## Food and Drugs Act (Cap 303)

CHAPTER 303 THE FOOD AND DRUGS ACT

CHAPTER 303

THE FOOD AND DRUGS ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

1. Short title

2. Interpretation

PART II

**GENERAL PROVISIONS** 

A. Food
3. Prohibition against sale of poisonous, unwholesome or adulterated food
4. Deception
5. Standards of foods
6. Prohibition against sale of food not of the nature, substance or quality demanded
7. Sale and preparation of food under insanitary conditions
B. Drugs
8. Prohibited sale of drugs
9. Deception
10. Standards of drugs

11. Prohibition against sale of drugs not of the nature, substance or quality
demanded
12. Sale and preparation of drugs under insanitary conditions
C. Cosmetics
13. Prohibited sale of cosmetics
14. Standards of cosmetics
15. Sale and preparation of cosmetics under insanitary conditions
D. Devices
16. Prohibited sale of devices
10. Frombited Sale of devices
17. Deception
Section

18. Standards of devices
19. Sale and preparation of devices under insanitary conditions
PART III
IMPORTATION AND WARRANTY
20. Importation
21. Warranty

ART IV
DMINISTRATION AND ENFORCEMENT
2. Food and Drugs Board
3. Regulations
4. Powers of authorised officers

25. Appointment and duties of public analyst
26. Power of Director of Medical Services
27. Duty of local authority to enforce Act
28. Power of Minister to obtain particulars of certain food or drug ingredients
PART V
LEGAL PROCEEDINGS

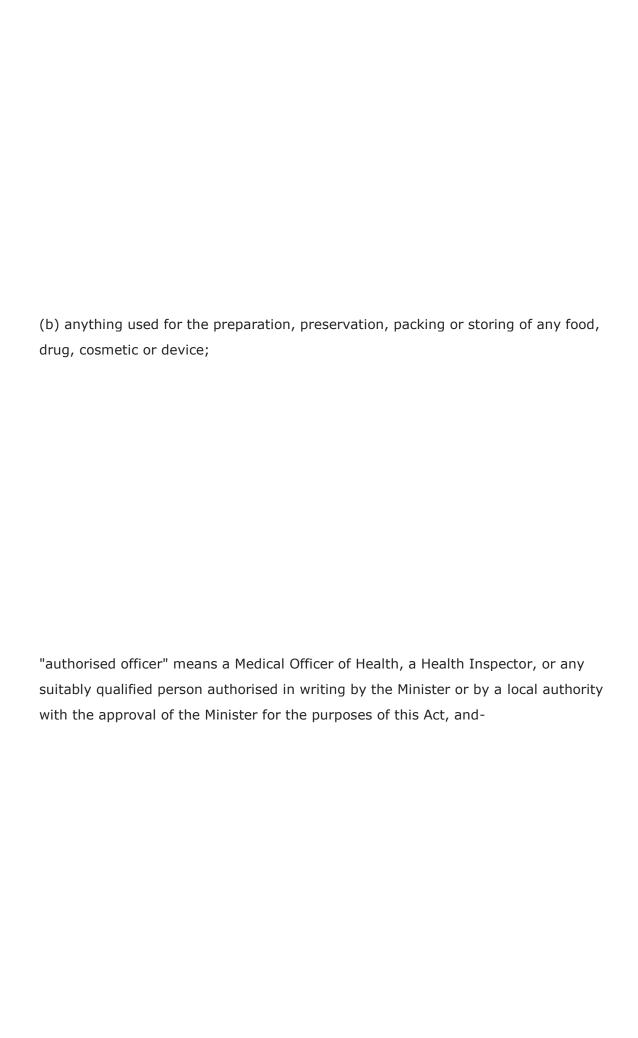
29. Power of court to order licence to be cancelled and articles to be disposed of
30. Prosecution
31. Penalties
32. Certificates of analysis and presumptions
33. Saving of other written laws
34. Minister's power to amend Schedule

