

THE EDIBLE OIL PACKAGING (REGULATION) ORDER 1998.

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(DEPARTMENT OF SUGAR AND EDIBLE OILS)

New Delhi, the 17th September, 1998

NOTIFICATION

G.S.R. 584(E) – In exercise of the powers confirmed by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order namely :-

1) Short title, extent and commodities Act – (1) This order may be called the Edible Packaging (Regulation) Order 1998.

1) 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 but does not include any margarine, vanaspati, bakery shorting and fat spread as specified in the Prevention of Food Adulteration Act, 1954 (37 of 1954) and rules made there under, 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 Edible Oils Commissioner under this order.

d) “Factory” means any premises including the precincts thereof wherein, 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.

f) “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 of 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 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 purpose 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 the order.
- k) "Schedule" means a Schedule appended to this order.
- l) The words and expressions used herein and not defined but defined in Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules thereunder have the meanings respectively assigned to them in that act rules made thereunder.

3. Prohibition as to sale, etc. on and from the 15th day of December, 1998 to 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 (34 of 1954) and rules made therein and
- b) Which is not packed in a container, marked and labelled in the manner as specified in the Schedule – I.

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 provision of this order.

4. Registration :-

- (1) No person shall carry on business as a packer except under certificate registration granted to him under this order and in accordance with the terms & 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 fees to be paid to the State Government, in such a 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 arrangements of common laboratory for such purpose to the satisfaction of the registering authority for testing of samples of edible oils.
- (4) After making necessary enquiries, 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. Requirement 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 – I.
- (4) Notwithstanding anything contained in sub-clause (1) & (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 together with the fees 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 shall renew the certificate of registration for a further period of three years.

(3)Notwithstanding anything contained in sub-clauses (1) & (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 registration authority.

- 8. Appointment of Inspecting Officers –** The Central or the state Government may, by notification in the official gazette, appoint such persons as it thinks fit, 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 Govt. or State Government, as the case may be :

Provided that no person who has any financial interest in the packing of edible shall be appointed to be an Inspecting Officer under this order.

- 9. Powers 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 committed or believe or is likely to be committed.

(2)The edible Oils Commissioner or Inspecting Officer may enter and inspect and place where any edible oils 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 Govt. 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 be analysed by a laboratory of the Central or State Government or a lab authorised for this purpose by the Edible Oils Commissioner.

(2)The laboratory shall make a report to the Edible Oils Commissioner Officer or authority of the Central government or State Government authority in the 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 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 broken 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, aegomone 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 issue in 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 being heard.

15. Power to issue directions :- The Edible Oils Commissioner may, if he deems fit for the purpose of giving affect to the provisions of this order, issue such directions which are not inconsistent with the provision of this order.

SCHEDULE – 1

(See Clause – 5 (3))

Requirement to be complied with in regard to packing, marking and labelling of the container containing any edible oil.

(1) Every container in which an edible oils is packed shall bear the following particulars in English or Hindi 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 manufacturer, 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 FOP. 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, FOP/UP/001.

(3) The type size of the matter and numerals shall be specified under the provisions of the Standards of Weights and Measures (Package Commodities) Rule, 1977.

(4) The label shall not contain any statement or claim which false or misleading in respect of any edible oil contained in the package or concerning the quantity or quality of the nutritritional values of the such edible oil.

(5) Edible Oil shall be packed in conformity with the provisions of the Standards of Weight and Measures (Packaged Commodities) Rules, 1977 and the Prevention of Food Adulteration Act, 1954 (37 of 1954) and rules there under.

SCHEDULE – II

(See Clause 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 from

- 1) Name and address of the applicant or register packer :
- 2) Address of the factory
 - i) No. _____ (In case there is no premises No. the boundaries of site shall be noted)
 - ii) Municipality/Notified Area/Railway Area/Village of _____
 - iii) District of _____
 - iv) State of _____
- 3) No. _____ and dated _____ (No. of Certificate of registration, if any, already granted under this order).
- 4) Description of the edible oils and fats
 - 1)
 - 2)
 - 3)

Insert the name and nature of edible oils and fats for which application is made for grant renewal of certificate or registration.
- 5) Period for which certificate or registration is required.
- 6) Details of the equipments installed for packaging of edible oils and fats :-
 - 1)
 - 2)
 - 3)
- 7) Detail of laboratory testing installed or arrangements made for testing of edible oils and fats as required under sub-clause (3) of clause 4 of this order :-
 - 1)
 - 2)
 - 3)
- 8) I/We hereby undertake to comply with all the provisions of the Edible Oils packaging (Regulation) Order, 1998.

9) 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 – III (See Clause 4(4))
(Certificate of Registration)
(Under the Edible Oils Packaging (Regulation) Order, 1998)

An application dated _____ from 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, Sh. M/s _____
(Name and address of the packer) hereby granted renewed certificate to registration No. FOP/ _____ (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 or registration has been granted) as registered packer in the premises.

Dated: _____

Signature of the Registered

Terms and conditions of certificate of registration :-

- 1) The business premises where the edible oils are stored/packed for sale, shall be maintained in proper hygienic conditions.
- 2) No registered packer shall employ any person who is suffering from infections/contagious disease which is likely to affect packing in hygienic conditions.
- 3) 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.
- 4) The registered packer shall pack and sell edible oils which shall be free from any adulterant and labelled in accordance with the said order.
- 5) 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.
- 6) The Registration No. shall be displayed Prominently at the entrance of the business premises.

