

Author:

[E-mail✉ Melissa Tan](mailto:Melissa.Tan@nishimura-asahi.com)¹

[E-mail✉ Tham Weng Kin](mailto:Tham.Weng.Kin@nishimura-asahi.com)¹

1. Introduction

Food safety in Singapore is strictly regulated through legislation and is overseen by the Singapore Food Agency (“**SGFA**”) which collaborates with the food industry and consumers to ensure that stringent food safety standards are continuously observed.² We set out below an overview of the laws and regulations in Singapore that assure its food safety and security.

2. Food Safety in General

2.1 Key laws and regulations that deal with food safety in general

2.1.1 The laws and regulations that deal with food safety in general and their purpose are as follows:

- (a) Sale of Food Act 1973 of Singapore (“**SFA**”)³ and the Food Regulations (“**FR**”)⁴ which regulate food to ensure that, amongst others, food for sale is safe and suitable for human consumption, information

¹ Bayfront Law LLC alliance firm of Nishimura & Asahi

² Please see <https://www.sfa.gov.sg/food-information/food-safety-education/singapores-food-safety-standards> and <https://www.sfa.gov.sg/about-sfa/what-we-do>

³ Please refer to <https://sso.agc.gov.sg/Act/SFA1973?ValidDate=20211231&WholeDoc=1>

⁴ Please refer to <https://sso.agc.gov.sg/SL/SFA1973-RG1?DocDate=20211230&ValidDate=20220731> for the current version of the FR. Please note that there will be amendments to the FR which will take effect on 30 December 2022 by way of the Food (Amendment No. 2) Regulations 2021. These amendments provide for, amongst others, the following: (a) new definitions of “automated beverage dispenser” and “total sugar” to be included in regulation 2(1) of the FR; (b) a new regulation 184B for the grading of Nutri-Grade beverages, based on a grading system specified in a new Sixteenth Schedule, in which Nutri-Grade beverages will be graded “A”, “B”, “C” or “D” according to their nutrition content, such as their sugar and saturated fat content; (c) a new regulation 184C for the labelling of Nutri-Grade beverages with nutrition information, such as stating the energy content and amount of total sugar, carbohydrate, saturated fat, fat and protein in the Nutri-Grade beverages; (d) new regulations 184D and E for the labelling and displaying of a Nutri-Grade mark on the front of the package for Nutri-Grade beverages that are graded “C” or “D” and if the Nutri-Grade beverage is sold online or through an automated beverage dispenser or vending machine, the image of the Nutri-Grade mark must be displayed to the purchaser; and (e) a new regulation 184F setting out advertising restrictions regarding Nutri-Grade beverages graded “D”. Please refer to <https://sso.agc.gov.sg/SL/SFA1973-RG1/Uncommenced/20220821?DocDate=20211230&ValidDt=20221230> for the version of the FR that takes effect on 30 December 2022.

relating to food is provided to enable consumers to make informed choices, and misleading conduct in connection with the sale of food is prevented; and

- (b) Environmental Public Health Act 1987 of Singapore (“**EPHA**”),⁵ which regulates environmental public health in Singapore, including the running of food establishments, and the Environmental Public Health (Food Hygiene) Regulations (“**EPH(FH)R**”),⁶ which regulates food business operators with respect to hygienic conditions in the production and placement of food on the market.

2.2 Definition of “food”

Under the SFA, “food” is defined widely to include, amongst others, any substance or thing of a kind used, capable of being used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), including any ingredient or additive used in such substance or thing, as well as water, meat, fish, eggs, live animals, plants intended for human consumption (but expressly excluding (a) health products or medicinal products covered under the Health Products Act 2007 and Medicines Act 1975 respectively, and (b) controlled drug, material or substance within the meaning of the Misuse of Drugs Act 1973).

2.3 Key obligations and requirements imposed on relevant parties

2.3.1 Under the SFA and FR, there are certain requirements, amongst others, that are imposed on certain parties:

- (a) Selling adulterated food – A person must not sell⁷ any adulterated food⁸ without fully informing the purchaser at the time of the sale of the nature of the adulteration;⁹
- (b) Selling food containing prohibited substances – A person must not sell any food which contains any substance the addition or use of which is prohibited by any regulations made under the SFA;¹⁰
- (c) Selling food containing substance in excess of permitted proportion – A person must not sell any food containing a greater proportion of any substance than is permitted by any regulations made under the SFA;¹¹
- (d) Selling food containing, amongst others, alcohol – A person must not sell any food which contains more than 50 parts of methyl alcohol, isopropyl alcohol or denatured alcohol in one million parts of the food;¹²

⁵ Please refer to <https://sso.agc.gov.sg/Act/EPHA1987?WholeDoc=1>

⁶ Please refer to <https://sso.agc.gov.sg/SL/EPHA1987-RG16?DocDate=20111223170000&WholeDoc=1>

⁷ Please see section 2E of the SFA for what constitutes “sell” under the SFA.

