugar	200 grams
24.	Honey	150 grams
25.	<i>Sakhar (Chaku, Gund)</i>	200 grams
26.	Flour (all kinds)	250 grams
27.	Aerated water (soda lemonade etc.)	300 grams

Note:

- (1) The sample of a food other than the food mentioned in this Schedule has to be in a quantity of approximately 250 grams or 250 milliliters.
- (2) In taking a sample of a food of which pesticides, microtoxine and radiation test is to be done, the sample has to be taken in an additional quantity of 500 grams, in addition to the quantity mentioned above.
- (3) If it is not possible to take a sample by breaking the container containing a packed food, the sample has to be taken in a quantity not lesser than that mentioned above.
- (4) No quantity as mentioned above shall be deemed to prevent the taking of a sample in the required quantity if it is necessary to do a special kind of test of any food in any special circumstance.

Schedule- 4

(Relating to Clause (a) of Sub-rule (1) of Rule 11)

Sent from:

To,

The

... ..

Number:

Date:

Description of the food sent for analysis:

1. Serial number of the sample:
- 2.⁴⁸
3. Date⁴⁹ of sample collection:
4. Description of the substance sent for test and analysis:
5. Description and quantity of the preservative, if any, added to the sample:

A duplicate copy of this letter and a specimen of the wax seal put on the sample packet are being sent separately by post or air document or by hand.

... ..

Food Inspector, or
Court or other Authority

⁴⁸ Deleted by Fourth Amendment.
⁴⁹ Deleted by Fourth Amendment.

Schedule- 5

(Relating to Sub-rule (3) of Rule 11)

This is to certify that the sample, attached with the letter with reference number, sent by that ----office/court, along with the letter with reference number--and dated--- for the purpose of -----, has been received on -----(date) and analyzed/ tested; and the results of the analysis/test are as follows.

The situation of the wax seals put on the container and outer cover of the sample received was as follows:

Chief of Department of Food Technology and Quality Control

or public analyst⁵⁰

Address:

Date:

Where a report of any particular matter is sought, necessary paragraphs may also be inserted.

⁵⁰ Amended by First Amendment.

Schedule- 6

(Relating to Rule 12)

- (1) To add three drops of that dissolved by Forty per cent in formaldehyde (formalin) water, for every Fifty (50) gram of a sample, to milk, curd and cream.
- (2) The label of the container containing a sample to which a preservative is so added has to specify that the sample contains the preservative as mentioned above.

NEPAL LAW COMMISSION

Schedule-7

(Relating to Sub-rule (1) of Rule 13)

Name and address of the owner of food:

.....

In exercise of the powers conferred by Sub-rule (1) of Rule 13 of the Food Rules, 2077 (1970), I have, on the even date, taken in my custody the stock of the below-mentioned food from your shop/godown/house and compound, situated in--
-----.

