

**GOVERNMENT REGULATION OF THE
REPUBLIC OF INDONESIA
NUMBER 28/2004
ON
FOOD SAFETY, QUALITY AND NUTRITION
WITH THE BLESSINGS OF THE ONE AND ONLY GOD,
PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering:

- a. Whereas safe, quality and nutritious food plays an essential role in the growth, maintenance and improvement of health status and for improving the people's intelligence;
- b. Whereas the people should be protected from food that may impair and/or risk their health;
- c. Whereas on the basis of the aforementioned, and in order to implement the provisions of Law Number 7/1996 on Food, it is deemed necessary to establish a Government Regulation on Food Safety, Quality and Nutrition;

Referring to:

1. Article 5 paragraph (2) of the 1945 Constitution as has been amended by the Fourth Amendment to the 1945 Constitution;
2. Law Number 6/1967 on the Main Provisions of Animal Husbandry and Animal Health (State Gazette of the Republic of Indonesia Number 10/1967, Supplement to State Gazette Number 3102);
3. Law Number 4/1984 on Epidemic of Contagious Diseases (State Gazette of the Republic of Indonesia Number 20/1984, Supplement to State Gazette Number 3273);
4. Law Number 5/1984 on Industry (State Gazette of the Republic of Indonesia Number 22/1984, Supplement to State Gazette Number 3274);
5. Law Number 9/1985 on Fisheries (State Gazette of the Republic of Indonesia Number 46/1985, Supplement to State Gazette Number 3299);
6. Law Number 12/1992 on Plant Cultivation System (State Gazette of the Republic of Indonesia Number 46/1992, Supplement to State Gazette Number 3478);
7. Law Number 16/1992 on Fish, Animal and Plant Quarantine (State Gazette of the Republic of Indonesia Number 56/1992, Supplement to State Gazette Number 3482);
8. Law Number 23/1992 on Health (State Gazette of the Republic of Indonesia Number 100/1992, Supplement to State Gazette Number 3495);
9. Law Number 7/1994 on Ratification of Agreement Establishing The World Trade Organization (State Gazette of the Republic of Indonesia Number 57/1994, Supplement to State Gazette Number 3564);
10. Law Number 10/1995 on Excise (State Gazette of the Republic of Indonesia Number 75/1995, Supplement to State Gazette Number 3612);
11. Law Number 7/1996 on Food (State Gazette of the Republic of Indonesia Number 99/1996, Supplement to State Gazette Number 3656);
12. Law Number 10/1997 on Nuclear Energy (State Gazette of the Republic of Indonesia Number 23/1997, Supplement to State Gazette Number 3676);
13. Law Number 8/1999 on Consumer Protection (State Gazette of the Republic of Indonesia Number 42/1999, Supplement to State Gazette Number 3821);
14. Law Number 22/1999 on Regional Governments (State Gazette of the Republic of Indonesia Number 60/1999, Supplement to State Gazette Number 3839);
15. Government Regulation Number 22/1983 on Veterinary Public's Health (State Gazette of the Republic of Indonesia Number 28/1983, Supplement to State Gazette Number 3253);
16. Government Regulation Number 17/1986 on Authority of Industrial Arrangement, Guidance and Development (State Gazette of the Republic of Indonesia Number 23/1986, Supplement to State Gazette Number 3330);

17. Government Regulation Number 69/1999 on Food Labeling and Advertisements (State Gazette of the Republic of Indonesia Number 131/1999, Supplement to State Gazette Number 3867);
18. Government Regulation Number 25/2000 on Government Authority and Provincial Authority as Autonomous Regions (State Gazette of the Republic of Indonesia Number 54/2000, Supplement to State Gazette Number 3952);
19. Government Regulation Number 102/2000 on Indonesian National Standardization (State Gazette of the Republic of Indonesia Number 199/2000, Supplement to State Gazette Number 4020);

DECIDES :

To Establish:

GOVERNMENT REGULATION ON FOOD SAFETY, QUALITY AND NUTRITION.

**CHAPTER I
GENERAL PROVISIONS
Article 1**

In this Government Regulation:

1. Food shall mean anything originating from biological and water sources, either processed or unprocessed, designated as food or beverage for human consumption, including food additives, food raw materials and other materials used in the process of preparing, processing and/or making food or beverage.
2. Fresh food shall mean unprocessed food that may be readily consumed and/or become a raw material for food processing.
3. Processed food shall mean food or beverage that is processed in a certain way or method with or without food additives.
4. Certain processed food shall mean processed food for consumption of a certain group in an effort to maintain and improve the health quality of the group.
5. Food system shall mean anything in connection with the arrangement, guidance and/or control over food production activity or process and food distribution until it is ready for human consumption.
6. Ready-to-serve food shall mean processed food and/or beverage that is ready to be served at the business venue or outside the business venue based on order.
7. Food safety shall mean the condition and effort that are required to prevent food from possible biological and chemical contamination as well as other objects that may disturb, impair and endanger human health.
8. Food safety requirements shall mean the standard and other provisions that should be met in order to prevent food from possible hazards, due to biological and chemical contamination as well as other objects that may disturb, impair and endanger human health.
9. Food sanitation shall mean the effort for preventing the possible growth and development of rotting microorganisms and pathogens in food, beverage, equipment and buildings that may rot food and become harmful to humans.
10. Sanitation requirements shall mean the standard hygiene and health that should be met as an effort to kill or prevent pathogenic microorganisms from living and to reduce the number of other microorganisms, so that the food produced and consumed does not risk human health and lives.
11. Food production shall mean the activity or process to produce, prepare, process, make, preserve, package, repackage and/or change the form of the food.
12. Food distribution shall mean any activity or a series of activities in the framework of distributing food to people either for trade or non-trade purposes.
13. Food trade shall mean any activity or a series of activities in the framework of sales and/or purchases of food, including any offer to sell food,
14. Other activities in connection with food transfer for any repayment.

15. Food storage shall mean the process, method and/or activity to store food either at the production or distribution facilities.
16. Food transportation shall mean any activity or a series of activities in the framework of transporting food from one place to another by means of or using any transportation means in the framework of food production, distribution and/or trade.
17. Food home industry shall mean any food company that uses its residence as a business venue with manual up to semi-automatic food processing equipment.
18. Food additives shall mean any materials added to food in order to affect the nature and form of the food.
19. Food derived from genetically modified product shall mean food produced or using any raw materials, food additives and/or any other materials that are produced from genetically modified process.
20. Food irradiation shall mean the food radiation method using either radioactive substances or an accelerator to prevent spoilage and decompose and to eliminate food from pathogenic microorganisms.
21. Food packaging shall mean any materials used to package and/or wrap food, including the materials directly or indirectly contact with food.
22. Food quality shall mean the value determined on the basis of the criteria of food safety, nutrition content, and trade standard on food materials, food and beverage.
23. Standard shall mean standardized technical specifications or requirements, including the procedures and methods formulated on the basis of consensus of all relevant parties, complying with the requirements of security, safety, health, environment, development of science and technology, and experiences in the present as well as future developments in order to benefit as much as possible.
24. Food nutrition shall mean any substances or chemical compounds found in food, consisting of carbohydrate, protein, fat, vitamin and mineral as well as their derivatives that are useful for human growth and health.
25. Food quality certification shall mean the series of activities for issuing the certificates for food that has met the established requirements.
26. A food quality certificate shall mean a written warranty issued by an accredited certifying body/laboratory, stating that the food has met certain criteria in the relevant food quality standard.
27. Any person shall mean any individual or a business entity, either in the form of a legal entity or otherwise.
28. Agency shall mean the agency responsible for drug and food control.