**SCHEDULE-Publications** 

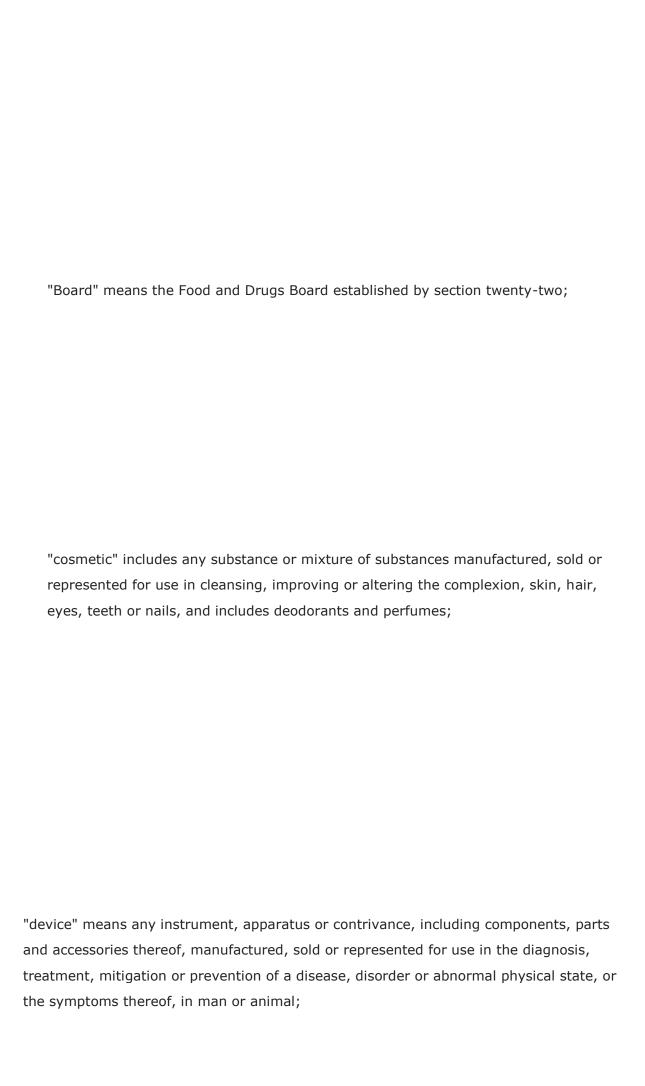
CHAPTER 303
FOOD AND DRUGS 22 of 1972
13 of 1994
An Act to protect the public against health hazards and fraud in the sale and use of food, drugs, cosmetics and medical devices; and to provide for matters incidental thereto or connected therewith.