- 7) This certificate of registration shall be valid with effect from _____
to _____ unless previously cancelled or suspended under the provision
of this order.
- 8) These conditions of certificate of registration are in addition to the other
conditions which may be specified under the provisions of this order.

SCHEDULE – IV

(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 position 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 :-

- 1) The premises of the factory of the registered packer shall be clean, adequately lighted and ventilated, properly white washed 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.
- 2) The building of such each shall be 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, tiles 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 upto a height of at least 1.5 metres from the floor level.
- 3) 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.
- 4) 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 authority and the respective State Pollution Control Board.
- 5) No person suffering from infectious or contagious disease shall be allowed to work in the premises of such factory. Arrangement 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 vaccinated against the enteric group of diseases 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 hand or face injury, skin infection or clinically recognisable infectious disease shall be permitted to work in the factory

SCHEDULE – V

(See Clause 11(1))

Monthly statement in respect of edible oils stored/packed sold under the provision of Edible Oils Packaging (Regulation) Order, 1998.

- 1) Name and address of the registered packer :-
- 2) Certificate of Regulation No.: FOP/

Name of the State _____

(Numerical No allotted by the State).

- 3) Detail of edible oils stored/packed/sold :

<u>Month of</u>	<u>Quantity(in Quintal) of edible</u>		<u>To Whom sold</u>	<u>Stock</u>
	Stored	Packed Sold	(with complete address)	in hand in quintals

Edible Oil-Commodity wise

Packed quantity volume wise

Dated :

(Signature of the registered packer)

GOVERNMENT OF PUNJAB
DEPARTMENT OF FOOD CIVIL SUPPLIES & CONSUMER AFFAIRS
(FOOD DISTRIBUTION – 1 BRANCH)
NOTIFICATION

No.24/4/98 – 1FDI/3324

Dated, Chandigarh, the 27/5/2004

In order to implement the Edible Oils Packaging (Regulation) Order, 1998 issued by the Central Government in exercise of the powers conferred under Section – 3 of Essential Commodities Act, 1955 (10 of 1955) vide their Notification No. GSR – 584 (E), dated the 17th Sept. 1998, the Governor of Punjab is pleased to make the following provisions, namely-

- 1) “Registering Authority” All District Controller of Food, Civil Supplies & Consumer Affairs Deptt Punjab will be the ‘Registering Authority’ within their respective jurisdiction to exercise the powers and perform the functions of a registering authority for the purpose of Sub-Clause (h) of Clause 2 of the Edible Oils Packaging (Regulation) Order, 1998.
- 2) “Registration Fee” to the tune of Rs. 4000/- in the form of a Demand Draft from any Nationalised Bank will be payable to the District Controller, Food Civil Supplies & Consumer affairs of the concerned District for the purpose of Sub-Clause – 2 of Clause – 4 of the said order and in case of rejection of an application for registration, the registration fee of Rs. 4000/- shall be refunded to the persons concerned in pursuance of Sub Clause – 5 of Clause – 4 of the said order.
- 3) “Renewal Fee” of Rs. 200/- in the form of Demand Draft from any Nationalized Bank will be payable to the District Controller, Food Civil Supplies & Consumer Affairs for the concerned District for the purpose of Clause – 7 of the said order.
- 4) “Inspecting Officer” – All the officers of Food, Civil Supplies & Consumer Affairs Department, not below the rank of Assistant Food Supplies Officer will be the “Inspecting Officers: for the purpose of Clause – 8 of the said order; and
- 5) “Laboratory for analysis” – The Laboratory of the Food Civil Supplies & Consumer Affairs Department Punjab or any other Laboratory authorised by the Punjab Government for the purpose shall analyse the samples of edible oils drawn by the “Inspecting Officers” of State Government authorised under the said order and shall make available report of the same to the registering of the results of analysis of the samples sent to it for examination for the purpose of Clause – 10 of the said order.

Dated:

The 14th May, 2004.

No.24/4/98-98/1FDI/3325

A copy is forwarded to the Controller, printing & Stationery, Punjab, Chandigarh with the request that above notification may be published in the Punjab Government Gazette (Extra Ordinary) and 200 copies of the Gazette Notification be set to this Department.

-Sd/-

Sameer Kumar

Special Secretary to Govt.Punjab.

No. 24/4/98 – 98/1FDI/3326

Dated, Chandigarh, the 27/5/2004

A copy is forwarded to the Accountant General (A & E), Punjab, Chandigarh for information & necessary action.

-Sd/-

Special Secretary to Govt.Punjab.

No. 24/4/98 – 98/1FDI/3327

Dated, Chandigarh, the 27/5/2004

A copy is forwarded to All the Heads of Department, Commissioners of Divisions, Registrar, Punjab & Haryana High Court, District and Sessions Judges, Deputy Commissioner and Sub-Divisional Magistrates (Civil) in the State for information and necessary action.

Sd/-

Special Secretary to Govt.Punjab.

A copy is forwarded to :-

- 1) All Financial Commissioners
- 2) All Principal Secretaries; and
- 3) All Administrative Secretaries to Govt. Punjab for information and necessary action.

Sd/-

Special Secretary to Govt.Punjab.