CHAPTER II
FOOD SAFETY
Part One
Sanitation
Article 2

- (1) Any person who is responsible for administering the activities on the food chain that includes food production, storage, transportation and distribution shall meet the sanitation requirements in compliance with the prevailing legislation.
- (2) The sanitation requirements as contemplated in paragraph (1) shall be regulated further by the Minister who is responsible for the field of health, which includes among others:
 - a. facilities and/or infrastructure;
 - b. activity implementation; and
 - c. personnel

Article 3

The sanitation requirements in all the food chain shall be met by applying good practices guidelines that include:

- a. Good Agricultural Practices;
- b. Good Fresh Food Production Practices;

- c. Good Manufacturing Practices;
- d. Good Food Distribution Practices;
- e. Good Food Retail Practices;
- f. Good Ready-to-Serve Food Production Practices.

Article 4

- (1) Good Agricultural Practices as contemplated in Article 3 letter a shall be the Agricultural Practices that comply with food safety aspects, among others by:
 - a. avoiding the use of land whose environment has the potential to threaten food safety;
 - b. controlling the biological contamination, animal and plant diseases that threaten food safety; and
 - c. reducing to the minimum chemical residues in food stuff as the consequence of using fertilizers, pest and disease control drugs, growth hormone and inappropriate animal drugs.
- (2) Good Agricultural practices guideline as contemplated in paragraph (1) shall be set forth by the Minister who is responsible for agriculture, fishery or forestry in accordance with their respective duty and authority.

Article 5

- (1) Guideline for Good Fresh Food Practices as contemplated in Article 3 letter b shall be the handling practices that comply with food safety aspects, among others by:
 - a. preventing fresh food from being contaminated by biological and chemical contamination and other objects that disturb, impair and risk health from the air, land, water, food, fertilizers, pesticides, animal drugs or other materials used in the fresh food production; or
 - b. controlling the health of animals and plants, so that it does not negatively impact fresh food.
- (2) Good Fresh Food Production Practices Guidelines as contemplated in paragraph (1) shall be set forth by the Minister who is responsible for agriculture and fishery in accordance with their respective duty and authority.

Article 6

- (1) Guideline for Good Processed Food Manufacturing Practices as contemplated in Article 3 letter c shall be the production practices that comply with food safety aspects, among others by:
 - a. preventing fresh food from biological and chemical contamination and other objects that disturb, impair and risk health;
 - b. killing or preventing the pathogenic microorganisms from living and reducing the number of other microorganisms; and
 - c. controlling the process, among others by selecting the raw materials, using food additives, processing, packaging, storage and transportation.
- (2) Good Food Manufacturing Practices as contemplated in paragraph (1) shall be set forth by the Minister who is responsible for industry or fishery in accordance with their respective duty and authority.
- (3) Good Food Manufacturing Practices as contemplated in paragraph (1) for certain processed food shall be set forth by the Head of the Agency.

Article 7

- (1) Guideline for Good Food Distribution Practices as contemplated in Article 3 letter d shall be the distribution practices that comply with food safety aspects, among others by:
 - a. applying the loading and unloading practices that do not harm food;
 - b. controlling the environmental, distribution and food storage conditions, particularly in connection with air temperature, humidity and pressure; and

- c. Guideline for controlling the recording system that guarantees re-trace ability of distributed food.
- (2) Guideline for Good Food Distribution Practices as contemplated in paragraph (1) shall be set forth by the Minister who is responsible industry, agriculture or fishery in accordance with their respective duties and authority.

Article 8

- (1) Guideline for Good Food Retail Practice as contemplated in Article 3 letter e shall be the retail practices that comply with food safety aspects, among others by:
 - a. placing the food in displays and on storage shelves in order to avoid cross contamination;
 - b. controlling the incoming and sales stocks;
 - c. arranging food stock rotation according to its expiration dates; and
 - d. controlling the food storage environmental condition, particularly in connection with air temperature, humidity and pressure.
- (2) Good Food Retail Practice as contemplated in paragraph (1) shall be set forth by the Head of the Agency in accordance with the prevailing legislation.

Article 9

- (1) Guideline for Good Ready-to-Serve Food Production Practice as contemplated in Article 3 letter f shall be the production practices that comply with food safety aspects, among others by:
 - a. preventing the ready-to-serve food from biological and chemical contamination and other objects that disturb, impair and risk health;
 - b. killing or preventing the pathogenic microorganisms from living and reducing the number of other microorganisms; and
 - c. controlling the process, among others by selecting the raw materials, using food additives, processing, packaging, storage, transportation and serving practices.
- (2) Good Production Practice for Food Ready-to-Serve as contemplated in paragraph (1) shall be set forth by the Minister who is responsible for health.

Article 10

The Minister who is responsible for agriculture, fishery, forestry, industry, health or the Head of the Agency, in accordance with their respective duty and authority, set forth good practices as contemplated in Article 3 to be applied obligatorily.

Part Two Food Additives

Article 11

- (1) Any person who produces food to be distributed shall be prohibited from using anything as a food additive that is declared prohibited.
- (2) The prohibited material as contemplated in paragraph (1) shall be determined by the Head of the Agency.

Article 12

- (1) Any person who produces food using any food additives to be distributed shall use food additives that are allowed.
- (2) The names and types of food additives that are allowed, the purposes of using and the maximum limit of using such materials according to food category as contemplated in paragraph (1) shall be determined by the Head of the Agency.

Article 13

- (1) The security of the materials to be used as food additives, the impacts of which on human health are unspecified, shall be examined beforehand, and such materials may be used in the food production activity and process after they are approved by the Head of the Agency.
- (2) The requirements and procedures for approval as contemplated in paragraph (1) shall be set forth by the Head of the Agency.

