

# ROLE OF THE GOVERNMENT ANALYST UNDER FOOD ACT

**Ms Y. Mahesan**

**Government Analyst, Government Analyst's**

This Act applied to both imported and local items of food and drugs. The Government Analyst had a key role in the implementation of the provisions of this Act. The authorised officers namely public health inspectors and food and drugs inspectors acting under the supervision of the medical officers of health are empowered to seize the items suspected to be adulterated, but they are not competent to decide whether such regard to standards or other regulations. It is here that the Government Analyst has the significant role of functioning as the Approved Analyst to test the quality of the samples of food and drugs seized for suspected adulteration.

Under the old Act the Government Analyst's Department was designated the main food laboratory for enforcement of the quality of food and drugs. However, the provisions of this Act were not mandatory all over the island.

Subsequently, this Act of 1949 was revised and a new legislative enactment, the Foods Act 1980, was passed. Under this Act the Government Analyst continues to function as the Approved Analyst carrying out quality checks on food seized by authorised officers functioning in almost all parts of the island except in towns like Kandy, Colombo, Kalutara and a few other places, which employ their own analysts, referred to in the Act as Additional Approved Analysts.

## **Who supplies the food items for test under the Act?**

Samples of food are sent by various local bodies who function as Food Au-

thorities which authorise their field inspectorate to seize foods of doubtful quality. These local bodies are municipal councils, urban councils and pradeshiya sabhas. In addition the regional Directors of Health Services of the Central Government may also send items seized by them. The Excise Commissioner too can send excisable articles for tariff purposes. The Director General of Customs can also send imported foods for conformity with local standards.

The annexed diagram explains the working of the Food Control system and the role played by the Government Analyst.

Samples sent may be formal in which case the results of the analysis are recorded in a prescribed form the certificate of which can be the basis for prosecution by the food authority. If an informal sample is sent for a quality check the results are reported in the form of a note. If the sample is found not to comply with standards, a formal sampling is carried out. One portion of the sample is sent to the Analyst, a second portion is given to the vendor and the third portion is retained by the food authority.

## **Can the public send samples?**

If a member of the public finds that any food items he or she comes across is unsuitable for human consumption, he or she may inform the relevant food authority of that administrative area and request it to seize that food and despatch it to the Analyst who has jurisdiction over that area. For example if the food is found in Colombo, it should be sent to the City Analyst for

that administrative area. If the food sample is seized in Negombo it would have to be sent to the Government Analyst's Department.

## **Frequency of sampling**

Ideally it would be suitable, if the food inspectorate can seize about 5-10 food samples per week and send them to the respective approved Analyst for testing and issue of certificates. However, due to manpower shortage in most government agencies this target cannot be reached easily. Further by law, these samples would have to be reported on or before three calendar months from the date of seizure.

The Department of the Government Analyst receives about 2,500 food items per year. If prosecution is to follow in respect of any item it would not be possible without the Government Analyst's report.

## **Other functions of the Government Analyst under the Food Act**

Under the Food Act, a committee called the Food Advisory Committee has been constituted comprising representatives of several organisations. The Government Analyst is also a member and the duties of this committee are to advise the Minister of Health on matters arising from the administration of the Act and to carry out other functions assigned to it under the Act.

The Committee may appoint such sub-committees as it deems fit to exercise such powers assigned to them. An example is the fixing of legal stand-

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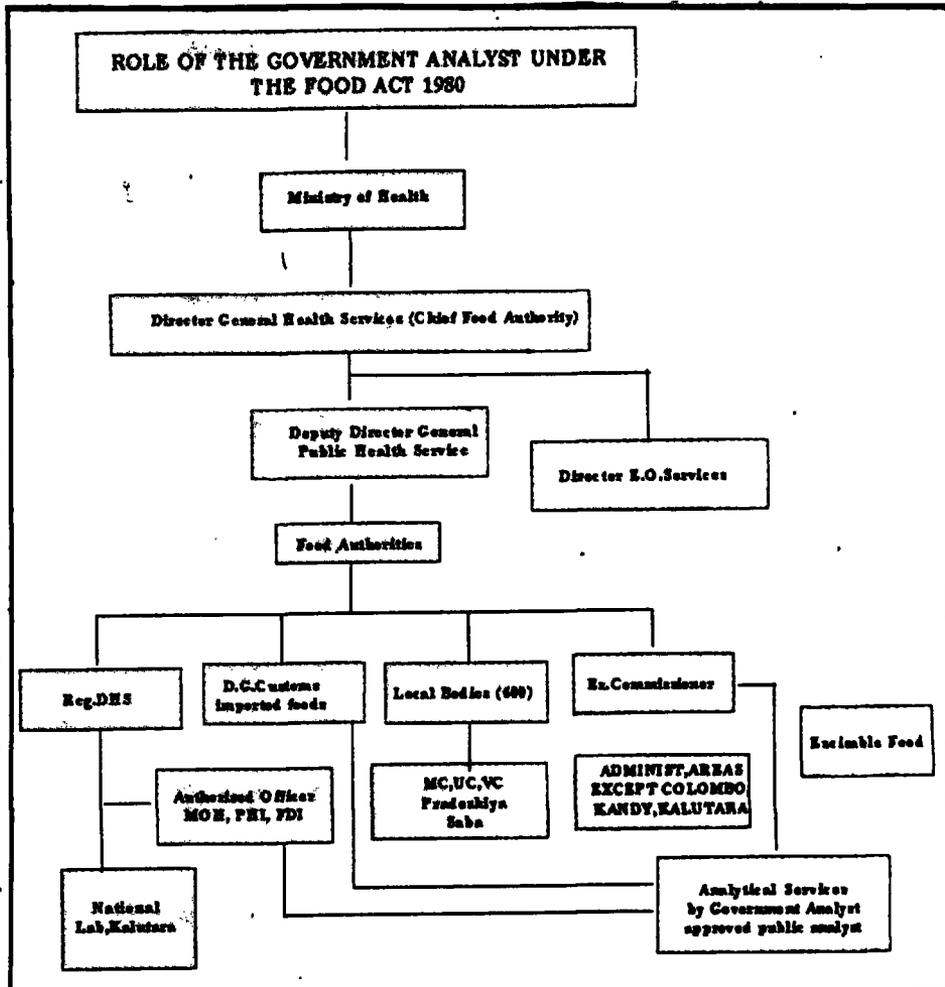
ards for various food items. The Government Analyst is represented in all the sub-committees constituted under the main committee.

Another important function of the Government Analyst is also specified in the Food Act.

When a sample obtained by an authorised officer is tested and reported on by an Analyst other than the Government Analyst as being not in compliance with the legal standards specified for that item of food that part of the food sample retained by the authorized office of that Food Authority shall be produced in court at the time of the institution of the prosecution.

The magistrate shall at the request of either party (prosecution or defence) forward for analysis or examination that part of the sample produced in court (referred to as Referee Sample) to the Government Analyst. The Analyst shall carry out the examination for a fee charged from that party which requests the examination and present a report to the court within 28 days of receiving the sample.

What have been described above are the major functions of the Government Analyst under the Food Act. How-



ever, with the formation of more and more sub committees the Government

Analyst's Department has additional important roles to play.