⁸ Please see section 25 of the SFA which provides that any food is deemed to be adulterated in certain circumstances.

⁹ Please see section 11 of the SFA.

¹⁰ Please see section 12 of the SFA and see, for example, regulation 36A of the FR.

¹¹ Please see section 13 of the SFA, and see, for example, regulations 34 and 34B of the FR.

¹² Please see section 14 of the SFA.

- (e) Selling unsafe or unsuitable food – A person must not (i) sell food that the person knows or ought reasonably to know is unsafe, or (ii) sell food that the person knows or ought reasonably to know is unsuitable, and for such purposes, it is immaterial whether the food concerned is safe;¹³
- (f) Labelling in general – A person must not sell any food that is packaged or labelled in a manner that does not comply with all applicable requirements of the SFA relating to identification and labelling of that food;¹⁴
- (g) Advertising – A person who is the person selling, promoting the sale, or appearing to promote the sale of any food or prescribed food contact article, or the agent or employee of the person selling, promoting the sale, or appearing to promote the sale of any food or prescribed food contact article, must not publish an advertisement described in section 16A(1) of the SFA relating to the food or that prescribed food contact article;¹⁵
- (h) False labelling – A person must not sell any food which is labelled or advertised in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its value, merit or safety;¹⁶
- (i) Sale of food prepared under insanitary conditions – A person must not sell any food which is manufactured, prepared, preserved, packaged or stored under insanitary conditions;¹⁷
- (j) Licensing of non-retail food business – A person must not carry on a non-retail food business except in accordance with a licence issued to the person by the Director-General, Food Administration under Part 4 of the SFA;¹⁸ and
- (k) Importing, advertising, manufacturing, consigning or delivering of food – Part III of the FR sets out, amongst others, certain requirements for the labelling of prepacked food and certain restrictions on

¹³ Please see section 15 of the SFA. Please see section 2C of the SFA for what constitutes unsafe food and section 2D for what constitutes unsuitable food.

¹⁴ Please see section 16 of the SFA. For specific requirements relating to identification and labelling of that food, please see, amongst others, regulations 5, 7 8A, 9, 9A, 9B and 10, and Part IV of the FR.

¹⁵ Please see section 16A(2) of the SFA. Please also note that under regulation 12 of the FR, an advertisement for food, other than a label, must not contain any statement, word, brand, picture, or mark that is prohibited by regulation 9 of the FR, other than to the extent permitted under regulation 9A or 9B of the FR.

¹⁶ Please see section 17 of the SFA.

¹⁷ Please see section 19 of the SFA.

¹⁸ Please see section 21 of the SFA. Please also see the Sale of Food (Non-Retail Food Business) Regulations (“**SF(NRFB)R**”) at <https://sso.agc.gov.sg/SL/SFA1973-RG5?DocDate=20180131&ValidDate=20211231&WholeDoc=1> for the requirements to apply for a license and the obligations imposed on licensees such as requirements on the storage, packaging, transport of, and personal cleanliness of any person handling, food, to ensure the safety, suitability and non-contamination of the food.

the composition of food that also apply to persons that import, advertise, manufacture, consign or deliver food.¹⁹

2.3.2 Furthermore, under the EPHA, there are certain requirements, amongst others, that are imposed on certain parties:

- (a) Licensing of the following:²⁰
 - (i) Food establishments – A person must not operate or use or knowingly permit a food establishment²¹ to be used for any of the purposes specified in the First Schedule of the EPHA without first obtaining a licence from the Director-General, Food Administration;²²
 - (ii) Hawkers – A person must not: (1) hawk, sell or expose for sale any food or goods of any kind; or (2) set up or use any stall, table, showboard, vehicle or receptacle for the purpose of hawking, selling or exposing for sale any food or goods of any kind, in any street or part of the street or in any premises or public place without first obtaining a licence from the Director-General, Food Administration;²³
 - (iii) Itinerant hawkers – A person must not act as an itinerant hawker without first obtaining a licence from the Director-General, Food Administration;²⁴
 - (iv) Private markets – A person must not use any building, situation or place as a private market without first obtaining a licence from the Director-General, Food Administration;²⁵
- (b) Cleanliness of markets and stalls – Every licensee of a private market must keep the market in a clean and sanitary condition, and every licensee of a stall must keep the stall and the immediate vicinity of the stall in a clean and sanitary condition;²⁶

¹⁹ For example, (a) regulation 5 of the FR also applies to persons who import, advertise, manufacture, consign or deliver any prepacked food, (b) regulation 34B of the FR states that no person shall import, advertise, manufacture, consign or deliver any infant formula or other food that contains melamine in excess of the amounts stated in regulation 34B of the FR, and (c) 36A of the FR states that a person must not import any edible fat or oil that contain any partially hydrogenated oil for use as an ingredient of any other edible fat or oil or any prepacked food.