Part Three
Genetically Modified Food Product

Article 14

- (1) Any person who produces food or uses raw materials, food additives and/or any other processing aid in the activity or process of producing food obtained from genetically modified process shall have the safety of such food examined prior to distribution.
- (2) The examination of the safety of such genetically modified food as contemplated in paragraph (1) shall include:
 - a. its genetic information, among others the general description of the genetically modified food product, the host description and its use as food;
 - b. its donor organism description;
 - c. its genetic modification description;
 - d. its genetic modification characterization; and
 - e. its information on the safety of the food, among others its substantial equivalence, nutrition value alteration, allergenicity and toxicity.
- (3) The examination of such a genetically modified food product as contemplated in paragraph (1) shall be conducted by the commission that deals with the food safety of genetically modified products.
- (4) The requirements and procedures for the genetically modified food product safety examination as contemplated in paragraph (3) shall be set forth by the commission that deals with the genetically modified products.
- (5) The Head of the Agency shall determine the raw materials, the food additives and/or any other processing aid that are obtained from any genetically modifying process and declared safe as food, complying with the recommendation of the commission that deals with the food safety of genetically modified food.

Part Four
Food Irradiation

Article 15

- (1) The irradiation facilities that are used in the activity or process of producing the food to be distributed shall obtain the license for using nuclear energy and registered with the Head of the agency that is responsible for nuclear energy control.
- (2) Any food that is produced by using any irradiation techniques and/or methods to be distributed shall meet the irradiation food procedures set forth by the Head of the Agency.

Part Five
Food Packaging

Article 16

- (1) Any person who produces food to be distributed shall be prohibited from using any food packaging materials whatsoever that are declared prohibited and/or any materials that may release contamination that impairs or risks human health.
- (2) The materials prohibited from use as food packaging as contemplated in paragraph (1) shall be determined by the Head of the Agency.

Article 17

- (1) Any person who produces food to be distributed shall use permitted packaging materials.
- (2) The permitted packaging materials as contemplated in paragraph (1) shall be determined by the Head of the Agency.

Article 18

- (1) Other materials than those contemplated in Article 16 paragraph (2) and Article 17 paragraph (2) shall only be used as food packaging materials after the safety of which is examined and approved by the Head of the Agency.
- (2) The requirements and procedures for approval as contemplated in paragraph (1) shall be set forth by the Head of the Agency.

Article 19

- (1) Any person who produces food to be distributed shall package such food appropriately to prevent it from contamination.
- (2) The appropriate food packaging procedures as contemplated in paragraph (1) shall be set forth by the Head of the Agency.

Article 20

- (1) No person shall be allowed to uncover the food's final packaging for repackaging and trading.
- (2) The provision as contemplated in paragraph (1) shall not apply to food procured in large amounts and customarily repackaged in smaller amounts for further trading.
- (3) Any person who repackages the food as contemplated in paragraph (2) shall package it appropriately to prevent it from contamination.

Part Six

Food Quality Assurance and Laboratory Testing

Article 21

- (1) Any person who produces food for trade shall be responsible for implementing the quality assurance system according to the type of food produced.
- (2) The Minister who is responsible for agriculture, fishery, forestry, industry, health or the Head of the Agency shall be authorized to require the application of other standards or requirements in respect of the quality assurance system as contemplated in paragraph (1) in accordance with their respective duties.
- (3) The establishment of other standards or requirements as contemplated in paragraph (2) may be carried out in phases in compliance with the preparedness and needs of the food system.
- (4) In establishing the other standards and requirements as contemplated in paragraph (3), the Ministers who are responsible for agriculture, fishery, forestry, industry, health or the Head of the Agency shall comply with the TBT/SPS WTO agreement or other agreements that have been ratified by the Government.

Article 22

- (1) The Minister who is responsible for agriculture or fishery shall, in accordance with their respective duty and authority, be authorized to establish the types of fresh food that shall be tested in the laboratory prior to distribution.
- (2) The Head of the Agency shall be authorized to determine the types of processed food that should be examined in the laboratory prior to distribution.
- (3) The laboratory testing as contemplated in paragraphs (1) and (2) shall be carried out in government laboratories or any laboratories accredited by the National Accreditation Committee or any Accreditation Institutions acknowledged by the National Accreditation Committee.
- (4) The establishment and application of laboratory testing requirements as contemplated in paragraphs (1) and (2) shall be carried out in phases in compliance with the preparedness and needs of the food system.

Part Seven

Contaminated Food

Article 23

No person shall be allowed to distribute:

- a. food that contains any poisonous and hazardous materials or any materials that may impair or risk human health or lives;
- b. food that is contaminated to the extent greater than the determined threshold;
- c. food that contains any prohibited materials used in the food production activity or process;
- d. food that contains any dirty, rotten, rancid or decomposed materials or food that contains any substances of vegetables or animals that suffer from any diseases or food that originates from any carrion, making such food unfit for human consumption; or
- e. expire food.

Article 24

- (1) The Minister who is responsible for agriculture, fishery or the Head of the Agency shall:
 - a. specify the materials that are prohibited from use in the food production activity or process;
 - b. set forth the permitted maximum contamination threshold;
 - c. regulate and/or set forth the requirements for the use of certain procedures and/or materials in the activity or process of food production, processing, storage, transportation and/or distribution that may impair and/or risk human health;
 - d. specify the prohibited materials to be used in producing the equipment for processing, preparing, marketing and/or serving the food.
- (2) The provisions as contemplated in paragraph (1) for fresh food shall be set forth by the Minister who is responsible for the field of agriculture or fisheries.
- (3) The provisions as contemplated in paragraph (1) for processed food shall be set forth by the Head of the Agency.

Article 25

- (1) Any person who is knowledgeable of any food poisoning as the consequence of contamination shall report the same to the nearest healthcare unit.
- (2) The healthcare unit as contemplated in paragraph (1) shall immediately provide the victim(s) with medical first aids.
- (3) If, according to the healthcare unit as contemplated in paragraph (2), there are indications of food borne disease outbreaks, the healthcare unit shall immediately seize the sample of the food suspected to have been the cause of such poisoning and report to the Regency/Municipality office that is responsible for the field of health and to the Agency.
- (4) Based on the result of the report as contemplated in paragraph (3), the Agency shall perform laboratory inspection/ investigation and laboratory testing of the food sample in order to determine the cause(s) of such food poisoning.
- (5) The Regency/Municipality office responsible for the field of health that receives the report as contemplated in paragraph (3) shall assess the report and specify the food poisoning cases as food borne diseases outbreak.
- (6) The Regency/Municipality office responsible for health as contemplated in paragraph (5) shall investigate and address such food poisoning outbreak, and report to the Provincial office responsible for the field of health and to the Agency.

Article 26

- (1) If, the food borne diseases outbreak occur across Regencies/Municipality or if there are requests from the Regency/Municipality Governments, the Provincial Government shall investigate and address such food borne diseases outbreak.
- (2) If, the food borne diseases outbreak occur across Provinces or if there are requests from the Provincial Governments, the Central Government shall investigate and address such food borne diseases outbreak.

Article 27

If, based on the food borne diseases outbreak investigation results, the food poisoning is suspected to be a criminal act, investigations shall immediately be launched by the Board's Civil Servant Investigators and/or any investigators based on the prevailing legislation.