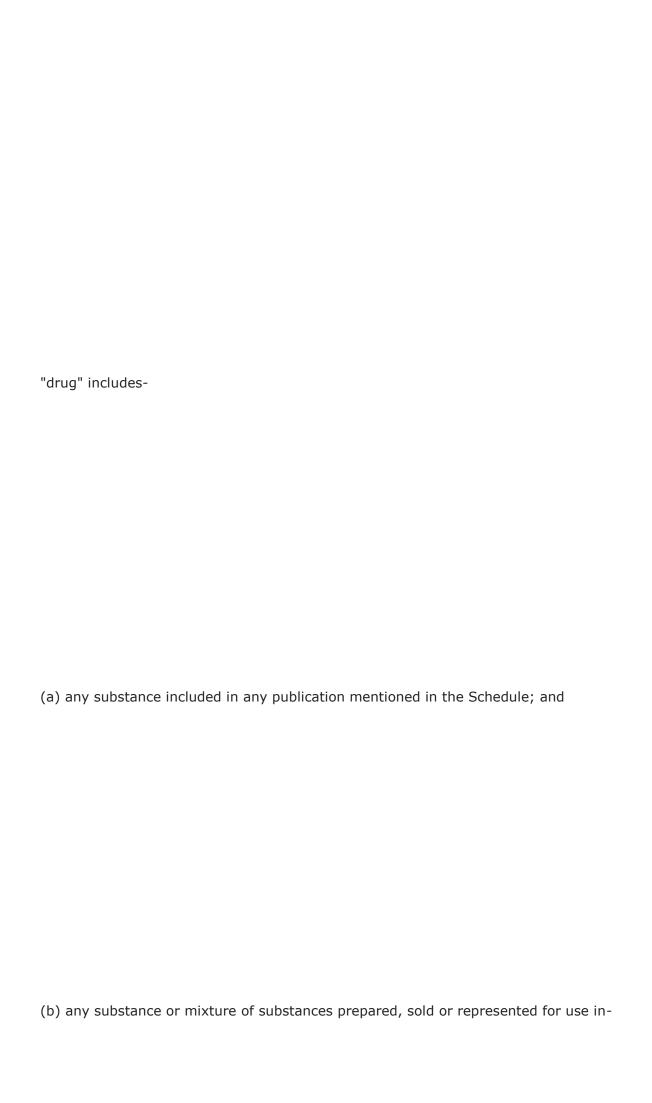
[1st December, 1972]
PART I PRELIMINARY
1. This Act may be cited as the Food and Drugs Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation
"advertisement" includes any representation by any means whatsoever for the
purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;
"article" includes-
(a) any food, drug, cosmetic or device and any labelling or advertising materials in respect thereof; or

