

**L.N. 286 of 2002**

**FOOD SAFETY ACT, 2002  
(ACT NO. XIV OF 2002)**

**Quick-Frozen Food Regulations, 2002**

In exercise of the powers conferred by article 10 of the Food Safety Act, the Minister for Health has made the following regulations:-

1. The title of these Regulations is the Quick-Frozen Food Regulations, 2002 and they shall come into force on the 1st November, 2002. Title and commencement.

2. These Regulations shall be applicable to all food intended for human consumption which is manufactured and presented for sale as quick-frozen food as defined in regulation 3 of these Regulations. Scope and applicability.

3. In these Regulations, unless the context otherwise requires: Interpretation.

“Act” means the Food Safety Act, 2002;

“authorised officer” has the same meaning as is assigned to it in the Act;

“consumer” has the same meaning as is assigned to it in the Act;

“food business” has the same meaning as is assigned to it in the Act;

“monitoring” in relation to air temperatures, is the action performed by an appropriate instrument for the measurement of air temperatures which instrument then records, either continuously or at frequent and regular intervals, the measurements it has taken;

“quick-frozen food” means any food which:

(a) has undergone a suitable freezing process known as ‘quick-freezing’ whereby the zone of maximum crystallisation is crossed as rapidly as possible, depending on the type of product, and the resulting temperature of the product, after thermal stabilisation, is continuously maintained at a level of –18°C or lower,

(b) (i) is marked in such a way as to indicate, in accordance with these Regulations, that it possesses this characteristic; and

(ii) which is labelled for the purpose of sale to indicate that it has undergone that process,

but shall not include ice-cream or any other edible ices;

“retail display cabinet” means any cabinet from which any quick-frozen food is offered for sale;

“storage” includes keeping in warehouses.

Manufacture of  
quick-frozen  
food.

4. The manufacture of quick-frozen food shall be carried out:

(a) in premises registered to manufacture quick-frozen food in accordance with the provisions of the Act;

(b) using only raw materials which may be sold for human consumption in accordance with the provisions of the Act;

(c) with sufficient promptness, and using such equipment so as to minimise any chemical, biochemical or microbiological changes to the raw materials comprised in the food;

(d) using only air, nitrogen or carbon dioxide as cryogenic medium that comes in direct contact with the food or any raw material comprised in the food;

(e) in such a manner that, after thermal stabilisation, the quick-freezing of the food or any raw material comprised in the food has resulted in the temperature of that food being (minus)-18°C or colder.

Storage of  
quick-frozen  
food.

5. Following the manufacture of any quick frozen food and its thermal stabilisation, the quick-frozen food shall be stored, at all times, at a maximum temperature of -18°C.

Provided that quick-frozen food may be stored during transport or display at a different temperature but in accordance with these Regulations.

Transport of  
quick-frozen  
food.

6. (1) The transport of quick-frozen food shall be carried out using only such means of transport that are registered for that purpose in accordance with the provisions of the Act and of these Regulations.

(2) The storage of quick-frozen food being transported may be of a temperature that is warmer than (minus) -18°C but not warmer than (minus) -15°C:

Provided that the storage of quick-frozen food at these temperatures is only for a brief period for the purpose of transportation and is carried out in a manner to the satisfaction of the health authority.

7. (1) The sale of quick-frozen food shall be carried out only in premises that are registered for such purpose in accordance with the provisions of the Act and of these Regulations. Sale of quick-frozen food.

(2) The storage of quick-frozen food that is kept in a retail display cabinet may be of a temperature that is warmer than minus 18°C but not warmer than minus 12°C and shall follow such working methods to ensure the proper storage of food for retail sale to the satisfaction of the health authority:

Provided also that for such purpose, compliance with any guide published, approved or recognised by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods which satisfy the health authority for the storage of quick-frozen foods.

(3) Quick-frozen food shall only be presented for sale and sold in the original packaging and labelling that is in accordance with the provisions of the Act and any other labelling regulations applicable thereto.

Provided that quick-frozen food may be sold to a consumer only if labelled in accordance with subregulations (2), (3), and (4a), (4b), (4c), (4d), (4e) and (4g) of regulation 9 of these Regulations.