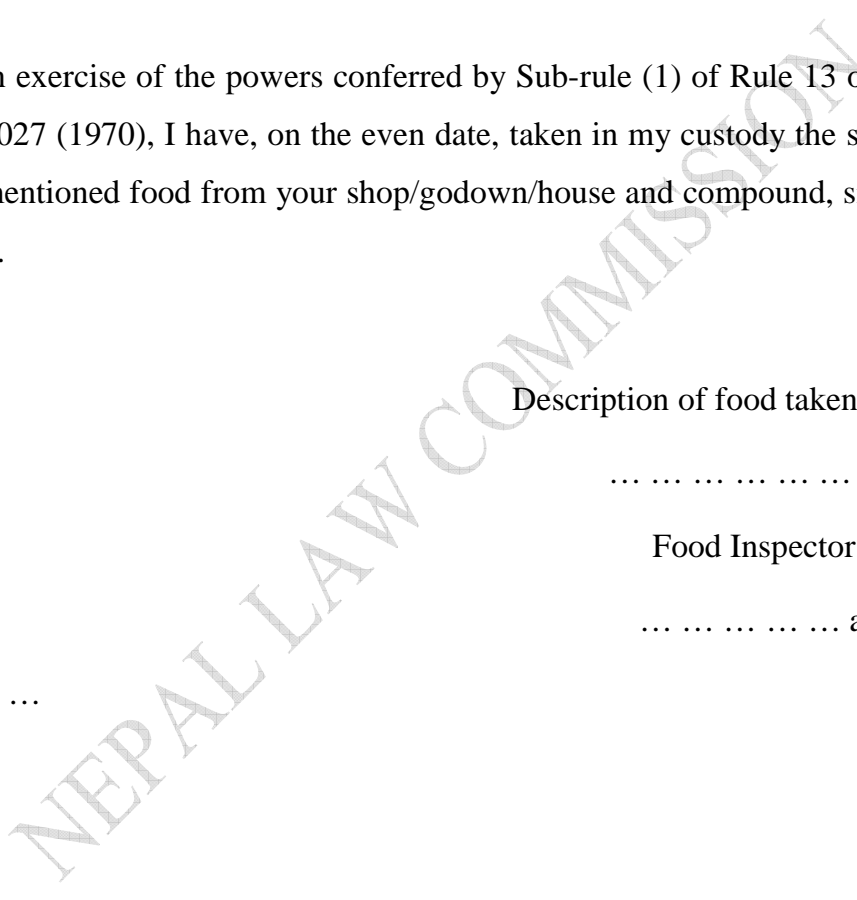
Description of food taken in custody

.....

Food Inspector of

..... area

Date:



Schedule- 8

(Relating to Sub-rule (2) of Rule 13)

Name and address of the owner of food:

.....

Since, in my opinion, the food -----held by you is contaminated or sub-standard, I have, for the purpose of an action in this regard, and in exercise of the powers conferred by Sub-rule (2) of Rule 13 of the Food Rules, 2077 (1970), hereby ordered you to so safely retain it with you that the stock of the food is not sold or otherwise misappropriated until another order is issued in this respect.

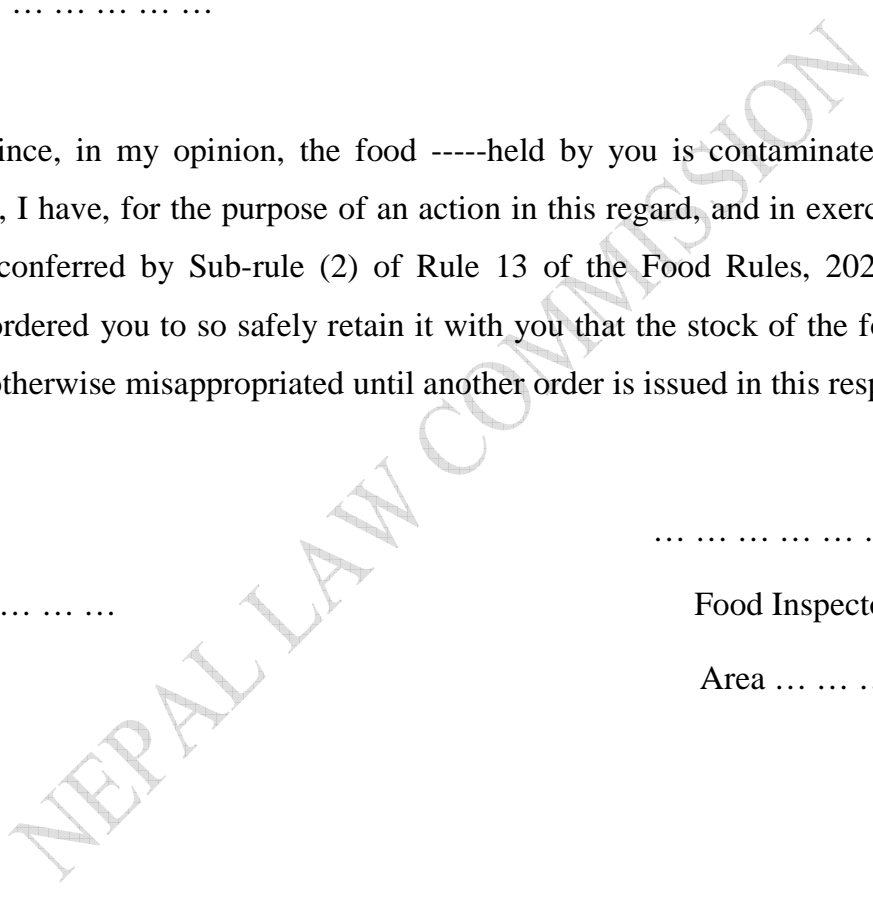
Place:

.....

Date

Food Inspector

Area



Schedule- 9

(Relating to Sub-rule (5) of Rule 18)

(a)	Vitamin "A" carotene	By the proportion of the international unit of vitamin "A" (in doing so, 0.6 microgram is to be considered as an international unit of biota carotene vitamin "A").
(b)	Vitamin "D" Vitamin "D" 2 Calciphoral and Vitamin "D" 3	By the proportion of the international unit of vitamin "D".
(c)	Other vitamins: Thiamine (vitamin "B" 1) Riboflavin (vitamin "B" 2) Niacin or nicotinic acid Pyridoxine (vitamin "B" 6) Folic acid Pentothenic acid Inacital Biotin Parasavinibenzoic acid Colin	Milligram, by the proportion of the vitamin concerned.