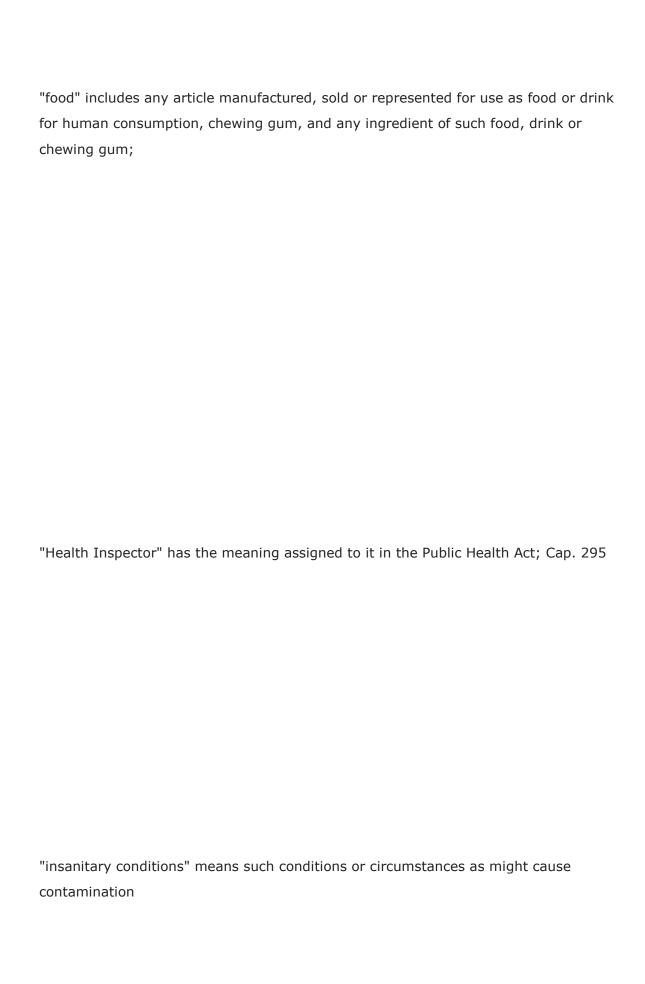


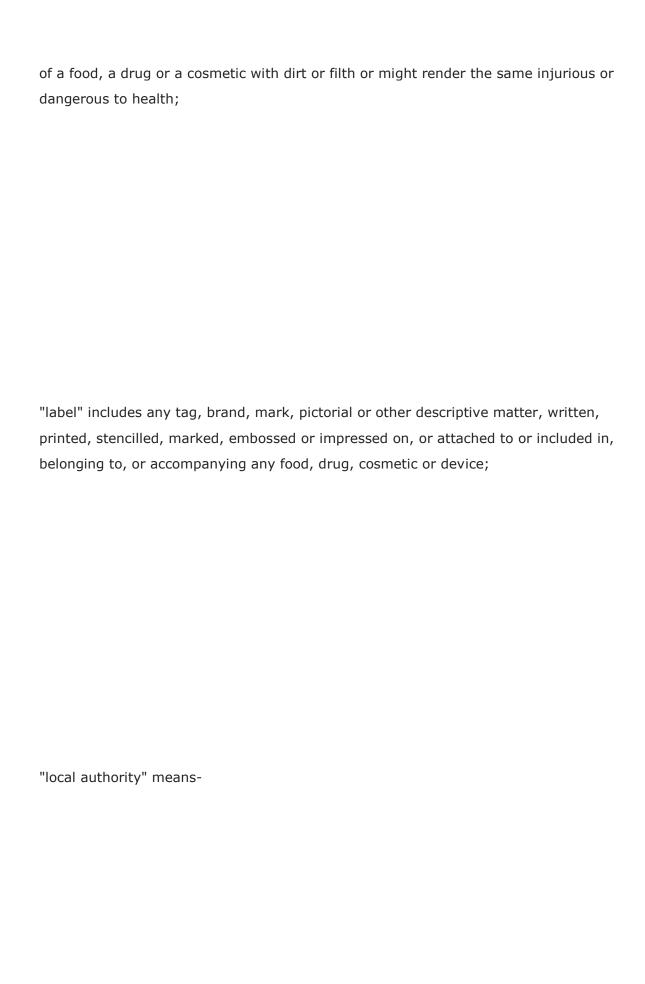
(a) for the purpose of taking of samples under sections twenty-four and twenty-six and sending them to a public analyst, and for receiving reports thereof under section twenty-five, includes a police officer of or above the rank of Assistant Inspector and an officer of the Department of Customs and Excise authorised in that behalf by the Controller of Customs and Excise;
(b) for the purpose of exercising control in respect of drugs, cosmetics or devices, includes an inspector as defined in the Dangerous Drugs Act; and Cap. 302
(c) for the purpose of any proceedings under section thirty, includes the principal officer as defined in the Local Government Act; Cap. 281





(i) the diagnosis, treatment, mitigation or prevention of a disease, disorder or abnormal physical state, or the symptoms thereof, in man or animal; or
(ii) restoring, correcting or modifying organic functions in man or animal;