Article 28

- (1) Further provisions on the medical first aids for the victims, the taking of specimens, specimen examination and reporting on the food poisoning outbreaks shall be set forth by the Minister who is responsible for health.
- (2) The procedures for taking food samples, laboratory testing and reporting on the cause(s) of such poisoning shall be set forth by the Head of the Agency.

CHAPTER III FOOD QUALITY AND NUTRITION

Part One

Food Quality

Article 29

The Head of the Agency who is responsible for the field of national standardization shall set forth the food quality standard, which is declared as the Indonesian National Standard, in accordance with the prevailing legislation.

Article 30

- (1) The Indonesian National Standard as contemplated in Article 29 may be imposed compulsorily, taking into account the people's security, safety and health or the environmental sustainability and/or that economic considerations shall meet certain quality standards.
- (2) The compulsory imposition of the Indonesian National Standard as contemplated in paragraph (1) shall be carried out by the Minister who is responsible for industry, agriculture, fishery or the Head of the Agency in accordance with their respective duties and authority in coordination with the Head of the agency who is responsible for national standardization.
- (3) Any matters in connection with application and evaluation of the appropriateness of the Indonesian National Standard that is imposed compulsorily shall, as contemplated in paragraph (2), be carried out in accordance with the prevailing legislation.
- (4) Any person who produces or distributes the types of food as contemplated in paragraph (1) shall meet the Indonesian National Standard in accordance with the prevailing legislation.

Article 31

The Minister who is responsible for agriculture, fishery or the Head of the Agency may, in accordance with their respective duties and authority, set forth the provisions on food quality outside the Indonesian National Standard as contemplated in Article 29 for food that is highly risky in terms of food security.

Part Two

Food Quality Certification

Article 32

- (1) Certification and characterization that state food appropriateness in respect of the Indonesian National Standard as contemplated in Article 29 shall be carried out in accordance with the prevailing legislation.
- (2) The Minister who is responsible for agriculture, fishery or the Head of the Agency shall, in accordance with their respective duty and authority, set forth the requirements and procedures for the quality of food that is highly risky in terms of food safety as contemplated in

Article 31

(3) Certification as contemplated in paragraph (1) in terms of the Indonesian National Standard that is imposed compulsorily or in respect of the quality requirements as contemplated in Article 31 shall constitute part of the food control prior to distribution.

**Part Three
Food Nutrition**

Article 33

- (1) The Minister who is responsible for health shall set forth the standard of community's nutrition status.
- (2) The Minister who is responsible for health, agriculture, fishery, industry or the Head of the Agency shall, in accordance with their respective duties and authority, undertake to meet the nutrition adequacy, protect the people from malnutrition, and supervise them as an effort to improve their nutrition status.
- (3) The Minister who is responsible for health, agriculture, fishery, industry or the Head of the Agency together with the Provincial, Regency/municipality Governments and the people shall deal with occurrences of people's malnutrition that does not meet the standard of their nutrition status as contemplated in paragraph (1).

Article 34

The Minister who is responsible for health shall set forth the Dietary Allowance that shall be reviewed periodically.

Article 35

- (1) Should malnutrition occur and/or the people's nutrition status decline, efforts shall be made to improve nutrition by means of enrichment and/or fortification of certain food in distribution.
- (2) The Minister who is responsible for health shall determine the types and quantities of nutrients to be added and the types of food, the nutrition value of which may be added, by means of enrichment or fortification.
- (3) The Minister who is responsible for industry shall determine the types of food that should be enriched and/or fortified as contemplated in paragraph (2) and set forth the procedures for enriching and/or fortifying the nutrition of certain food as contemplated in paragraph (1).
- (4) Any person who produces food that should be enriched and/or fortified for circulation shall meet the provisions and procedures for enriching and/or fortifying the nutrition as contemplated in paragraph (3).
- (5) The food as contemplated in paragraph (4) shall have the registration approval from the Head of the Agency.

**CHAPTER IV
FOOD IMPORTATION AND EXPORTATION INTO
AND OUT OF INDONESIAN TERRITORIES**

Part One

Food Importation into Indonesian Territories

Article 36

Any food imported into Indonesian territories for distribution shall comply with the provisions of the prevailing legislation in the fields of food safety, quality and nutrition as well as the provisions of any effective legislation.

Article 37

- (1) In respect of any fresh food to be imported into Indonesian territories for distribution, the Minister who is responsible for agriculture or fishery may, in accordance with their respective duty and authority, set forth the requirements that:

- a. The food shall have been tested, inspected and/or declared fit in terms of its safety, quality and/or nutrition by the authorized agency in the country of origin;
 - b. The food shall have complied with the provisions as contemplated in Article 21;
 - c. The food shall be furnished with the documents stating the results of the examination and/or inspection as contemplated in letter a; and
 - d. The food shall be tested and/or inspected in Indonesia in terms of its safety, quality and/or nutrition prior to distribution.
- (2) In respect of processed food to be imported into Indonesian territories for distribution, the Head of the Agency may set forth the requirements that:
- a. The food shall have been examined, inspected and/or declared fit in terms of its safety, quality and/or nutrition by the authorized agency in the country of origin;
 - b. The food shall have complied with the provisions as contemplated in Article 21;
 - c. The food shall be furnished with the documents stating the results of the examination and/or inspection as contemplated in letter a; and
 - d. The food shall be tested and/or inspected in Indonesia in terms of its safety, quality and/or nutrition prior to distribution.
- (3) In setting forth the requirements as contemplated in paragraphs (1) and (2), the Ministers or the Head of the Agency shall comply with the TBT/SPS WTO agreement or any agreements that have been ratified by the Government.

Article 38

- (1) In respect of food imported into Indonesian territories, which shall be tested and/or inspected, as contemplated in Article 37 paragraph (1) letter c, such food may only be released from the customs and excise after obtaining the food importation approval issued by the Minister who is responsible for agriculture or fishery in accordance with their respective duty and authority.
- (2) In respect of food imported into Indonesian territories, which shall be tested and/or inspected, as contemplated in Article 37 paragraph (2) letter c, such food may only be released from the customs and excise after obtaining the food importation approval issued by the Head of the Agency.

Article 39

Any person who imports food into Indonesian territories for distribution shall be responsible for the food safety, quality and nutrition.

Article 40

Further requirements on food importation into Indonesian territories for distribution shall be set forth by the Ministers who are responsible for agriculture, fishery, trade or the Head of the Agency in accordance with their respective duties and authority.

