Trade Obstacle Report

Id
204

Status
Solved (Days published: 1251)

Trade flow
Importing from South Africa to Mauritius

Date and location
07/07/2016 - Airport, MINISTRY OF HEALTH FOOD IMPORT UNIT, Mauritius

Description
Ministry of Health request Date of Manufacture on food products regularly imported

Trade obstacle
There is a law, regulation, certificate, license (or any other written document) behind your problem whose requirements are unnecessary strict and too difficult to comply with

Trade regulations involved
National regulation: Labelling (e.g. product labels with information for consumers)
Regulation name: Food Act Mauritius 1998

Affected products
210690 - Food preparations nes

Additional product details
All Food Items

Conclusive remarks and recommendations
There are various issues with food imports this year, the Ministry of Health is again controlling food imports for the Date of Manufacture on all food items, however this was not the case in the last years. We do import food to Mauritius since 16 years.

The Food Act of 1998 demands
Part I. 3. Labelling requirements of pre-packed food
No person shall import, manufacture, process, pack, store, offer for sale or sell any pre-packed food unless there is on the package a label conspicuously showing the following particulars in English or French
(j)expiry date as well as the date of manufacture which shall be printed on the label or embossed on the container;
All our food products imported do have an expiry date.

We are now being blocked as some products do not have the date of manufacture, however they do have an expiry date.
Although there is a requirement for date of manufacture in Mauritius the important public health requirement is generated by the sell by date (expiry date / best before date)

The issue of the date of manufacture has already been addressed to the Ministry of Health and relevant documents have been submitted to show that there is no law for a production date on food products within the European Union neither in South Africa, however it is a law within the Food Act in Mauritius.
South Africa - Food Labelling Regulation R146 1March2010 Date Marking Regulation12
European Union - Regulation (EU) No 1169/2011 food information to consumers
The Food Act of Mauritius does not go in line with European and South African Food Labeling Legislation, it is not a law to put a date of manufacture on food products in these countries.
Food Imports are NOT being released if the date of manufacture is not on the food product and consignment detained at the airport once again which has been blocked due to this reason. However the law is not applied equally as the majority of food items sold in supermarkets all across the island do not have a date of manufacture, imported food products as well as local produce. A selective enforcement of the law is applied by the Ministry of Health.

Our company already lost business partners as they/we can not comply with this regulation and imports and business opportunities are being gridlocked. The insistence by the Ministry of Health for a date of manufacture on food products and seizure of food products consequently leads to a loss of business, revenue and supply of various food to the population in general, it is also not in favour for the economic development as this trade obstacle slows down imports and sales.

‘Raw Honey’ for example does not require a date of durability under the South African Foods Act with amendment of 2010 however in Mauritius it is a law…shall we not be able to import this super food in the future?

We trust that the people responsible can change regulations in the Food Act and also reducing the amount of certificates (Health Certificate newly implemented as well as Phytosanitary Certificate for food products) needed to ease food imports in the future and still guaranteeing food safety.

Complaint history

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<thead>
<tr>
<th>Date</th>
<th>Status</th>
<th>Details</th>
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<tbody>
<tr>
<td>12/07/2016</td>
<td>New</td>
<td>Dear User, Thank you for using the TOAM platform. The reported trade obstacle has been validated. We have sent details of the problem to the relevant agency and we shall keep you updated on the progress made to resolve this issue. Best Regards, The National Focal Point.</td>
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<tr>
<td>13/07/2016</td>
<td>Ongoing resolution</td>
<td>Dear Sir, As per the requirements of the Food Regulations 1999, all imported Foodstuffs are required to have the date of manufacture printed on the packaging of the products. However, the Ministry of Health has informed us that they will allow some flexibility in the application of this provision of the regulations. We are therefore considering this obstacle as being resolved. Best Regards, The National Focal Point</td>
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<td>27/12/2017</td>
<td>Solved</td>
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