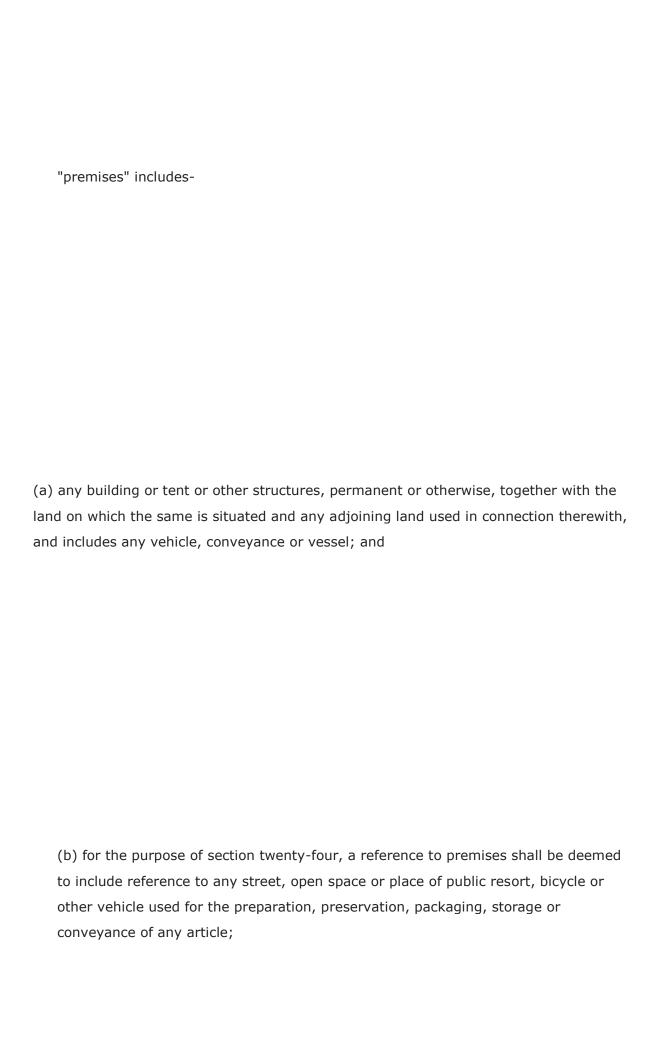


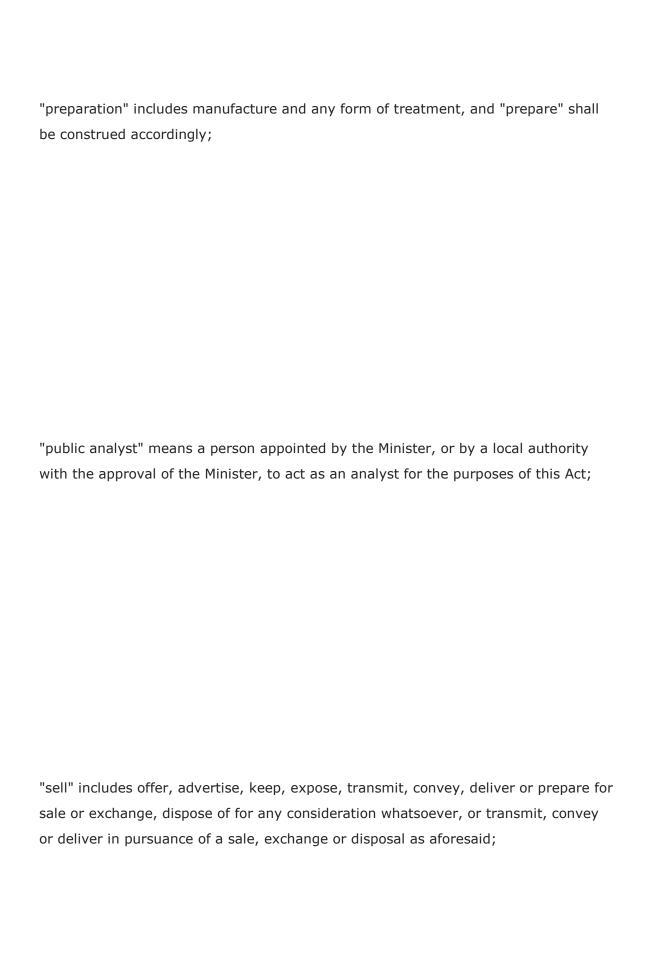


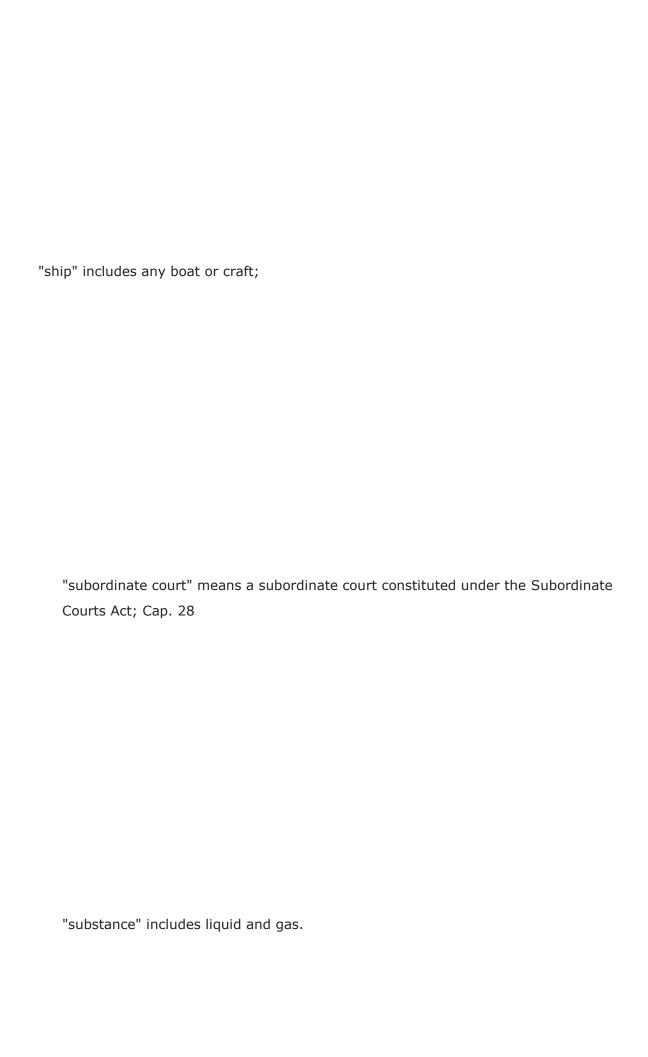
(a) a municipal council; or
(b) a township council; or
(c) a rural council; or
(c) a rurar council, or