Part Two

Food Exportation from Indonesian Territories

Article 41

- (1) Any food exported out of Indonesian territories shall meet the food safety requirements.
- (2) The Minister who is responsible for agriculture, fishery or the Head of the Agency may, in accordance with their respective duties and authority, set forth the requirements, so that the food exported from Indonesian territories for distribution shall first have been tested and inspected in terms of its safety, quality, labeling requirements and/or nutrition.
- (3) Any person who exports food out of Indonesian territories shall be responsible for the food safety, quality and nutrition.
- (4) The Minister who is responsible for agriculture, fishery or the Head of the Agency shall coordinate with the Head of the agency who is responsible for national standardization to undertake mutual acknowledgement on the appropriateness of evaluation to meet the requirements of the destination country.

CHAPTER V
CONTROL AND SUPERVISION
Part One
Control
Article 42

- (1) In the framework of food safety, quality and nutrition control, any processed food either produced domestically or imported into Indonesian territories for trade in retail packaging shall obtain the registration approval letter, prior to distribution.
- (2) Any processed food that should possess the registration approval letter as contemplated in paragraph (1) shall be determined by the Head of the Agency.
- (3) The registration approval letter as contemplated in paragraph (1) shall be issued by the Head of the Agency based on the processed food security, quality and nutrition evaluation results.
- (4) The processed food safety, quality and nutrition evaluation as contemplated in paragraph (3) shall be carried out by the Head of the Agency in accordance with the criteria and procedures.
- (5) The criteria and procedures as contemplated in paragraph (4) shall be set forth by the Head of the Agency with reference to the food safety, quality and nutrition requirements.
- (6) The requirements and procedures for obtaining the registration approval letter as contemplated in paragraph (1) shall be set forth by the Head of the Agency.

Article 43

- (1) Exempted from the provision as contemplated in Article 42 paragraph (1) shall be processed food produced by home industries.
- (2) The processed food as contemplated in paragraph (1) shall possess a home industry food production certificate.
- (3) The home industry food production certificate as contemplated in paragraph (2) shall be issued by the Regent/Mayor.
- (4) The Head of the Agency shall set forth the guidelines for issuing such a home industry food production certificate as contemplated in paragraph (1), that includes among others:
 - a. the type of food;
 - b. the evaluation procedures; and
 - c. the procedures for issuing the food production certificate.

Article 44

Processed food exempted from the obligation to possess a registration approval letter as contemplated in Article 42 or a home industry food production certificate as contemplated in Article 43 shall be the food that:

- a. has the storage time period of less than 7 (seven) days in a room temperature; and/or
- b. is imported into Indonesian territories in small quantities for the purpose of:
 1. requesting the registration approval letter;
 2. research; or
 3. self-consumption.

Article 45

- (1) The Agency shall be authorized to control the safety, quality and nutrition of the food in distribution.
- (2) In exercising the control function as contemplated in paragraph (1), the Agency shall be authorized to:
 - a. take samples of food in distribution; and/or
 - b. test the food samples as contemplated in paragraph (2) point a.
- (3) The results of testing as contemplated in paragraph (2) point b:

- a. for fresh food, shall be delivered to and followed up by the ministries that are responsible for the fields of agriculture, fishery or forestry in accordance with their respective duties and authority;
- b. for processed food, shall be delivered to and followed up by the agencies that are responsible for the fields of fishery, industry or the Agency in accordance with their respective duties and authority;
- c. for certain processed food, shall be followed up by the Agency;
- d. for food processed by food and ready-to-serve food home industries, shall be delivered to and followed up by the Regent/Mayor.

Article 46

- (1) The Governor or Regent/Mayor shall be authorized to conduct investigations if there are any allegations of violation against the law in the field of fresh food.
- (2) The Head of the Agency shall be authorized to conduct investigations if there are any allegations of violation against the law in the field of processed food.
- (3) The Regent/Mayor shall be authorized to conduct investigations if there are any allegations of violation against the law in the field of ready-to serve food and food processed by home industries.
- (4) In exercising the investigation function as contemplated in paragraphs (1), (2) and (3), the Governor, Regent/Mayor or the Head of the Agency shall be authorized to:
 - a. enter any venues alleged to be used for the activities or processes of production, storage, transportation and trade of food, in order to investigate, detail examine and collect food samples and anything alleged to be used in the food production, storage, transportation and/or trade activities;
 - b. discontinue, investigate and prevent any transportation facilities that are alleged or should be alleged to be used for food transportation and collect and examine food samples;
 - c. open and inspect any food packages;
 - d. inspect any books, documents or other records that are alleged to contain any description on the food production, storage, transportation and/or trade activities, including copying and quoting any such descriptions; and/or
 - e. order to be shown the business licenses and/or any similar documents.
- (5) In the framework of implementing the investigations as contemplated in paragraphs (1), (2) and (3), the Governor, Regent/Mayor or the Head of the Agency shall, in accordance with their respective duties and authority, appoint officials to conduct such investigations.
- (6) The officials appointed to conduct such investigations as contemplated in paragraph (5) shall be armed with an instruction letter.

Article 47

- (1) If, based on the results of the investigations as contemplated in Article 45 paragraph (3) and/or the results of the investigations as contemplated in Article 46, there are any violations, the Governor, Regent/Mayor of the Head of the Agency shall be authorized to take administrative measures.
- (2) The administrative measures as contemplated in paragraph (1) shall include:
 - a. written warning;
 - b. prohibition from distribution temporarily and/or instruction to withdraw the food products from distribution;
 - c. food destruction, if it is proven to risk human health and lives;
 - d. temporary production halt;
 - e. imposition of penalty no greater than Rp.50,000,000 (fifty million rupiahs); and/or
 - f. revocation of production licenses, business licenses, registration approvals or home industry food production certificates.
- (3) The administrative measures as contemplated in paragraph (2) shall be imposed on the basis of the risks caused by the violations committed.

- (4) The administrative measures as contemplated in paragraph (2) letter f shall be imposed by the officials issuing the relevant production licenses, business licenses, registration approvals or home industry food production certificates in accordance with their respective duties and authority.

Article 48

- (1) Withdrawal and/or destruction of the food as contemplated in Article 47 shall be implemented by any person who produces or imports food into Indonesian territories and in accordance with the food withdrawal and destruction guidelines.
- (2) Any party involved in food distribution shall assist in the food withdrawal and/or destruction as contemplated in paragraph (1).
- (3) The food withdrawal and/or destruction as contemplated in paragraph (1) shall, in respect of fresh food, be implemented at the instruction of the Governor, Regent/Mayor in accordance with their respective duties and authority.
- (4) The food withdrawal and/or destruction as contemplated in paragraph (1) shall, in respect of processed food, be implemented at the instruction of the Head of the Agency.
- (5) The food withdrawal and/or destruction guidelines as contemplated in paragraph (1) shall be set forth by the Head of the Agency.

Article 49

If, based on the results of the investigations as contemplated in Article 46, it should be alleged that any criminal acts occur in the field of food, an investigation shall be launched by investigators based on the prevailing legislation.

Article 50

The Agency may announce to the public the testing and/or inspection results through the mass media.

