ALERTE AUX OBSTACLES AU COMMERCE

Rapport d'obstacle

Id
282

Statut
En cours de résolution (Jours publié: 2108)

Activité commerciale
Importation de Afrique du Sud vers Maurice

Date et lieu
01/05/2018 - Maurice

Description
Extract of the official letter addressed to the MoH with copies to the higher rank officials

>Consignment Blocked by MoH Food Import Unit<

Dear Mr.

I refer to above subject of our Consignment Blocked by MoH Food Import Unit at the harbor. Amongst the food commodities imported from South Africa we do have Organic Virgin Coconut Oil, which as per information received from Mr. The Director / Food Import Unit is the cause for non release of the consignment.

No further information has been given nor have we been informed by the MoH that it is not permitted to import coconut oil

Please note as follows
1. The consignment consists of various food products,
different edible oils and organic edible coconut oil
2. We are importing these products since several years
3. All products strictly comply with the Food Regulations
(except for coconut oil Schedule 58 Reg206 Saturated Fatty
Acids)
4. All products were given as samples to the Food Import
Unit for PMA (re-submitted for an updated import approval in April 2013)
5. All products were always checked on each import by the
officers of the FIU and no problems were reported to us in the past
6. All products were always released by the officers of
the FIU
7. Each consignment is accompanied by an official Health
Certificate issued by the authorities of the exporting country certifying that the food is fit for human consumption
8. On request by the FIU on 27th February 2017 we
re-submitted on 02nd March 2017 the complete analysis certificates for the imported coconut oil which are issued by independent recognized laboratories. Samples of the coconut oil were taken by the officers of MoH at the harbor.
9. Again all imports of coconut oil were released without
any problem by the FIU
10. At this stage we have not been informed by the FIU MoH
that the import of organic edible coconut oil is not allowed

We wish to bring to your attention that
1. Coconut Oil is widely sold in supermarkets around the
island (as per today 19th June 2018)
2. One brand of Coconut Oil sold in the supermarkets

doesn't comply with the Food Regulation (PART I - Food Composition and Labeling 3. Labeling requirements of pre-packed Food) however it is not removed by the MoH
3. Schedule 58 Reg206 Saturated Fatty Acids must be
amended to International Standards
>as various food products do not comply with this regulation and
>consequently are not legal as per the Food Act
4. Coconut oil is rich in saturated fatty acids,
especially lauric acid (about 50%) and myristic acid (about 20%). These fatty acids are so-called 'medium-chain triglycerides' (MCTs) because they are shorter molecules than the saturated fats commonly found in vegetable oils and animal fats (e.g. palmitic and stearic acid). This also explains why coconut oil has a far better health profile than its high content of saturated fats would suggest.
5. We are in possession of all documents as per above
statement

Consignments of coconut oil being held at the harbour

1.0 The problem
After years of allowing the import of edible coconut oil the Ministry of Health in May 2018 without warning have banned this product because it contains more than 23% of saturated fatty acids.
This is selective enforcement as butter, and particularly Ghee amongst others are all significantly in excess of 23% and no attempt is made to stop their importation.
The regulation of 1999 does not reflect an accurate understanding of the health effects of consuming foods containing fatty acids and the ban based on greater than 23% fatty acid content is misguided and not found for example ion the EU nor in North America. Coconut oil is regarded as beneficial in its health effects when consumed.
2.0 The ban

PRE-MARKET APROVAL

Typical letter received by long standing importer of coconut oil

From Ministry of Health dated 25 May 2018 (see other email for photo of full letter) from The Director for Senior Chief Executive to the Director RE IMPORTATION OF ORGANIC VIRGIN COCNUT OIL The Chocolate Block Company stating: that a consignment cannot be released by MRA Customs as "the said product has not received a Pre-Market Approval Permit from this Ministry"