"Medical Officer of Health" has the meaning assigned to it in the Public Health Act; Cap.



whether open or closed;

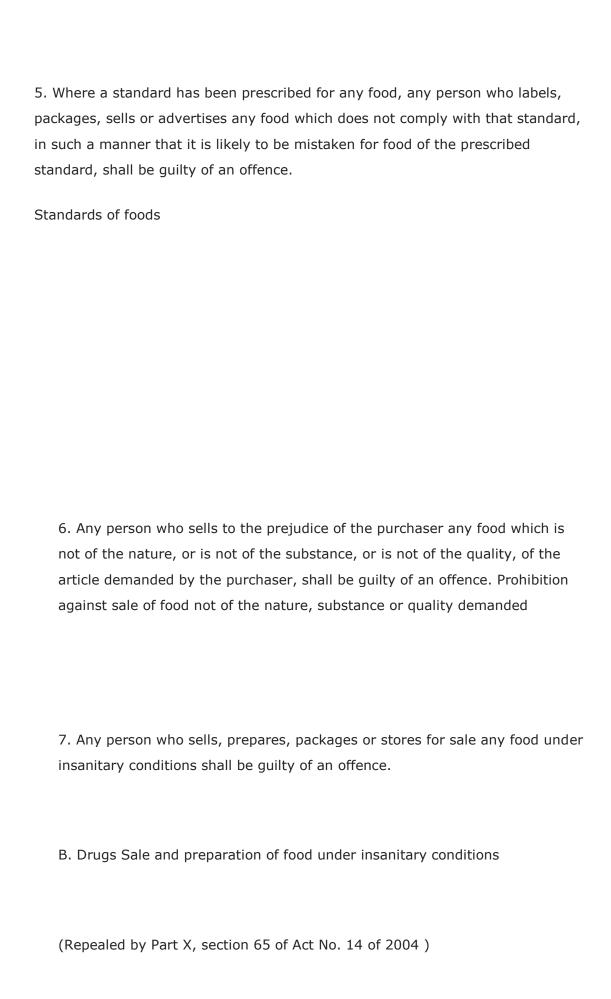






PART II
GENERAL PROVISIONS
A. Food
71. 1 000
3. Any person who sells any food that-
(a) has in or upon it any poisonous or harmful substance; or

