



LEGAL ALERT

LABELLING FOODSTUFFS

The Regulation on the sanitary and hygiene requirements for the manufacture, transport, marketing, inspection and monitoring of foodstuffs¹ (“Regulation”), approved by Decree No. 15/2006, of 22 June, is not a particularly new legal instrument², but its implementation, at least with regard to food product labelling, is only now arousing more awareness among those it targets, perhaps as a result of the increasingly more prominent - and greater press coverage of - actions of the National Economic Activities Inspectorate (*Inspecção Nacional das Actividades Económicas*) (“INAE”)³.

The INAE, as regards the labelling of foodstuffs, has been fostering preventive measures (which is indeed one of its remits) through participation in different events which bring together, among others, economic operators from the food sector. As such, food sector operators (particularly the manufacturers and distributors of such products) must comply with the legislation on labelling to avoid any penalties⁴ that may be imposed by the INAE within the scope of its monitoring activity⁵. Labels must therefore contain mainly, in perfectly legible characters and in the Portuguese language, the following details:

- name or brand of the product;
- name and registered office of the manufacturer;
- the manufacturing establishment or establishments;
- nutritional content;

¹ In light of this Regulation (Article 1(g)), “foodstuffs” are understood as “(...) every substance that is ingested in its natural, semi-processed or processed state, intended for human consumption, including beverages, chewing gum and any other substance used in its processing, preparation or treatment, but excluding cosmetics, tobacco and substances used exclusively as medicines”.

² It came into force at the end of 2006, so a little over ten years ago.

³ Set up by Decree No. 46/2009, of 19 August.

⁴ The following penalties may be imposed: warning; removal/seizure and/or destruction of foodstuffs; fine; suspension; or closure of the establishment.

⁵ Under Article 1(q) of the Regulation “labels” are understood as “any inscription, caption, registered trademark, image or other descriptive matter, written, printed, stamped, etched, embossed or lithographed on foodstuff packaging.”



- ingredients, by increasing order of quantities present, by weight or volume;
- additives;
- net weight in the package;
- the words “artificially coloured”, for example, in enriched food or food subjected to special treatment;
- date of manufacture;
- validity date for human consumption;
- batch number; and
- the scientific name must (wherever possible) be accompanied by the corresponding common name.

Particularly worthy of note here are imported food products, which constitute the vast majority of goods marketed in this country, hence our constant trade balance deficit. While importation is not envisaged in the Regulation, the fact is that marketing is, whether it is national or imported products that are involved. Accordingly, it is up to the importer/distributor of a given product to ensure that when a product arrives at the customs office of entry into Mozambican territory, it is in compliance with the labelling requirements listed above. As to translation of the product name/brand, we asked the National Institute of Standards and Quality (*Instituto Nacional de Normalização e Qualidade*) (“INNOQ”)⁶ and INAE whether brands should be translated into Portuguese, given that the function of brands is to differentiate the products (and services) of one company from those of another, thus establishing a link between a product or service and a given economic operator. The answer we obtained was that translation into Portuguese of the product brand is not necessary, despite the Regulation establishing otherwise. We will therefore be awaiting at least a sporadic amendment to the Regulation in respect of this point, in order to afford economic operators greater (and the necessary) legal certainty.

It is of extreme importance therefore that national manufacturers should take into account, if they have not yet done so, the details that must be contained on foodstuff labels, while

⁶ Set up through Decree No. 2/93, of 24. The INNOQ Statutes were amended by Decree No. 74/2013, of 31 December.



foodstuff importers/distributors must be aware of the need to have imported products properly labelled, as described above. Any failure to do so may result in a variety of penalties which may ultimately even mean the closure of their establishment or establishments. Consequently, it is recommended that the content of the labels be pre-approved by the INNOQ, thus ensuring conformity of the same with the Regulation, as well as with the specifics set down in the Pre-measured Products Regulation⁷ and in Mozambican Standards NM 15 (General requirements for the labelling of pre-packaged products and for the sale of goods subject to legal metrology control), NM 42 (General standard for the labelling of pre-packaged foods) and NM 80.

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⁷ Approved through Ministerial Instrument No. 141/2013, of 23 September.