

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT), APPRAISING MAIN, JAWAHARLAL NEHRU
CUSTOM HOUSE, NHAVA SHEVA, TALUKA URAN, DISTRICT RAIGAD, MAHARASHTRA-400 707.

F.No. S/26-Misc-235/10-11/Gr I

DATE: 01.10.2010

PUBLIC NOTICE NO 97 /2010

Sub : Procedure for drawal of sample of food items-reg.

Attention of trade is invited to the [Public Notice No. 89/2010](#) dated 08.09.2010 notifying the authorized officer under Food Safety & Standards Authority of India (FSSAI), 2006 at JNPT, Nhava Sheva Port for the process of testing and clearance of imported food items effective from 13.09.2010. Attention is also invited to the procedure for drawal and testing of samples of edible/food products as prescribed in the [CBEC Circular No. 58/2001-Cus](#) dated 25.10.2001; DGFT Policy Notification No. 22(RE-2001)/1997-2001 dated 30.07.2001 and DGFT Policy Circular No.25(RE-2003)/2002-07 dated 28.01.2004 read with DGFT Circular [Policy No.37\(RE-2003\)/2002-07](#) dated 14.06.2004.

2. As per [DGFT Notification No. 22\(RE-2001\)/1997-2001](#) dated 30.07.2001, import of all such edible/food products, domestic sale and manufacture of which are governed by PFA Act,1954, shall also be subject to the condition that at the time of importation, the products are having a valid shelf life of not less than 60% of its original shelf life. Shelf life of the product is to be calculated based on the declaration given on the label of the product, regarding its date of manufacture and due date of expiry.

3. The [DGFT Policy Circular No.25\(RE-2003\)/2002-07](#) dated 28.01.2004 prescribes that in respect of consignments of high risk food items and perishable items like fruits, vegetables, meat, fish, cheese, etc.,

samples shall be drawn and tested as per [CBEC Circular No. 58/2001-Cus dated 25.10.2001](#). List of high risk food items requiring 100% sampling and testing as per [DGFT Policy Circular No. 37\(RE-2003\)/\(2002-07\) dated 14.06.2004](#) read with [CBECs Circular No. 58/2001-Cus dated 25.10.2001](#) are as follows:

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|--|--|
| i. Edible Oils and Fats in any form | viii. Infant Formulae |
| ii. Pulses and Pulses products | ix. Food Colours |
| iii. Cereals and Cereals Products | x. Food Additives |
| iv. Milk Powders | xi. Natural Mineral Water |
| v. Condensed Milks | xii. Packaged drinking water |
| vi. Infant Milk Food | xiii. Tea & Coffee |
| vii. Milk Cereal Base Weaning
Foods | xiv. Cocoa butter equivalent
or Substitutes |

4. For non-perishable and non-high risk items, the following procedure has been prescribed:

(a) Samples would be drawn from the first five consecutive consignments of each food item imported by an individual importer for testing by Port Health Officer;

(b) In the event of samples conforming to PFA standards, Customs may switch over to a system of testing of 5% to 20% of the consignments of the item of an importer on random basis.

(c) In case, a sample drawn from a food item in a particular consignment fails to meet the prescribed standards, the Customs will place the import of the said food item on alert, discontinue random checking for import of such food items and then revert to procedure of 100% checking.

5. After the take over of the PHO functions with regard to testing and clearance of imported food items by FSSAI w.e.f 13.09.2010 at JNCH, owing to certain operational and other difficulties, the FSSAI has issued Circular No. 01/2008/Import Safety/FSSAI dated 28.09.2010 endorsing the procedure laid down in the aforesaid DGFT Circulars.

6. In order to tide over this problem and to implement the said FSSAI Circular, the following procedure has been prescribed for clearance of non-high risk & non-perishable items till further orders:

(i) In cases of all Bills of Entry to be assessed of edible/food items, by the Appraising Group, the Group shall order for drawal of samples and testing by the FSSAI for 5%-20% of the consignments of each food item on a random basis imported by an individual importer subject to the importer showing Test Reports of earlier 5 consecutive consignments of the same items conforming to prescribed PFA standards. While calculating 5%-20% of the total consignments of the individual importer, a period of one months time may be taken into consideration. Due consideration shall be given to factors like nature of food products, Country of Origin of goods and track record of the importer while deciding the random selection of 5%-20% of the consignments for drawal of samples. In these cases, the goods shall be given out of-charge after receipt of test report/ NOC from FSSAI.

(ii) In all cases, whether samples have been drawn or not, the Docks Examining Officer shall undertake the general checks prescribed in Para 2.1 (a), (b) & (c) of CBEC Circular No. 58/2001, as detailed below:

(a) The condition of the hold in which the products were transported should be checked to see whether they meet the requirements of storage, as per the nature of the products, and does not in any cause deterioration or contamination of the products.

(b) Physical/visual appearance in terms of possible damage-whether it is swollen or bulge in appearance; and also for rodent/insect contamination or presence of filth, dirt etc.- should be checked.

- (c) The products should meet the labeling requirements under the Prevention of Food Adulteration Rules and the Packaged Commodities Rules. This includes ensuring that the label is written not only in any foreign language, but also in English. The details of ingredients in descending order, date of manufacture, batch no., best before date etc. are mandatory requirements.
- (iii) They shall also verify other requirements like clearance from Plant Quarantine, Animal Quarantine and NOC of ADC if applicable in addition to the requirements specified in sub-para (iii) below.
- (iv) However, in case of all RMS facilitated Bs/E, requirement of NOC from FSSAI in compliance of CCR including drawal of samples and testing has to be followed as per prevalent practice and goods shall be released after receipt of test reports/NOC from FSSAI.

7. Problems have been experienced in obtaining the test reports in respect of samples of dry fruits from the designated lab under FSSAI. In this connection, a number of representations have been received from the importers and trade associations. Accordingly, as an interim measure, it is prescribed that in cases where Group has already assessed Bs/E till 30.09.2010 for dry fruits viz. almonds, pista, dates, cashew nut, fig, apricot etc. and an order has been given for getting PHO (FSSAI) NOC, the concerned DC/AC/ Docks after ensuring drawal of sample by FSSAI shall release the goods pending receipt of Test Reports and after entering the remarks to this effect in the EDI system. In all these cases the other requirements like PQ/ AQ/NOC of ADC, wherever applicable and Phytosanitary Certificate from the Country of Origin shall continue to be verified.

8. All concerned are requested to take note of above procedure.

9. Any difficulty noticed in the implementation of this Public Notice may be brought to the notice of the undersigned.

(MALA SRIVASTAVA)

COMMISSIONER OF CUSTOMS (IMPORT)

JNCH, SHEVA.

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