(b) consists in whole or in part of any filthy, putrid, rotten, decomposed or
diseased substance or foreign matter, or is otherwise unfit for human
consumption; or
(c) is adulterated;
shall be guilty of an offence. Prohibition against sale of poisonous, unwholesome
or adultered food
or additioned rood
4. Any person who labels, packages, treats, processes, sells or advertises any
food in a manner that is false, misleading or deceptive as regards its character,
nature, value, substance, quality, composition, merit or safety, or in
contravention of any regulations made under this Act, shall be guilty of an
offence. Deception
•



8. Any person who sells any drug that- (a) is adulterated; or
(b) consists in whole or in part of any filthy, putrid, rotten, decomposed or diseased substance or foreign matter;
shall be guilty of an offence. Prohibited sale of drugs
9. Any person who labels, packages, treats, processes, sells or advertises any drug in a manner that is false, misleading or deceptive as regards its character, constitution, value, potency, quality, composition, merit or safety, or in contravention of any regulations made under this
Act, shall be guilty of an offence. Deception

10. (1) Where a standard has been prescribed for a drug, any person who labels, packages, sells or advertises any substance in such a manner that it is likely to be mistaken for that drug shall be guilty of an offence unless the substance is the drug in question and complies with the prescribed standard. Standards of drugs
(2) Where a standard has not been prescribed for a drug but a standard for the drug is contained in any of the publications specified in the Schedule, any person who labels, packages, sells or advertises any other substance or article in such manner that it is likely to be mistaken for such drug shall be guilty of an offence.
(3) Any person who labels, packages, sells or advertises any drug for which no standard has been prescribed or for which no standard is contained in any

of the publications specified in the Schedule, shall be guilty of an offence unless such drug-
(a) is in accordance with the professed standard under which it is labelled, packaged, sold or advertised; and
(b) does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or which is contained in any of the publications specified in the Schedule.

11. Any person who sells to the prejudice of the purchaser any drug which is not of the nature, or is not of the substance, or is not of the quality, of the article demanded by the purchaser,
shall be guilty of an offence. Prohibition against sale of drugs not of the nature, substance or quality demanded
12. Any person who sells, prepares, packages or stores for sale any drug under insanitary conditions shall be guilty of an offence.
C. Cosmetics Sale and preparation of drugs under insanitary conditions
(Repealed by Part X, section 65 of Act No. 14 of 2004 )

13. Any person who sells any cosmetic that-	
(a) has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used- Prohibited sale of cosmetics	غ
(i) according to the direction on the label of or accompanying such cormetics	
(i) according to the direction on the label of or accompanying such cosmetic; or	

(ii) for such purposes and by such methods of use as are customary or usual therefor; or
(b) consists in whole or in part of any filthy, rotten, decomposed or diseased substance or of any injurious foreign matter; or
(c) was prepared, preserved, packed or stored under insanitary conditions;
shall be guilty of an offence.
14. Whom a shandard has been proposibled for a consetion only proposition
14. Where a standard has been prescribed for a cosmetic, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for a cosmetic of the prescribed standard shall be guilty of an offence unless the article complies with the prescribed standard. Standards of cosmetics