Provided also that quick-frozen food may be sold to any other person only if labelled in accordance with subregulations (2), (3), and (4e), (4f) and (4g) of regulation 9 of these Regulations.

8. Food that has been manufactured under the conditions prescribed by regulation 4 of these Regulations shall be packed by its manufacturer or packer in a packaging that is suitable to protect it from microbial and other external contamination and against dehydration.

Provided that the packaging is carried out in accordance with working methods to the satisfaction of the health authority.

Provided also that for such purpose, compliance with any guide or standard published, approved or recognised by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods or standards which satisfy the health authority for the packaging of quick-frozen foods.

9. (1) Quick-frozen food shall only be labelled in accordance with the provisions of the Act and any other labelling regulations.

(2) The description in relation to any food as quick-frozen shall not be used in the labelling of any food other than quick-frozen food manufactured in accordance with regulation 4 of these Regulations.

(3) Where any food is manufactured outside Malta, the equivalent of the term “quick-frozen” shall only be used in relation to food manufactured in the same manner as provided in regulation 4 of these Regulations.

Provided that no such food may be offered for sale in Malta as a quick-frozen food unless its label contains the wording “quick-frozen”, “iffrizat malajr” or “surgelato”.

Provided also that this provision shall not apply to food which is not offered for sale in Malta as a quick-frozen food.

(4) Quick-frozen food shall be labelled, on its packaging, container or wrapping, or on a label attached to it, to the satisfaction of the health authority and shall, as a minimum, contain the following information:

- (a) an indication of the minimum durability;
- (b) an indication of the maximum period during which it may be stored;
- (c) the temperature at which the food should be stored;
- (d) a warning indicating that one should not re-freeze the quick-frozen food after defrosting or a similar warning.

Provided that the use of the phrase ‘not to re-freeze after defrosting’ shall be deemed as suitable;

- (e) a reference identifying the batch to which it belongs;
- (f) the name and address of the manufacturer or packager, or of a seller established in Malta.

Provided that the address on the label shall be a complete and accurate copy of the address as registered with the health authority in accordance with article 11 of the Act; and

- (g) the term “quick-frozen”, “iffrizat malajr” or “surgelato”.

Obligations of  
the  
manufacturer  
etc.

**10.** The responsible person as defined in the Act of any food business dealing with any quick-frozen food shall:

- (a) ensure that the provisions of these Regulations are adhered to at all times;
- (b) ensure that the equipment used in handling or otherwise dealing with quick-frozen food is suitable for the intended purpose and will be conducive to ensure compliance with the provisions of these Regulations;

(c) adopt such appropriate working methods as will ensure the safety of quick-frozen food. For such purpose, compliance with any guide published, approved or recognised by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods which satisfy the health authority.

(d) ensure that any means of storage or transport used in respect of quick-frozen food shall be such, and shall follow such working methods, to ensure the proper storage and transport of the food, to the satisfaction of the health authority:

Provided that for such purpose, compliance with any guide published, approved or recognised by the Food Safety Commission in terms of paragraph (i) of subarticle (1) of article 7 of the Act, shall be deemed, to the extent provided in the guide, to constitute appropriate working methods to the satisfaction of the health authority for the measuring or monitoring of temperature;

(e) ensure that any means of storage or transport used by him in respect of that food, shall, at each stage during which such food is within his care and control, be fitted with an instrument for the measuring or monitoring of air temperature which satisfies the applicable requirements laid down in regulation 11 of these Regulations;

(f) at frequent and regular intervals, to the satisfaction of the health authority, record or ensure the recording of, by means of the instrument referred to in paragraph (e) above, the air temperatures to which such food is being subjected during its storage or transport.

Provided that each record shall be accompanied by the date and time of the measurement of the temperature and that such records are kept by the responsible person for a period of one calendar year or for such other period as may be determined and notified in the Gazette by the health authority.