²⁰ Please note that the EPH(FH)R sets out the requirements to apply for a license referred to in sections 32, 33, 34 or 36 of the EPHA and the obligations imposed on licensees.

²¹ Please see section 2 of the EPHA for the definition of “food establishment”.

²² Please see section 32 of the EPHA.

²³ Please see section 33 of the EPHA. Please also see section 2 of the EPHA for the definitions of “sale” and “sell”, “showboard”, “premises” and “public place”.

²⁴ Please see section 34 of the EPHA. Please also see section 2 of the EPHA for the definition of “itinerant hawker”.

²⁵ Please see section 36 of the EPHA. Please also see section 2 of the EPHA for the definition of “public market” and “market”.

²⁶ Please see section 39 of the EPHA.

- (c) Articles of food unfit for human consumption – A person must not, without lawful excuse, have in the person’s possession for sale by retail any article of food intended for human consumption which is unsound or unfit for human consumption;²⁷
- (d) Cleanliness of vehicles and equipment – Any person who uses a vehicle for the transportation of food must ensure that the surface of the vehicle with which the food is likely to come into contact is kept in a state of cleanliness, good order and condition so as to prevent any risk of contamination of the food;²⁸ and
- (e) Food hygiene – Part III of the EPH(FH)R imposes, amongst others, certain obligations and requirements pertaining to the sale and preparation for sale of food in respect of the following matters: (i) storage and refrigeration of food and packaging of food;²⁹ (ii) sale, supply and time-stamping of catered food;³⁰ (iii) thawing of frozen meat and storage of raw meat and uncooked fish;³¹ (iv) transport of food;³² (v) general restrictions on the sale and preparation of food;³³ (vi) cleanliness of equipment used in the sale or preparation for sale of food;³⁴ (vii) upkeep of licensed premises;³⁵ and (viii) personal cleanliness.³⁶

2.4 Penalties / Sanctions for non-compliance

- 2.4.1 In general, any person who does not comply with any requirement under the SFA set out in paragraph 2.3.1 above would be guilty of an offence and be liable on conviction to a fine not exceeding SGD5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding three (3) months or to both.³⁷

²⁷ Please see section 40 of the EPHA.

²⁸ Please see section 41 of the EPHA.

²⁹ Please see regulations 12 and 13 of the EPH(FH)R.

³⁰ Please see regulations 13A and B of the EPH(FH)R.

³¹ Please see regulations 14 and 15 of the EPH(FH)R.

³² Please see regulation 16 of the EPH(FH)R.

³³ Please see regulations 19 and 20 of the EPH(FH)R.

³⁴ Please see regulation 21 of the EPH(FH)R.

³⁵ Please see regulation 22 of the EPH(FH)R.

³⁶ Please see regulation 23 of the EPH(FH)R.

³⁷ Please also note that the SFA extends liability to importers, packers or manufacturers, and agents or employees, respectively, such that: (a) where any food or food contact article in connection with which there is a breach of any provision of the SFA is sold in an unopened package, any person who appears from any statement thereon or attached thereto to have imported or manufactured or prepared that food or food contact article or to have enclosed it in that package is, unless proved to the contrary, deemed to have so imported, manufactured, prepared or enclosed that food or food contact article and shall be liable to the same fine as if that person had actually sold that food or food contact article, as the case may be; and (b) every person is deemed to sell any food or food contact article who sells the food or food contact article either on the person’s own account or as the agent or employee of any other person, and in the case of any sale by an agent or employee, the agent’s or employee’s principal or employer shall be under the same liability as if the principal or employer had effected the sale personally.