	Alpha Raibazil phosphate (vitamin “B” 12) Ascorbic acid (vitamin “C”) Takopherol (vitamin “E”) Vitamin “K”	
(e)	Nutritional minerals: Calcium Iodine Iron Phosphorus	Milligram, by the proportion of the nutritional minerals concerned.

Schedule- 10(Relating to Rule 22)⁵¹

- (a) **Coaltar colours (synthetic dyes) allowed to be used in food:** No coaltar colour (dye) except the following **coaltar** colours synthetically produced or a mixture thereof shall be used in any food:

Type	Color index No. 1956	Common name	Other name
Red	16185	Amaranth	Food red 9
„	16255	Ponceau 4R	-
„	45430	Erythrosine	Food red 14
„	14720	Carmoisine (Azo Rubin)	-
„	16045	Fast red E	-
Yellow	19140	Tartrazine	Food yellow 4
„	15985	Sunset yellow FCF	„
Blue	73015	Indigo carmine	Food blue 1
„	42090	Brilliant blue FCF	-
---- ⁵²		
---- ⁵³		
Green	44090	Wool green B.S.	-

⁵¹ Inserted by First Amendment.

⁵² Deleted by Fourth Amendment.

⁵³ Deleted by Fourth Amendment.

„	42053	Fast grown F.C.F.	-
---	-------	-------------------	---

- (b) **Maximum limit of permitted colour:** The above-mentioned coal tar colours may be added to any food that is ready for consumption not in excess of 200 milligram per kilogram.
- (c) **Coal tar color to be pure:** The coal tar colors specified in Clause (a) to be used in any food shall not contain any substance that is injurious to health.
- (d) **Restriction on the use of coal tar colours:** The coal tar colors specified in Clause (a) shall be used only in the following food:
- (1) All kinds of ice-cream,
 - (2) Cheese,
 - (3) Different preparations from egg,
 - (4) Biscuit, cake, pastry, and other sweets,
 - (5) Non-alcoholic beverages except tea, coffee, coco,
 - (6) Custard powder,
 - (7) Jelly powder,
 - (8) Processed or preserved fruits and green vegetables,
 - (9) Soup powder,
 - (10) Flavoring agents.
- (e) **Prohibition of the use of coal tar colours:** Even the coal tar colours specified in Clause (a) are not allowed to be used in any food to be eaten after cooking.
- (f) **Natural colours allowed to be used in food:** Natural colours other than those mentioned below are not allowed to be used in any food:

Type	Colour index No	Common name	Description
Yellow	75.120	Annatto	
„	75.130	Carotin or bita carotin	
„	75.100	Saffron	
„	Riboflavin or lactoflavin	
„	75.300	Turmeric or curcumin	
„	Lento phil	
Gray	Caramel	
(g) Red	75.470	Cochineal, carmine or carmine acid	No inorganic colour or pigment
„		Ratanjot, hamatoxin	
„		Arrayal (atsin)	
„	75.520	Alkanet, alkaline	
Green	75.810	Chlorophyll	

Schedule- 11

(Relating to Rule 23)

Preservatives are divided into following classes and have to be used as follows:

(a) First class preservatives:

The following preservatives shall be deemed to be the first class preservatives, and these preservatives may be added in any quantity to any food.

- (1) Common salt,
- (2) Sugar, sugar candy,
- (3) Dextrose,
- (4) Glucose
- (5) Wood smoke
- (6) Spices,
- (7) Vinegar or acetic acid,
- (8) Honey,
- (9) Hops, and
- (10) Alcohol.

(b) Second class preservatives:

The following substances shall be deemed to be the second class preservatives.

- (a) Sodium or potassium nitrites,
- (b) Benzoic acid and salts thereof,
- (c) Sulphurous acid and sulphurdioxide,

The preservatives mentioned above have to be used in the following food in a quantity not exceeding the following:

Description of food		Part per million (ppm)	
		Sulfur dioxide	Benzoic acid
(1)	Sausages and spices and sausage meat containing raw meat	450	
(2)	Fruit pulp or juice (for conversion into jam, crystallized glaze or cured fruit etc.) (a) Cherries (b) Strawberries and raspberries (c) Other fruit juice	3000 2000 1000	
(3)	Fruit juice concentrate	1500	
(4)	Dried fruits (a) Peaches, apples, pears, apricots and other fruits (b) Raisins, Kissmis	2000 750	
(5)	Non-alcoholic drinks including fruit drinks, lemon juices	350	600
(6)	Jam, marmalade, fruit jelly and pickles etc.	40	200
(7)	Fruit pulps not mentioned in this list	350	
(8)	Sugar, glucose, <i>Gur</i> and <i>Khandsari</i> etc.	70	