Part Two Supervision

Article 51

- (1) Supervision of food producers shall be conducted by the Minister who is responsible for agriculture, fishery or forestry in accordance with their respective duties and authority.
- (2) Supervision of processed food producers shall be conducted by the Minister who is responsible for industry, agriculture or fishery in accordance with their respective duties and authority.
- (3) Supervision of certain processed food producers shall be conducted by the Head of the Agency.
- (4) Supervision of ready-to-serve food and home industry food producers shall be conducted by the Regents/Mayors.
- (5) Supervision of Regional Governments and people in the field of food control shall be conducted by the Head of the Agency.

CHAPTER VI COMMUNITY PARTICIPATION

Article 52

- (1) In the framework of perfecting and improving food safety, quality and nutrition, community may put forward their problems, inputs and/or methods for solution in respect of the matters in the field of food.
- (2) The delivery of problems, inputs and/or methods for solution as contemplated in paragraph (1) may be put forward directly or indirectly to the Minister who is responsible for agriculture, fishery, health, industry, the Head of the Agency, Governors or Regents/Mayors in accordance with their respective duty and authority.

- (3) The procedures for putting forward the problems, inputs and/or methods for solution as contemplated in paragraph (1) shall be in accordance with the provisions of the prevailing legislation.

**CHAPTER VII
PROVISIONS OF TRANSFER**

Article 53

With the enactment of this Government Regulation, all the provisions on food safety, quality and nutrition regulated by the legislation under the Laws may still be effective insofar as they do not conflict with the provisions of this Government Regulation.

**CHAPTER VIII
CLOSING PROVISIONS**

Article 54

This Government Regulation shall be effective as of the date on which it is promulgated. In order to be informed to everybody, it is instructed that the promulgation of this Government Regulation be included into the State Gazette of the Republic of Indonesia.

Established in Jakarta on October 5, 2004

PRESIDENT OF THE REPUBLIC OF INDONESIA,

(signed)

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta on October 5, 2004

STATE SECRETARY OF THE REPUBLIC OF INDONESIA,

(signed)

BAMBANG KESOWO

**STATE GAZETTE OF THE REPUBLIC OF
INDONESIA NUMBER 107/2004.**

Copied according to the original copy, Deputy Cabinet Secretary For the Field of Law and Legislation (seal, signed) Lambock V Nahattands

**EXPLANATION TO GOVERNMENT REGULATION OF
THE REPUBLIC OF INDONESIA
NUMBER 28/2004 ON
FOOD SAFETY, QUALITY AND NUTRITION**

General

Food is human's most basic need as it is influential in his existence and survival in terms of both its quantity and quality. As it is highly important, food is basically one of the human basic needs and is fully the right of every Indonesian citizen. Availability of adequate, safe, quality and nutritious food is the main precondition that should be met in the effort to realize a dignified person and quality human resources. Human resources are the most important element and equally the main objective of national development as quality human resources are the determining factor of the developmental success that will in the end be capable of improving the people's welfare and living standard and could reduce or even eliminate poverty. The quality of human resources, among others, is highly determined by the quality of food people consume, and all the resources and efforts should be mobilized to the optimum, so as to make safe, quality and nutritious food adequately available and affordable to the people in terms of their purchasing power.

To make safe food adequately available, there is a need to undertake the realization of a food system that is capable of protecting the people who consume it, so that the food in distribution and/or trade is not detrimental but is safe for human mental health. In other words, such food should meet the food safety requirements.

Advancement of science and technology in the field of food and the ever-advanced and open trade world both domestically and internationally will bring about impacts on the ever-diversified types of food distributed in the community, either produced domestically or imported.

Food consumed by the people basically goes through a chain of process that includes production, storage, transportation and distribution before it reaches the consumers.

In order for the chain to meet the food safety, quality and nutrition requirements, there needs to realize an effective system of arrangement, supervision and control in the field of food safety, quality and nutrition in the form of a Government Regulation on Food safety, Quality and Nutrition, which constitutes the implementation directives of Law Number 7/1996 on Food.

Article By Article

Article 1

Point 1

Food shall include chewing gum and the like, excluding cosmetics, tobacco, tobacco processing products or materials designated for medicine. Other materials shall mean the materials used in the process of preparation, processing and/or making of food or drinks other than food additives and processing aid. Examples of other materials would be catalytic materials, such as digestion enzyme. Raw materials shall mean the basic materials used to produce food. Raw materials may be in the form of fresh food or half-processed food.

Point 2

Fresh food shall, in this provision, include food that could be consumed directly by humans without experiencing any processing, such as fruits and some vegetables and those that could be used as raw materials for food processing, such as soy beans, corns, meat, fish, milk, eggs and so on.

Point 3

Processed food shall, in this provision, include processed food that is ready for consumption directly and processed food that should be cooked first, and then used as raw materials for food, such as tapioca, flour and soy protein isolate.

Point 4

Certain processed food shall mean processed food for consumption of certain groups, such as formula milk for babies, food designated for pregnant women or lactating mothers, special food for sufferers of certain diseases, and any similar food that has great impacts on the quality development of human health.

Point 5

Self-explanatory

Point 6

Business venues shall, in this provision, include catering, hotels, restaurants, eating places, cafeteria, side walk food vendor, and food vendors.

Point 7

Self-explanatory

Point 8

Self-explanatory

Point 9

Self-explanatory

Point 10

Self-explanatory

Point 11

Self-explanatory

Point 12

Self-explanatory

Point 13

Offer to sell food shall mean the activity customarily performed prior to food trading transaction, for instance giving for free food product samples in the framework of promotion.

Point 14

Self-explanatory

Point 15

Self-explanatory

Point 16

Self-explanatory

Point 17

Food additives are not usually consumed as food nor are they food ingredients, has or has no nutrition value that is deliberately added into food for technological purposes for making, processing, preparing, treating, packing, packaging, storing and/or transporting food to produce or expected to produce any component or to impact the characteristics of the food directly or indirectly. Food additives are not include contamination or any materials added into food in order to maintain or increase the nutrition value. For instance, vitamin C shall be regarded as a food additive if the purpose of adding it is not to improve the nutrition value but as an antioxidant, for instance for maintaining the red color in corned beef. Food additives shall include, among others, coloring, preservatives, sweeteners, flavoring, flavor enhancers, anti coagulants, bleachers and thickeners.

Point 18

Self-explanatory

Point 19

Ionizing radiation used may originate from radioactive substances that can slow down sprouting, for instance in potatoes, onions, to decelerate decay, for instance in frog thighs, frozen shrimps, prevent decay in other food, for instance in spices and various kinds of seeds.