- 2.4.2 Furthermore, any person who contravenes any of the provisions of the FR shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SGD1,000 and in the case of a second or subsequent conviction to a fine not exceeding SGD2,000.
- 2.4.3 In addition, any person or licensee who contravenes the SF(NRFB)R shall in general and amongst others be guilty of an offence and be liable on conviction to a fine not exceeding SGD5,000 and, in the case of a continuing offence, to a further fine not exceeding SGD100 for every day or part thereof during which the offence continues after conviction.
- 2.4.4 Also, any person who does not comply with any requirement under the EPHA set out in paragraph 2.3.2 above shall be guilty of an offence, and depending on the particular section of the EPHA contravened, such person shall be liable on conviction (a) to a fine not exceeding SGD5,000, and where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding three (3) months or to both, or (b) to a fine not exceeding SGD10,000 and where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding SGD20,000 or to imprisonment for a term not exceeding three (3) months or to both.³⁸
- 2.4.5 Under the EPH(FH)R, any person who contravenes or fails to comply with any of the provisions of the EPH(FH)R shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SGD2,000 and, in the case of a continuing offence, to a further fine not exceeding SGD100 for every day or part thereof during which the offence continues after conviction. Furthermore, a licensee who would have been guilty of an offence if anything had been done or omitted by him personally shall be guilty of that offence and shall be liable to the same penalty if that thing had been done or omitted to be done by his employee or assistant in the course of his business or in the scope of his employment unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he took all reasonable precautions to prevent the commission of the offence.

3. Food Additives

3.1 Key law and regulations that deal with food additives in general

The regulations that deal with food additives in general are set out in regulations 15 to 28 of the FR.³⁹

³⁸ Please also note that where an offence under the EPHA committed by a body corporate/partnership/unincorporated association (other than a partnership) is proved (i) to have been committed with the consent or connivance of an officer of the body corporate/unincorporated association, member of the governing body of the unincorporated association, or partner of the partnership (as the case may be), or (ii) to be attributable to any neglect of the officer, member or partner's part, the officer, member or partner (as the case may be) as well as the body corporate/unincorporated association or partnership (as the case may be) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

³⁹ Please also note that the SFA has prepared a guidance document titled "Food additives permitted under the Singapore Food Regulations" dated 31 July 2022 at <https://www.sfa.gov.sg/docs/default-source/tools-and-resources/resources-for-businesses/list-of-food-additives-permitted-under-food-regulations.pdf> to assist food businesses to conduct self-checks on their food products to ensure that only permitted food additives are used, and the levels used are within the maximum levels permitted under the FR.

3.2 Definition of “food additive”

Under the FR, “food additive” is defined widely to include, amongst others, (a) all substances, which are components of food, the intended use of which results or may reasonably be expected to result, directly or indirectly, in their affecting the characteristics of food (excluding any foreign substance mixed with food as a result of contamination, or improper handling of the food during the preparation, processing, packing or storage of the food), and (b) general purpose food additives.

3.3 Key obligations and requirements imposed on relevant parties

3.3.1 Regulation 15 of the FR sets out the general requirements in respect of the importing, manufacturing, advertising, consigning, delivering or selling of any article of food which contains any food additive as follows:

- (a) Subject to regulations 15(2) and (3) of the FR, no person shall import or manufacture for sale or sell any article of food which contains any food additive which is not permitted by the FR;
- (b) Notwithstanding regulation 15(1) of the FR, any food may have in it or on it any permitted food additive of the description and in the proportion specified under the FR and whose purity conforms with the specification mentioned in regulation 15(4) for the food additive;
- (c) Notwithstanding regulation 15(1) of the FR, any food containing as an added ingredient any specified food may contain any such permitted food additive of the description for and of an amount appropriate to the quantity of such specified food in accordance with the FR; and
- (d) No person shall import, sell, advertise, manufacture, consign or deliver any permitted food additive unless the purity of that food additive conforms with the specifications as provided in Part III of the FR. Where it is not so provided, the purity of the permitted food additive shall conform with the specifications as recommended by the Joint Food and Agriculture Organisation of the United Nations and World Health Organisation (FAO/WHO) Expert Committee on food additives.

3.3.2 Regulations 16 to 28 of the FR sets out the particular restrictions on the importing, selling, advertising, manufacturing, consigning or delivering of certain food additives, such as the food additives that cannot be imported, sold, advertised, manufactured, consigned or delivered, and the acceptable proportions and concentrations of certain food additives that may be contained in food.

3.4. Penalties / Sanctions for non-compliance

Please refer to paragraph 2.4.2 above for the penalties for non-compliance with any provisions of the FR (including the requirements set out in paragraph 3.3 above).

