Asia Pacific Food Law Guide - Singapore

Enforcement

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# Enforcement authorities and key responsibilities

There are five main authorities responsible for the enforcement of food-related laws and regulations.

**1. AVA**

The AVA oversees food safety, animal health and agriculture/fish farming. In relation to food, the AVA is responsible for ensuring food safety/quality and regulating food establishments. The AVA has wide powers to investigate and prevent the sale of food which may be dangerous for public consumption. An authorized officer has the power to do any of the following:

enter any premises to inspect, seize and destroy any food intended for sale which is deleterious to health;

require, or may reasonably require, any person to furnish information that is relevant to enforcement; and

demand, select and take/obtain samples for examination.

**2. NEA**

The NEA deals with food hygiene and retail food establishments. Pursuant to the Environmental Public Health Act, the NEA is responsible for issuing licenses for retail food establishments. Licensees will also have to abide by the Environmental Public Health (Food Hygiene) Regulations ("EPHFHR"), which set out (amongst others) practices such as time-stamping of catered food, storage of raw food, and restrictions on sale of expired food.

**3. Singapore Customs**
The Singapore Customs facilitates trade, promotes trade security, and enforces taxes on the goods where necessary. It administers the TradeNet portal through which the relevant import permit applications are made to Competent Authorities, such as the AVA.

**4. Ministry of Trade and Industry**
The Ministry of Trade and Industry administers the CPFTA and the CPTDA. In relation to consumer complaints under the CPFTA, the Consumers Association of Singapore is a non-profit non-governmental consumer watchdog that facilitates the resolution of such complaints.

**5. Advertising Standards Authority of Singapore ("ASAS")**
The ASAS enforces the Singapore Code of Advertising Practice with the endorsement of the AVA and various other organizations and government agencies.

# Penalties for non-compliance

**SFA**
*Sections 16 and 49: selling food which is not labelled in accordance with the SFA and the Food Regulations*

a fine of up to SGD 5,000. In the case of a second/ subsequent conviction, a fine of up to SGD 10,000 and/or imprisonment for up to three months applies. Sections 17 and 49: selling food which is labeled or advertised in a false/misleading manner

• a fine of up to SGD 5,000. In the case of a second/subsequent conviction, a fine of up to SGD 10,000  and/or imprisonment for up to three months applies.

**Food Regulations**
*Regulation 261: non-compliance with any of the Food Regulations*

a fine of up to SGD 1,000. In the case of a second/subsequent conviction, a fine of up to SGD 2,000 applies.

**Environmental Public Health (Food Hygiene) Regulations ("EPHFHR")**
*Regulation 33: non-compliance with any provision of the EPHFHR*

a fine of up to SGD 2,000. In the case of a continuing offense, a further fine of up to SGD 100 for every day or part thereof during which the offense continues after conviction.

**Regulation of Imports and Exports Regulations**
*Regulation 45: failure to obtain the relevant import/export permits*

the greater of a fine of up to SGD 100,000 or 3 times the value of the goods in respect of which the offense was committed, and/or imprisonment for up to two years. For a second/subsequent conviction, the greater of a fine of up to SGD 200,000 or 4 times the value of the goods in respect of which the offense was committed and/or imprisonment for up to three years.

**CPFTA**
*Section 6: consumer's right to sue for unfair practice*

a civil claim for up to SGD 30,000

**CPTDA**
*Section 4: falsely applying a trade description or selling goods that bear a false trade description*

a fine of up to SGD 10,000 and/or imprisonment for up to two years

**SCAP**

no criminal or civil consequences. However, the ASAS can withdraw advertising space or time from offending advertisers in breach of the SCAP. The outcome of investigations by the ASAS can also be published, subjecting advertisers to possible negative publicity.

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