Point 20

Self-explanatory

Point 21

Self-explanatory

Point 22

Technical specifications or requirements shall, in this provision, include among others the food type, color or composition formulated on the basis of certain criteria according to the development of science and technology as well as other relevant aspects. Food quality standard shall, in this provision, include processed and unprocessed food. In a broader sense, the standard that applies to food shall include various requirements of food safety, nutrition and quality as well as other requirements in the framework of creating a fair food trade, for instance labeling and advertising requirements. The various standards shall neither conflict

with each other nor stand individually; in fact, they constitute a unity, the further outline of which shall be regulated by the Government.

Point 23

Self-explanatory

Point 24

Self-explanatory

Point 25

Food quality certificates may, among others, be in the form of health and analysis certificates. Analysis certificates shall be issued by accredited laboratories. Health certificates shall be issued by authorized agencies. Other quality certificates may be issued by authorized agencies or accredited certifying institutions.

Point 26

Self-explanatory

Point 27

Self-explanatory

Article 2

Paragraph (1)

Any person who is responsible shall, in this provision, mean any person who performs, has any interest in, or benefits from the activity or process of food production, storage, transportation and/or distribution, such as food producers, storage providers, transporters and/or distributors; they either own or rent the facilities and infrastructure required. In this provision, included among others in food distribution shall be food serving.

Paragraph (2)

Facilities and/or infrastructure shall, in this provision, include building design and construction, layout, equipment and installation, waste disposal facilities and other facilities that are used directly or indirectly in the activity or process of food production, storage, transportation and/or distribution.

Article 3

Self-explanatory

Article 4

Paragraph (1)

Self-explanatory

Paragraph (2)

Good Agricultural Practices Guidelines shall, in this provision, include Food Crops Practices Guidelines, Good Animal Husbandry Practices Guidelines and Good Fishery Practices Guidelines.

Article 5

Paragraph (1)

Self-explanatory

Paragraph (2)

Good Fresh Food Practices Guidelines shall, in this provision, include Good Agricultural Produce Fresh Food Practices Guidelines, Good Animal Husbandry Product Fresh Food Practices Guidelines and Good Fishery Product Fresh Food practices Guidelines.

Article 6

Paragraph (1)

Self-explanatory

Paragraph (2)

Establishment of Good manufacturing Practices of Processed Food Guidelines by the Ministers who are responsible for the fields of industry or fisheries shall be in accordance with their respective duties as contemplated in Government Regulation Number 17/1986 on Authority exercised over Industrial Arrangement, Supervision and Development.

Paragraph (3)

Certain processed food shall be processed food designated for certain groups, such as babies, pregnant or lactating mothers, sufferers of certain diseases and similar food that has great impacts on the quality development of human health. As consumers of certain processed food

include highly risky community groups, and in compliance with the purpose of consuming that food, in its production process, certain, more specific undertaking methods shall be required.

Article 7

Self-explanatory

Article 8

Self-explanatory

Article 9

Self-explanatory

Article 10

Good practices guidelines shall be directed towards business agents, so that in performing their activities they will always comply with food safety. Good practices guidelines shall be applied voluntarily; however, if an activity is deemed critical, such guidelines may be set forth compulsorily. Any activity deemed critical shall be an activity

in the food chain that needs extra-careful handling, making it impossible to be implemented appropriately if it is performed voluntarily by the agent who carries out such an activity. For instance, Good Fresh Milk Handling Practices Guidelines may be made compulsory, due to the high risk of biological contamination, so that it needs extra-careful handling.

Article 11

Communities should be protected from food that uses or contains any materials declared prohibited as food additives. Such materials may risk human health and lives.

Article 12

Food that uses or contains food additives that are not in accordance with the regulations has negative impacts on human health. Therefore, the use of food additives in the food production activity or process shall be regulated strictly in the framework of realizing food safety, so that the people will be prevented from consuming food that may disturb, impair and risk human health and lives.

Article 13

Self-explanatory

Article 14

Self-explanatory

Article 15

Paragraph (1)

The use of irradiation techniques and methods in the food production activity or process has developed and expanded remarkably, particularly in food preservation. The use of such techniques or methods that has reached the commercial level shall remain safe for the people. Therefore, to prevent the uncontrollable use of irradiation techniques and methods such irradiation shall be strictly regulated and supervised. In order for the activity not to cause any risk that may impact negatively human health and safety, requirements shall be set forth to be met by irradiation service providing facilities.

Paragraph (2)

The provision on irradiated food shall include the permitted types of commodities and doses of commodities, the general requirements in connection with radiation sources, absorbed doses, irradiating facilities and irradiation process control, irradiated food hygiene, technological requirements and re-irradiation.

Article 16

Self-explanatory

Article 17

Self-explanatory

Article 18

Self-explanatory

Article 19

Paragraph (1)

Packaging is a part of a good food production practices. Food shall be packaged appropriately, so that packaged food will not be easily rotten and/or contaminated, and its quality will not decrease.

Paragraph (2)

Correct food packaging procedures shall be particularly designated for certain food with certain qualities/characteristics and, thus, needs special treatment during packaging, for instance food with high-level fat content or food with high temperature that shall not be packaged in plastics that will possibly release carcinogenic monomer into the food.

Article 20

Paragraph (1)

This provision is set forth in the framework of preventing food product contamination by any materials that may impair or risk human health.

Food final packaging shall mean the final packaging of food product customarily done in the final stage of the production process or activity of food traded for human consumption.

Paragraph (2)

Food procured in large quantities customarily not packaged in final shall be food in large packaging intended for trade (retail) further in smaller packages, such as rice, flour and sugar. Such a practice shall be adjusted with what is customarily practiced in relevant food commodities or what is practiced by the local community.

Paragraph (3)

Self-explanatory

Article 21

Paragraph (1)

The quality assurance system shall be a prevention effort that shall be complied with and/or implemented in the framework of producing quality food that is safe for human health; this is usually done from the beginning of the food production activity until it is ready for trade, and it is a system of quality control and supervision that develops in line with science and technology.

The quality assurance system shall be administered by applying, among others, Good Agricultural Practices, Good Fresh Food Practices, Good Processed Food Practices, Good Food Distribution Practices, Good Retail Practices or Good Ready-to-Serve Food Practices.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 22

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

In respect of imported products, laboratory acknowledgement of exporting countries shall be based on mutual agreements bilaterally or multilaterally.

Paragraph (4)

Establishment of testing laboratory requirements shall be set forth by government agencies in accordance with their respective duties and authority; they shall be set forth gradually, taking into account the types of food produced and the technical specifications and/or parameters required.

Article 23

Letter a

Poisoning or hazardous substances that risk human health and lives shall include, among others, metals, metalloids, any poisonous chemical substances, hazardous microorganisms, mycotoxin, pesticide residues, hormones and animal medicines that are greater than the maximum limit set forth.

Letter b

Self-explanatory

Letter c

Prohibited substances shall include, among others, borax, formalin, rhodamin B or methanyl yellow.

Letter d

Self-explanatory

Letter e

Expired food shall mean food that has passed the time period in which its quality is guaranteed, so long as its storage complies with the instructions provided by the producer.