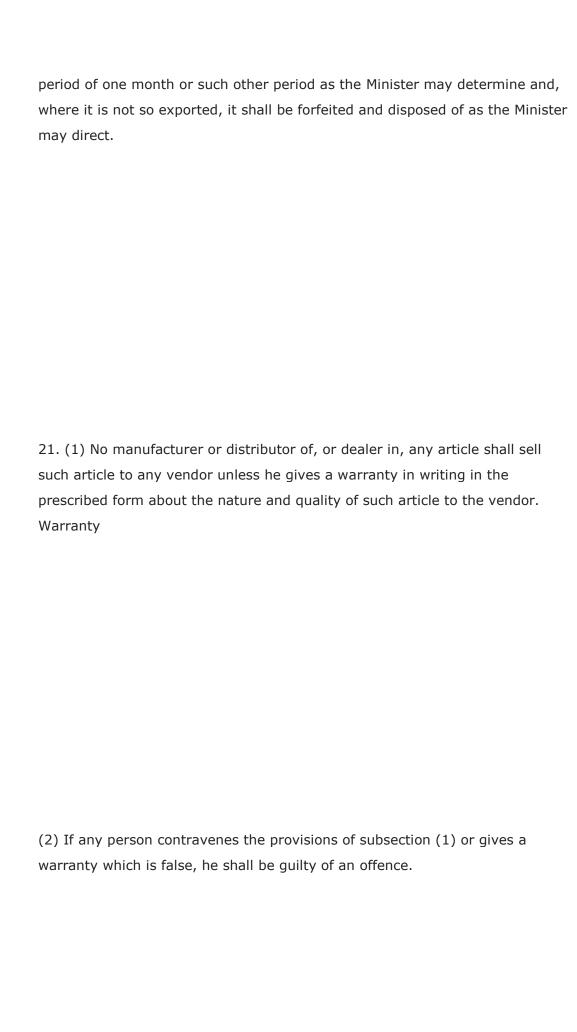
15. Any person who sells, prepares, packages or stores for sale any cosmetic under insanitary conditions shall be guilty of an offence.
D. Devices Sale and preparation of cosmetics under insanitary conditions
(Repealed by Part X, section 65 of Act No. 14 of 2004 )
16. Any person who sells any device that, when used according to directions on the label or contained in a separate document delivered with the device or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof shall be guilty of an offence. Prohibited sale of devices
17. Any person who labels, packages, treats, processes, sells or advertises any device in a manner that is false, misleading or deceptive as regards its character, value, composition, merit or safety, or in contravention of any regulations made under this Act, shall be guilty of an offence. Deception

18. Where a standard has been prescribed for a device, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for that device shall be guilty of an offence unless the article complies with the prescribed standard. Standards of devices
19. Any person who sells, prepares, packages, or stores for sale any device under insanitary conditions shall be guilty of an offence. Sale and preparation of devices under insanitary conditions

T	M	PC	<b>NRT</b>	ATIC	IAC	$M/\Delta RR$	

20. (1) Subject to the provisions of subsection (2), the importation of any article which does not comply with the provisions of this Act is hereby prohibited. Importation

(2) Where an article sought to be imported into Zambia would, if sold in Zambia, constitute a contravention of this Act, the article may be imported into Zambia for the purposes of satisfactorily relabelling or reconditioning the same so that the provisions of this Act are complied with and, where such relabelling or reconditioning is not carried out within three months of the importation, such article shall be exported by the importer within a further



PART IV
ADMINISTRATION AND ENFORCEMENT
22. (1) The Minister shall, as soon as may be after the commencement of this Act, constitute a Board called the Food and Drugs Board to advise the Minister on matters arising out of the administration of this Act and to carry out such other functions as may be assigned to it under this Act. Food and Drugs Board

(2) The Board shall consist of the following members:
(a) the Permanent Secretary, Ministry of Health, ex officio, who shall be the chairman;
(b) the Secretary-General of the National Council for Scientific Research, ex officio;
(c) the Chief Health Inspector employed in the Ministry of Health, ex officio;

(d) the Chief Pharmacist employed in the Ministry of Health, ex officio;
(e) one public analyst nominated by the Minister;
(f) one member representing the National Food and Nutrition Commission established under section three of the National Food and Nutrition Commission Act, and nominated by the Commission; Cap. 308

(g) one member nominated by the Minister from of Health employed by local authorities;	n amongst the Medical Officers
(h) one member who is a person connected wit industry nominated by the Minister;	h or dealing in the food
(i) one member nominated by the Minister from members of the Pharmaceutical Society of Zam	

(j) one member of the Zambian Bureau of Standards Board nominated by the said Board
(3) A member of the Board who is not an ex officio member shall, unless his office becomes vacant earlier by resignation, death or otherwise, be entitled
to hold office for three years and shall be eligible for renomination.
(4) The quorum of the Board shall be five.

(5) The Board may invite any person to attend any particular meeting for the purpose of assisting or advising