4. Pesticides

4.1 Key laws and regulations that deal with pesticides in general

4.1.1 The laws and regulations that deal with pesticides in general are as follows:

- (a) The Control of Vectors and Pesticides Act 1998 of Singapore (“**CVPA**”) which sets out provisions relating to, amongst others, the control of the sale and use of pesticides, and for matters connected therewith;
- (b) The Control of Plants Act 1993 (“**CPA**”) which sets out, amongst others, the use of pesticides and purposes connected therewith;
- (c) Rules 18, 19, 20 and 21 of the Control of Plants (Cultivation of Plants) (Licensing and Certification) Rules (“**CP(CP)(LC)R**”) which sets out provisions regulating, amongst others, pesticides arising from or applied or used in the cultivation of plants; and
- (d) Regulations 29 and 30 of the FR which provide certain restrictions on the importing, selling, advertising, manufacturing, consigning or delivering of food containing pesticides.

4.2 Definition of “pesticide”

- 4.2.1 The CVPA defines “pesticide” to mean any solid, liquid or gaseous substance or mixture or preparation of those substances, containing one (1) or more active ingredients and used for vector control,⁴⁰ but does not include any fumigant controlled under the Hydrogen Cyanide (Fumigation) Act 1947.
- 4.2.2 The CPA defines “pesticide” to mean any substance or mixture of substances prepared or used for preventing, destroying, repelling or mitigating any pest and any substance or mixture of substances prepared or used as a plant regulator, defoliant or desiccant.
- 4.2.3 The FR defines “pesticide” to mean a substance or compound used or capable of being used or intended for use for agricultural, pastoral, horticultural, domestic or industrial purposes for controlling, destroying or preventing the growth and development of any fungus, bacterium, virus, insect, mite, mollusc, nematode, plant or animal or for any other related purpose.

4.3 Key obligations and requirements imposed on relevant parties

- 4.3.1 The CVPA provides for the following requirements in respect of pesticides as follows:
 - (a) Advertising, selling or supplying pesticides – A person must not: (i) advertise any pesticide as being suitable for the purpose of vector control; (ii) sell or supply any pesticide for the purpose of vector control; or (iii) advertise, sell or supply any substance, mixture or preparation as being suitable for repelling vectors, unless the pesticide, substance, mixture or preparation (as the case may be) is registered under section 7 of the CVPA;⁴¹
 - (b) Sale of pesticide registered under section 7 of the CVPA – A person must not sell any pesticide registered under section 7 of the CVPA otherwise than in a container or package to which is affixed or

⁴⁰ Please see section 2 of the VCPA for the definition of “vector”.

⁴¹ Please see section 5(1) of the CVPA. Please also see section 2 of the CVPA for the definition of “advertise”, “sell” and “supply”.

on which is printed a label that the Director-General of Public Health has approved and that shows clearly and distinctly the particulars prescribed by the regulations;⁴²

- (c) Use of pesticide – A vector control operator, vector control technician or vector control worker must not use any pesticide for the purpose of carrying out any vector control work unless the pesticide is registered under section 7 of the CVPA;⁴³ and
- (d) Spraying or fogging with pesticide – The Director-General of Public Health may (i) by written notice, require the owner or occupier of any premises, vessel or aircraft or any pond, well, pool or other body of water, to carry out the spraying or fogging thereof with any form of pesticide within the time specified in the notice, and (ii) if he or she considers it necessary, himself or herself carry out the spraying or fogging and recover any costs or expenses incurred from the owner or occupier of the premises, vessel or aircraft or pond, well, pool or other body of water, as the case may be.⁴⁴ A person must not remove or render less effective any pesticide sprayed or fogged under section 21(1) or (2) of the CVPA.

4.3.2 The CPA provides for the following requirements in respect of agricultural pesticides as follows:

- (a) Importing of fresh fruit or vegetables – A person licensed to import fresh fruit or vegetables under the CPA (“**CPA Licensee**”) must not import any fresh fruit or vegetable for sale, supply or distribution unless, amongst others, the whole consignment of fresh fruits or vegetables does not contain any prohibited pesticide residue, or levels of pesticide residue or toxic chemical residue exceeding the prescribed levels;⁴⁵ and
- (b) Use of pesticides – A person must not use any pesticide in the cultivation of any plant unless (i) the pesticide is registered with the Director-General, Plant Health; and (ii) the person is a certified pesticide operator or the use is supervised by a certified pesticide operator under section 12 of the CPA.⁴⁶ Furthermore, any person who uses any pesticide in the cultivation of any plant must ensure that (i) the pesticide is properly stored in the prescribed manner; (ii) the pesticide container is disposed of in the prescribed manner; and (iii) the pesticide residue on any plant cultivated does not exceed the prescribed level.⁴⁷

4.3.3 The CP(CP)(LC)R further sets out the following requirements in respect of agricultural pesticides as follows:

⁴² Please see section 5(2) of the CVPA. Please also see section 2 of the CVPA for the definition of “container” and “package”.