Article 24

Paragraph (1)

Letter a

Self-explanatory

Letter b

The provisions on contamination thresholds shall include:

- 1) biological contamination maximum threshold requirements;
- 2) chemical contamination maximum threshold requirements; and
- 3) maximum threshold requirements of other objects that may disturb, impair or risk human health.

Letter c

Self-explanatory

Letter d

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph 3)

Self-explanatory

Article 25

Paragraph (1)

Healthcare units shall include, among others, community healthcare centers, policlinics, government / private hospitals at the provincial or regential /town level.

Paragraph (2)

Self-explanatory

Paragraph (3)

Food borne diseases outbreak shall be any incidents in which two or more people suffer from any health problems with the same or nearly the same symptoms after consuming any food, and based on epidemiological analysis such food is proven to have been the source of contagion.

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Paragraph (6)

Self-explanatory

Article 26

Paragraph (1)

Self-explanatory

Paragraph (2)

Central Government shall, in this provision, mean the ministry responsible for the field of health and/or the Agency.

Article 27

Self-explanatory

Article 28

Self-explanatory

Article 29

Self-explanatory

Article 30

The Indonesian National Standard may be imposed compulsorily on some or all of the technical specifications and/or parameters in the Indonesian National Standard. The agencies authorized to impose the Indonesian National Standard compulsorily shall be as follows:

- a. For fresh food from agricultural produce, by the Minister who is responsible for the field of agriculture;
- b. For fresh food from fisheries, by the Minister who is responsible for the field of fisheries;
- c. For processed food, by the Ministers who are responsible for the fields of industry, agriculture or fisheries in accordance with the prevailing legislation;
- d. For Food Additives and certain processed food, by the Head of the Agency.

Article 31

Self-explanatory

Article 32

Self-explanatory

Article 33

Paragraph (1)

Nutrition status standard shall include two matters. The first shall be the individual nutrition status standard classified according to malnutrition that occurs. Such a classification shall be based on the results of examination and physical measurement (anthropometrically and medically clinically) and biochemical examination of body fluids, such as blood and urine (biochemically). The classification may be stated qualitatively, namely over nutrition, under nutrition and severe nutrition. The second shall be the community nutrition status standard, which means prevalence or percentage of community groups according to the level of malnutrition that occurs.

Paragraph (2)

Malnutrition shall mean health disturbance caused by insufficient and/or imbalanced nutrients that are needed for growth, intelligence and activity/ productivity.

Paragraph (3)

Self-explanatory

Article 34

Periodical changes shall be made on the basis of results of surveys on the communities' nutrition status. Requirement Dietary Intake (RDI) shall be the adequate daily average nutrients for every person according to age, sex, body size and body activity to reach an Optimum health level.

Article 35

Paragraph (1)

Food nutrition enrichment shall mean adding more nutrients because such nutrients decrease naturally or disappear due to processing and/or storage.

Food nutrition fortification shall mean adding more essential nutrients to certain food that originally does not contain such nutrients. Enrichment and/or fortification shall, in this provision, mean a national program in the framework of preventing malnutrition, maintenance and improvement of the community nutrition status.

Paragraph (2)

Self-explanatory

Paragraph (3)

Enrichment procedures shall mean the techniques for adding certain nutrients to food that is produced for the purpose of increasing its nutrient content. Fortification procedures shall mean the techniques for adding certain nutrients to food that originally does not contain such nutrients for the purpose of putting more types of nutrients into it.

For instance: adding iodine to salt.

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Article 36

In this provision, food imported into Indonesian territories shall include donated food. Other prevailing legislation in effect shall include the legislation in the fields of labeling, custom, and in the fields of animal, fish and plant quarantine.

Article 37

Self-explanatory

Article 38

Self-explanatory

Article 39

Self-explanatory

Article 40

Further provisions to be set forth shall, among others, be the requirements for documents and/or certificates needed, the results of testing laboratory, the setting of expiry dates, and the approval on food importation.

Article 41

Paragraph (1)

This provision is the minimum requirement that shall be met. In addition to such a requirement, food to be exported from Indonesian territories shall meet the requirements that are effective in destination countries.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 42

Paragraph (1)

Processed food shall, in this provision, also include certain processed food, food additives, genetically modified food products or irradiated food. Processed food imported into Indonesian territories as donation shall comply with the provision as contemplated in this Article. Retail packaging shall, in this provision, mean food final packaging that shall not be opened for repackaging in smaller packages for trading purposes.

Paragraph (2)

Self-explanatory

Paragraph (3)

The registration approval letter issued shall have the registration number. Such a registration number shall be put on the label of the relevant food and putting such a number shall be in accordance with the provisions that are effective on food labeling and advertisements.

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Paragraph (6)

Self-explanatory

Article 43

Paragraph (1)

Self-explanatory

Paragraph (2)

The obligation to possess production certificates for home industries shall be imposed in phases, due to limited facilities and knowledge of home industry managers in food safety, quality and nutrition. Such phasing shall provide home industries with the opportunity to improve their capability to produce products that meet food safety, quality and nutrition requirements.

Paragraph (3)

Production certificates shall be provided for processed food produced by home industries that have met the requirements in accordance with the prevailing legislation. Issuance of such production certificates for home industries by the Regents/Mayors shall be based on the fulfillment of the requirements for good production practices for home industries that shall include, among others, sanitation requirements, use of food additives and labeling. Good Food Production Practices for Home Industries shall be set forth by the Head of the Agency.

Paragraph (4)

Due to limitations of home industries in respect of buildings, sanitation facilities, equipment and employees, the types of food allowed for production by home industries shall be restricted. Home industries shall only be allowed to produce food that is not highly risky for health.

Article 44

Letter a

Self-explanatory

Letter b

In this provision, small quantities shall mean adequate quantities needed only for relevant purposes.

Article 45

Self-explanatory

Article 46

Paragraph (1)

In this provision, allegations may be the testing results, based on people's reports or the results of tracing the occurrences of poisoning cases.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Paragraph (6)

Self-explanatory

Article 47

Self-explanatory

Article 48

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Paragraph (5)

Withdrawal and destruction guidelines shall, in this provision, include among others the withdrawal methods, the withdrawal time period and the destruction methods.

Article 49

Self-explanatory

Article 50

In the framework of preventing the people from disturbances as the consequence of consuming food products that risk and/or disturb health, the results of food product examinations shall be informed to the people.

Article 51

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

The supervision efforts as contemplated in this provision shall be carried out by means of various approaches in the framework of improving the capacity of ready-to serve food producers and home industries.

Paragraph (5)

Supervision on the activities of regional government agencies shall, among others, be in the form of training for food inspectors, provision of guidelines in connection with drug and food control in regions.

Article 52

Self-explanatory

Article 53

Self-explanatory

Article 54

Self-explanatory

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 4424.