Description of food		Part per million (ppm)	
		Sulfur dioxide	Benzoic acid
(9)	Corn flour or starchy food	100	
(10)	Liquid glucose	450	
(11)	Gelatin	350	
(12)	Beer	70	
(13)	Cider apple juice	200	
(14)	Wine	450	
(15)	Brewed ginger beer	-	120
(16)	Sweet soda water	70	120
(17)	Coffee extract	-	450
(18)	Pickles and chutneys made from fruits or vegetables	-	250
(19)	Tomato and other sauces	-	750
(20)	Tomato pulps (puree and paste)	-	250
(21)	Syrup and sherbets	600	600
(22)	Dehydrated vegetables		
	(a) Tomato	550	
	(b) Cabbage	3000	
	(c) Beans, peas, carrot, <i>Palungo</i> , <i>Salgam</i> etc.	2000	

Description of food		Part per million (ppm)	
		Sulfur dioxide	Benzoic acid
(23)	Dried ginger	2000	
(24)	Processed meat (cooked pickled) including ham and bacon	Sodium or potassium nitrite not exceeding 200 ppm	
(25)	Danish tinned caviar (salt added fish)	Benzoic acid	50

Explanation:

- (1) Part per million (ppm) means one part of One Million parts.
- (2) Sodium or potassium nitrites shall be used only in the meat of any other types which may be used to preserve hams or bacons.
- (3) **Prohibition on the use of more than one second class preservative:** The use of more than one second class preservative in any food is prohibited.

Schedule- 12⁵⁴

(Relating to Rule 26)

License for itinerant sale

Serial No:

Ref. No and Dispatch No:

Date:

1. Name and surname:
2. Father's name:
3. Grand-father's name:
4. Birth place:
5. Temporary address (including Ward No.):
6. Permanent address (including Ward No):
7. Name of food intended to be sold or distributed:
8. Signature:
9. Thumb impressions (only when one cannot sign)⁵⁵:
10. Name of the other family members of who go to sell or distribute the food,
by taking the custody of license:
 - (a)
 - (b)
 - (c)

⁵⁴ Inserted by Second Amendment.

⁵⁵ Inserted by Fourth Amendment.

Right	Left

Signature of the licensing authority: ...

Name of Municipality or Village Development

Committee:

District:

Zone:

Signature and office seal falling also over the photograph.

License fee: Rs.

NEPAL LAW COMMISSION

Schedule- 13⁵⁶

(Relating to Rule 27)

License to open shop or carry on wholesale business

Serial No.:

Ref. No. and Dispatch No:

1. Name of shop or firm:
2. Address:
3. Name, surname of partner of shop/firm or person taking responsibility for action:
4. Father's name:
5. Grand-father's name:
6. Birth place:
7. Permanent address (including Ward No.):
8. Temporary address (including Ward No.):
9. Name of food intended to be sold or distributed or of which wholesale business is intended to be carried on:
10. Signature:
11. Thumb impressions (only when one cannot sign)⁵⁷: Right Left
12. Photograph:

Signature of the licensing authority:

Name of Municipality or Village

Development Committee:

District:

Zone:

Signature and office seal falling also over the photograph.

License fee: Rs.

⁵⁶ Inserted by second Amendment.

⁵⁷ Inserted by Fourth Amendment.

Schedule- 14⁵⁸

(Relating to Sub-rules (3) and (5) of Rule 28)

License for Food Industry

Serial No. Ref. No. and Dispatch No.:

1. Name of shop or firm:
2. Address:
3. Entrepreneur's name and surname:
4. Name and surname of the person taking responsibility for the activities of industry:
5. Father's name:
6. Grand-father's name:
7. Birth place:
8. Permanent address (including Ward No.):
9. Temporary address (including Ward No.):
10. Name of the food intended to be produced or sold or distributed:
11. Signature:
12. Thumb impressions (only when one cannot sign)⁵⁹: Right Left
13. Photograph:

Signature of the licensing authority⁶⁰:

Signature and the office seal falling also over the photograph.

⁵⁸ Inserted by First amendment.

⁵⁹ Inserted by Fourth Amendment.

⁶⁰ Amended by Fourth Amendment.