⁴³ Please see section 5(3) of the CVPA. Please also see section 2 of the CVPA for the definition of “use”

⁴⁴ Please see section 21 of the CVPA. Please also see section 2 of the CVPA for definitions of “occupier”, “owner”, “premises” and “vessel and aircraft”.

⁴⁵ Please see section 8(1)(c) of the CPA. Please also see rule 9(1) of the Control of Plants (Import and Transhipment of Fresh Fruits and Vegetables) Rules at <https://sso.agc.gov.sg/SL/CPA1993-R1?DocDate=20060831&WholeDoc=1#pr9-> for the prescribed levels under section 8(1)(c) of the CPA.

⁴⁶ Please also see Part III of the CP(CP)(LC)R on, amongst others, the requirements for application and other procedural requirements for a pesticide operator’s certificate.

⁴⁷ Please see section 11 of the CPA. Please also see section 2 of the CPA for the definition of “pesticide residue”.

- (a) Disposal of pesticide – Every CPA Licensee shall ensure that, amongst others, any pesticide arising from the cultivation of plants on his farm is properly disposed of in accordance with (i) the requirements specified in the Second Schedule of the CP(CP)(LC)R; and (ii) such directions as the Director-General, Plant Health may give from time to time;⁴⁸
- (b) Use and storage of pesticide – No pesticide shall be applied or used in the cultivation of plants or kept or stored on any farm unless the pesticide is registered with the Director-General, Plant Health under the Control of Plants (Registration of Pesticides) Rules, and every CPA Licensee shall ensure that the application or use of any pesticide in the cultivation of plants on his farm is carried out or supervised by a pesticide operator certified by the Director-General, Plant Health under rule 14(1) or (2) of the CP(CP)(LC)R;⁴⁹
- (c) Duties of pesticide operator – A pesticide operator must fulfil certain duties such as ensuring that (i) any pesticide applied or used by him or by any person under his supervision in the cultivation of plants is registered with the Director-General, Plant Health under the Control of Plants (Registration of Pesticides) Rules, (ii) the application or use of any pesticide by him or by any person under his supervision in the cultivation of plants is carried out in accordance with the instructions specified by the manufacturer of the pesticide, (iii) any pesticide applied or used in the cultivation of plants is properly stored in the farm, or disposed of, and any container which has been used on the farm to contain any pesticide is cleaned or disposed of, in accordance with the requirements specified in the Second Schedule, and (iv) any fresh fruit or vegetable produced on the farm for sale or supply does not contain any residue of any unregistered pesticide or any residue of any permitted pesticide exceeding (1) the level specified in the Ninth Schedule to the FR in respect of that pesticide; or (2) where no such specification has been made in the Ninth Schedule to the Food Regulations in respect of any such pesticide, the level recommended by the Joint FAO/WHO Codex Alimentarius Commission in respect of that pesticide;⁵⁰ and
- (d) Supply or sale of fresh fruits or vegetables with pesticide residue – No CPA Licensee shall supply or sell any fresh fruit or vegetable containing any residue of any unregistered pesticide or any residue of any permitted pesticide exceeding the level referred to in rule 20(1)(f)(ii) of the CP(CP)(LC)R.⁵¹

4.3.4 In addition, the FR states the following restrictions on the importing, selling, advertising, manufacturing, consigning or delivering of food containing pesticides:

- (a) Incidental constituents in food – A person must not import, sell, advertise, manufacture, consign or deliver any food containing an incidental constituent (which is defined under regulation 29(1) of the FR to mean, amongst others, any pesticide that is introduced into or on a food in any manner whatsoever) except as otherwise permitted by the FR;⁵² and

⁴⁸ Please see rule 18 of the CP(CP)(LC)R.

⁴⁹ Please see rule 19 of the CP(CP)(LC)R.

⁵⁰ Please see rule 20 of the CP(CP)(LC)R.

⁵¹ Please see rule 21 of the CP(CP)(LC)R.

⁵² Please see regulation 29(2) of the FR.

