

Food Law

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ABSTRACT

These days consumers are showing keen interest in the way food is produced, processed, and marketed. The increasing globalization of the food supply chain has resulted in unprecedented interest in the development of food standards and regulations. International food trade is disrupted by frequent disputes over food safety. Food law has emerged in pieces over decades in response to food safety challenges. This paper provides a brief introduction to food law(s).

KEYWORDS: food law, food safety

INTRODUCTION

Food is vital to the human existence. Access to safe and healthy food is a right of every individual as contained in the universal declaration of human right. The food industry is very important to the American economy. In spite of food's central role in our lives, it did not attract much attention from law policy and enforcement until recently.

Right from the beginning of civilization, people have been concerned about the safety, quality and nutrition of foods. Food safety is of great concern to the general public, organizations, government, and international trading partners. The World Health Organization (WHO) has recently increased the priority of its food safety activities at international and regional levels. Food safety refers to all those hazards that may make food injurious to the health of the consumer.

Food law consists of laws and regulations that govern food production, processing, distribution, marketing, and consumption. There are federal, state, and local food laws. Food laws typically govern the use of pesticide, food additives, nutrition labeling, tariffs on agricultural imports, and restaurant cleanliness. They also govern topics like packaging, distribution, adulteration, and fraud in the food industry. Through the assistance of food lawyers, food-related businesses must comply with the law as they conduct business [1].

Technological advances have changed the varieties of foods and related products available. These changes also created new sets of winners and losers in the food industry.

FOOD CONCERNS

Food may be defined as any substance which the human consumes and drinks in fresh, cooked, raw or processed form. The main concerns of food law can be identified as food safety, food quality, food control, and food standards.

➤ Food Safety:

Safe food refers food prepared on clean and sanitized surroundings with clean utensils and dishes. Food safety is the discipline that describes handling, preparation, and storage of food in ways that prevent food-borne illness. It involves the concept that food will not cause harm to the consumer when it is eaten according to intended use. Food safety is the joint responsibility of everyone involved in the

food supply chain, from farm to the consumers. The government plays a crucial role in food safety through regulation, supervision, and education [2]. WHO's work in the food safety includes strengthening national food safety systems, promoting good manufacturing practices, and educating retailers and consumers on food handling. Assuring food safety is important for both economic and social consequences.

➤ Food Control:

Food control is a regulatory activity of enforcement by authorities to provide consumer protection and ensure that all foods during production, storage, processing, distribution, and sale are safe. Food control systems may be fragmented between national, state and local bodies. The major responsibility of food control is to enforce the food laws and regulations. Food law consists of definitions of unsafe food, enforcement tools for removing unsafe food from the market, and punishing responsible parties. Various regulations include licensing and registration, packaging, and labelling, food standards, food additives, contaminants and toxins, prohibitions and restrictions, and laboratory sampling and analysis. Proper training of food inspectors is paramount to an efficient food control system. Well-equipped food control laboratories are an essential component of a food control system [3].

➤ Food Trade:

The regulation of food control, food safety, and food trade generally takes place at national and subnational levels. Understanding of international food regulation is crucial to international trade in food. Differing food laws and standards by different countries cause some barriers to trade and raise transaction costs. Privatization is a trend which has had an influence on global food trade. Expansion of the food trade, both within countries and with other nations, needs regulation not only at the national but also at the international level.

➤ Food Standards:

Food standard is a norms indicators that measures the characteristic of each type food. In every country, standards are an important part of the regulation of food production and food trade. These food standards are often set in accordance with the Codex Alimentarius Commission.

Standards of identity define what a given food product is and the ingredients that must be used in manufacturing it.

Food Protection:

During preparation, food must be protected from environmental sources of contamination. A food product is adulterated if it has been prepared or packed under insanitary conditions whereby it may be contaminated. Food may not be stored in restrooms/toilets, locker rooms, dressing rooms, garbage rooms, or mechanical room. Every nation needs an effective food legislation to protect consumers in the market place against unwholesome, contaminated, adulterated, and spoiled foods and other shoddy products. Food labelling is required for most prepared foods such as breads, cereals, and frozen foods.

FOOD AGENCIES

A wide range of government agencies impact food law at the federal, state, and local levels. The states usually have task forces, food policy councils, and agencies that address food policy issues. States continue to introduce new food laws or amend existing laws. The US Food and Drug Administration (FDA) is the federal agency with the authority to regulate food safety. It also takes measures to protect the public from intentional attacks on the food supply and regulates food nutrition labeling. It seeks to raise levels of nutrition, improve agricultural productivity, and contribute to the growth of the world economy [4].

Non-governmental agencies and research institutes provide unique services in the food law. For example, Fair Food Network (FFN) is a nonprofit dedicated to building a fair, sustainable food system.

OTHER MATTERS

Christian, Kosher and halal laws are important to Christian, Jewish, and Muslim populations who observe these laws. The kosher dietary laws determine which foods are "fit or proper" for orthodox Jews. They are derived from the Torah and the oral law received by Moses on Mount Sinai (Talmud). Halal laws are observed by Muslims and derived from the Quran and the Hadith, the traditions of the prophet Muhammad [5]. Consumers (including non-Jewish and non-Muslim) of Kosher and halal products believe that the food designation means better quality and healthier food. Most Christians do not practice the food laws from the Old Testament since Paul declared all foods and drinks clean. However, the kosher, Christian, and halal food laws all prohibit pig meat [6]. The technological advances have made private enforcement of these religious dietary laws increasingly less tenable.

CONCLUSION

If foods are supposed to be "safe," the food safety must be ensured by food law. For an effective implementation of the new food law, all these stakeholders (food manufacturers, importers/exporters, producers, retailers, catering companies, and consumers) must be involved in the process. Consumers must make informed choices and protect themselves against inaccurate and misleading claims. Food law primarily addresses food businesses because it is their

responsibility to ensure food safety. More information on food law can be found in books [7-17] and journals on food law such as *British Food Journal*.

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