In addition, the letter stated:
"You are reminded that any edible oil has to be in compliance with the relevant Regulations, including Regulation 206 of the Food Regulations 1999 prior to this Ministry entertaining an application for a Pre-Market approval

LIMIT ON FATTY ACID CONTENT

Food Act 1999 Regulation number 206 "Maximum permissible level of fat"

"No person shall import process manufacture process pack store offer for sale or sell any food specified in column 1 of the fifty-eighth schedule unless it complies with the maximum permissible level of poly unsaturated, saturated fat or palm oil specified in column 2 of the schedule in respect of that food"

Fifty-eighth Schedule

Item 5 of this schedule refers in column 1 to "Edible mixtures or preparations of animal or vegetable fat or oil or fractions of different fats or oils"

Column 2 specifies "(a) Not more than 23% of saturated fatty acids on the fat weight basis"
"You are reminded that any edible oil has to be in compliance with the relevant Regulations, including Regulation 206 of the Food Regulations 1999 prior to this Ministry entertaining an application for a Pre-Market approval

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3.0 Pre-Market Approval issue

The Chocolate Block has been importing edible coconut oil along with most supermarkets and other retailers for years.

In 2013 the Chocolate Block gave samples of all edible oils including coconut oil to the Food Import Unit for Pre-Market Approval.The Director of the Chocolate Block received an email from the Officer in Charge of the Food Import Unit clearing his products including coconut oil for approval See copy of his email separately sent

4.0 Suggested solution

Amend fifty-eighth schedule item 5 “edible mixtures,” column 2 by deleting “Not more than 23% of saturated fatty acids on the fat weight basis and” Thus leaving only the reference “Not more than 25% of palm oil”

This removes the block on products which have much more than 23% saturated fatty acid like Ghee and and coconut oil.

The alternative would be to ban the importation and production and sale of Ghee, Butter, Whipping Cream, Animal Fats (Suet), Fish Oils (Sardine), Industrial Chocolates, the use of Hydrogenated Oils (Palm Oil), Coconut (Desiccated), Coconut Oil, certain cheese (Cheddar (30%), Soft Goat's Cheese (29%), Cheshire, Cream Cheese, Fontina, Roquefort, Gjetost & Monterey (27%), Blue & Gruyere

(26%), Swiss (25%), Romano & Brie (24%), Parmesan (23%)), which would meet massive opposition in the population.

The sales of Margarine however with a saturated fatty acid content not exceeding 60% as well as the use of Refined bleached deodorised Soya Bean Oil / Sunflowerseed Oil and added Palm Olein is fine as per the Laws of Mauritius and the population being poisoned with the knowledge of the officals. https://www.nutritionadvance.com/harmful-effects-of-soybean-oil/

All names of officers MoH are on file and proof of the statement available

Type d'obstacle

Il y a un règlement ou une procédure obligatoire dont les exigences sont trop rigoureuses ou auxquels il est difficile de se conformer

Règlement relatif à l'obstacle

Un règlement national: Autres prohibitions ou restrictions imposées à des produits ou substances (veuillez spécifier)
Nom du règlement: Food Regulation FIFTY-EIGHTH SCHEDULE [Regulation 206] PERMITTED LEVEL OF SATURATED FATTY ACIDS

Produits concernés

151319 - Huile de coco et fractions, non chimiquement modifiees

Secteur d'activité

Produits alimentaires transformés et agro-industriels

Informations supplémentaires sur le produit

Organic Cold Pressed Edible Coconut Oil

Remarques et recommandations finales

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This removes the block on products which have much more than 23% fatty acid like Ghee and coconut oil. The alternative would be to ban the importation and production and sale of Ghee, Butter, Whipping Cream and lots of other foods products which would meet massive opposition

Historique du rapport d'obstacle

Date	Statut	Détails
19/06/2018	Nouveau	
20/06/2018	En cours de résolution	Dear Sir, Your obstacle has been validated and will be sent to the relevant government agency for justifications. Best Regards, The National Focal Point