- (b) Pesticide residues – No person shall import, sell, advertise, manufacture, consign or deliver any article of food containing any pesticide residue other than those specified in column 1, in relation to those articles specified in column 3 and in the proportion specified in column 2 of the Ninth Schedule of the FR, and unless otherwise prescribed in the FR, the pesticide residue contained in any food must not exceed the maximum limit or extraneous maximum residue limit stated for the residue adopted by the Codex Alimentarius Commission.⁵³

4.4 Penalties / Sanctions for non-compliance

- 4.4.1 The CVPA provides that any person who does not comply with, amongst others, the requirements set out in paragraph 4.3.1(a), (b) and (c) above, shall be guilty of an offence and shall be liable on conviction (a) to a fine not exceeding SGD20,000 or to imprisonment for a term not exceeding three (3) months or to both; and (b) in the case of a second or subsequent conviction, to a fine not exceeding SGD50,000 or to imprisonment for a term not exceeding six (6) months or to both.
- 4.4.2 Furthermore, section 23(b) of the CVPA states that any person who fails to comply with any notice or order made under, or contravenes any of the provisions of, amongst others, the requirements set out in paragraph 4.3.1(d) above, shall be guilty of an offence and shall generally be liable on conviction, to a fine not exceeding SGD5,000 or to imprisonment for a term not exceeding three (3) months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding six (6) months or to both.⁵⁴
- 4.4.3 In addition, any CPA Licensee who contravenes or fails to comply with the requirements set out in paragraph 4.3.2(a) above shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding three (3) years or to both. Also, any person who contravenes or fails to comply with the requirements set out in paragraph 4.3.2(b) above shall be guilty of an offence and shall be liable on conviction to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding three (3) years or to both.⁵⁵

⁵³ Please see regulations 30(2) and (3) of the FR.

⁵⁴ Please also note that the CVPA provides that where an offence under the CVPA has been committed by a body corporate, a partnership or an unincorporated association of persons, any person who, at the time of the commission of the offence, was a director, manager, partner, secretary or other similar officer thereof, or was purporting to act in any such capacity shall be guilty of that offence unless he or she proves that (a) the offence was committed without his or her consent or connivance, and (b) he or she had exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised having regard to the nature of his or her functions in that capacity and to all the circumstances.

⁵⁵ Please note that the CPA provides that where (a) an offence under the CPA or any rules made under the CPA has been committed by a body corporate and (b) it is proved that the offence was committed with the consent or connivance of, or attributable to any neglect by, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity, he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Furthermore, the CPA states that where (a) an offence under the CPA or any rules made under the CPA is committed by any person "A" (i) acting as the agent or employee of another person "B"; or (ii) being otherwise subject to the supervision or instruction of "B" for the purposes of any employment in the course of which the offence was committed; and (b) it is proved that the act that constituted the offence was (i) committed with "B"'s consent or connivance; or (ii) attributable to "B"'s neglect, "B" shall (without affecting "A"'s liability) be liable for the offence in the same manner and to the same extent as if "B" had personally committed the offence.

- 4.4.4 The CP(CP)(LC)R further provides that any person who contravenes, amongst others, the requirements set out in paragraph 4.3.3 shall be guilty of an offence and be liable on conviction to a fine not exceeding SGD10,000 or to imprisonment for a term not exceeding three (3) years or to both.
- 4.4.5 Please also refer to paragraph 2.4.2 above for the penalties for non-compliance with any provisions of the FR (including the requirements set out in paragraph 4.3.4 above).

5. Novel Food

5.1 Regulatory framework that deals with novel food in general

The SGFA has introduced the Requirements for the Safety Assessment of Novel Foods and Novel Food Ingredients dated 26 September 2022 which sets out a regulatory framework for novel food and requires companies to seek pre-market assessment for novel food which do not have a history of safe use (“**Novel Foods Framework**”).⁵⁶

5.2 Definition of “novel food”

The SGFA considers novel foods to be foods and food ingredients that do not have a history of safe use.⁵⁷ In particular, the SGFA considers substances with a history of safe use to be those that have been consumed as an ongoing part of the diet by a significant human population for a period of at least 20 years and without any reported adverse effects on human health. The SGFA also notes that novel foods may include compounds that are chemically identical to naturally occurring substances, but which are produced through technological advances.

5.3 Key obligations and requirements imposed on relevant parties

- 5.3.1 Under the Novel Foods Framework, companies that intend to produce, manufacture, import, distribute and/or sell novel food or food products containing novel food ingredients in Singapore must ensure that the novel food or novel food ingredients (a) have received pre-market regulatory approval from the SGFA, (b) meet the specifications and are produced in accordance with the manufacturing process declared in the safety assessment conducted and submitted to SGFA, and (c) are only used in the food categories specified in SGFA’s pre-market regulatory approval and in accordance with the proposed use levels for each food category described.⁵⁸

⁵⁶ Please see https://www.sfa.gov.sg/docs/default-source/food-import-and-export/Requirements-on-safety-assessment-of-novel-foods_26Sep.pdf Please also note that novel food products intended for sale must comply with applicable legal and regulatory requirements such as those under the SFA.

⁵⁷ Please see section 1.1 of the Novel Foods Framework.

⁵⁸ Please see section 2.2 of the Novel Foods Framework. Based on section 8.6 of the Novel Foods Framework, the estimated timeline for the SGFA to complete an evaluation of a novel food upon receipt of complete information required for the evaluation is about nine (9) to 12 months, and to avoid delays, companies are encouraged to consult SGFA early in their product development process to understand the information required to be submitted to the SGFA to substantiate the safety of the novel food.

- 5.3.2 In respect of the safety assessments that must be conducted by such companies, such assessments must clearly indicate any food processing substances used during the production or manufacture which are not intended to be an ingredient of the final product. Should any of the food processing substances be a potential human health hazard, the safety assessment must show that the presence of such substances in the final product are at levels that will not cause significant food safety concern, under the proposed intended uses and conditions of consumption of the final product.⁵⁹ The SGFA has provided, amongst others, information that should be included in their safety assessments such as (a) a list of information that companies should generally include, such as the identity and source of the novel food, levels and identities of impurities in the novel food and the information of tests conducted,⁶⁰ (b) information that should be included if genetically modified organisms are used to produce novel foods,⁶¹ and (c) information that should be provided if the novel food falls under certain specific categories.⁶²
- 5.3.3 Although the SGFA has highlighted that there is no prescribed approach to the testing of novel foods, companies should ensure that testing of novel foods is conducted using established testing protocols supported by scientific publications and method references.⁶³ On another hand, companies that require the use of in-house or novel testing methods must send details of such testing methods (if available) and the validation results to SGFA for its evaluation.⁶⁴
- 5.3.4 The SGFA has also cautioned that novel foods that have not gone through safety assessments should not be offered for consumption, for purposes of advertisement or in furtherance of any trade or business.⁶⁵ Furthermore, companies selling novel food should clearly communicate the true nature of the novel food sold to their customers.⁶⁶

5.4 Penalties / Sanctions for non-compliance

Currently, the Novel Foods Framework does not appear to have the force of law, however, non-compliance with the Novel Foods Framework may constitute offences and attract penalties under, amongst others, the SFA and the FR, which regulate food safety in general. Please refer to paragraphs 2.4.1 to 2.4.3 above for further details.

⁵⁹ Please see section 3.2 of the Novel Foods Framework.

⁶⁰ Please see further section 3.6 of the Novel Food Framework.

⁶¹ Please see section 3.10 of the Novel Food Framework.

⁶² Please see section 4 of the Novel Food Framework. The specific types of novel food are as follows: (a) novel foods which are functional ingredients produced through precision fermentation, (b) novel foods produced by biomass fermentation, and (c) cultured meat.

⁶³ Please see sections 3.3 and 3.6.3 of the Novel Foods Framework.

⁶⁴ Please see section 3.5 of the Novel Foods Framework.

⁶⁵ Please see section 10.1 of the Novel Foods Framework.

⁶⁶ Please see section 9.5 of the Novel Foods Framework. For example, companies selling pre-packed alternative proteins (including cultured meat) are required to label the product packaging with suitable qualifying terms such as “cultured” or “cell-based” to indicate their true nature.

6. Conclusion⁶⁷

Singapore has been relatively successful in safeguarding food security and has amongst the lowest incidences of food-borne disease outbreaks in the world. Nevertheless, the government continues to ensure that its legislation remains current and effective to enhance public food safety, protect consumer interests and promote public health with evolving business landscapes and products. The government also recognises that the assurance of food safety is a shared responsibility with various industry stakeholders and seeks to engage such stakeholders through joint efforts to protect food safety in Singapore.

In order to respond to the business needs of our clients, we publish newsletters on a variety of timely topics. Back numbers can be found [here](#). If you would like to subscribe to the N&A Newsletter, please fill out [the N&A Newsletter subscription form](#).

This newsletter is the product of its authors and does not reflect the views or opinion of Nishimura & Asahi. In addition, this newsletter is not intended to create an attorney-client relationship or to be legal advice and should not be considered to be a substitute for legal advice. Individual legal and factual circumstances should be taken into consideration in consultation with professional counsel prior to taking any action related to the subject matter of this newsletter.

This newsletter is prepared in collaboration with Bayfront Law LLC, a Singapore law firm that is in the Formal Law Alliance with Nishimura & Asahi Singapore LLP. Any statements in this newsletter regarding Singapore law are based on the views of Bayfront Law LLC.

Public Relations Section, Nishimura & Asahi [E-mail](#) 

⁶⁷ Please see footnote 1 above.