11. Without prejudice to the provisions of regulation 10 of these Regulations, the instrument used for the measurement or monitoring of temperature shall comply with the following requirements:

Specific  
requirements  
for instruments  
for the  
measuring or  
monitoring of  
temperature

(a) in respect of any means of storage or transport other than those specified in paragraphs (b), (c), (d), (e), or (f) below, the temperature measurement or monitoring instrument, hereinafter in this regulation referred to as "the instrument", shall be capable of measuring or monitoring air storage temperatures at frequent and regular intervals, to the satisfaction of the health authority, within that means of storage or transport;

(b) in respect of storage in a cold chamber with a capacity of less than 10 cubic meters in premises used for the retail sale of quick-frozen food, the instrument shall be a thermometer so placed as to be easily visible and readable;

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(c) in respect of storage in a retail display cabinet, other than an open retail display cabinet, the instrument shall be one or more thermometers so placed as to be easily visible and read by the responsible person, employee or authorised officer;

(d) in respect of storage in an open retail display cabinet, the instrument shall be one or more thermometers so placed as to be easily visible and read by the responsible person, employee or authorised officer.

Provided that the instrument shall indicate the temperature of the air return side at the level of the clearly marked maximum load line for that cabinet;

(e) in respect of means of transport other than a vehicle used solely for local distribution, the instrument shall be a system for monitoring air temperatures that —

(i) has an accuracy of  $+1^{\circ}\text{C}$  when its sensor is measuring a temperature within the range of (minus)  $-20^{\circ}\text{C}$  to (minus)  $-30^{\circ}\text{C}$ ;

(ii) has a measuring accuracy which does not change by more than of  $\pm 0.5^{\circ}\text{C}$  either way when it is operating in temperatures within the range of (minus)  $-20^{\circ}\text{C}$  to  $+30^{\circ}\text{C}$ ;

(iii) has a display resolution of not more than  $1^{\circ}\text{C}$ ; and

(iv) is robust and shockproof;

(f) in respect of vehicles being used solely for local distribution, the instrument shall be one or more thermometers so placed as to be easily visible and read by the responsible person, employee or authorised officer.

Verification of  
temperature  
records.

12. Where, further to an inspection, an authorised officer has reasonable doubt to believe that the temperature that is being or has been maintained, in respect of any quick-frozen food, is not the temperature prescribed for such food in accordance with these Regulations, he shall further inspect such quick-frozen food and such temperature in accordance with the provisions of Schedules 1 and 2 to these Regulations.

## Schedule 1

Regulation 12

### PROCEDURE FOR THE SAMPLING OF QUICK-FROZEN FOOD INTENDED FOR HUMAN CONSUMPTION

1. This Schedule establishes the procedure to be followed by persons when collecting samples of quick-frozen food at various stages of the food chain. Scope and applicability.
  
2. (1) The type and quantity of packages selected as a sample shall be such that their temperature is representative of the warmest points of the consignment inspected and shall comply with the following requirements. Selection of packages for inspection.
  - (2) Samples shall be selected from several critical points in the cold store that may include points near the doors (upper and lower levels), near the centre of the cold store (upper and lower levels), and near to the air return of the cooling unit. The duration of storage of any products should be taken into account in respect of the stabilisation of the temperature. Cold-storage.
  
  - (3) Where it is necessary to select samples being transported or unloaded, these shall be selected as follows: Transport.
    - (a) samples taken during transport shall be selected from the top and the bottom of the consignment adjacent to the opening edge of each door or pair of doors;
    - (b) samples taken during unloading, four samples shall be chosen from amongst the following critical points:
      - (i) the top and bottom of the consignment adjacent to the opening edge of doors;
      - (ii) the top rear corners of the consignment, at a point as far away from the refrigeration unit as possible;
      - (iii) the approximate centre of the consignment;
      - (iv) the approximate centre of the front surface of the consignment, as close as possible to the refrigeration unit;
      - (v) the top and bottom corners of the front surface of the consignment, as close as possible to the return air to the refrigeration unit.
  
  - (4) A sample taken from a retail display cabinet must be selected for testing from each of three locations that are representative of the warmest points within the retail display cabinet used. Retail display cabinets.

**Schedule 2**

Regulation 12

**METHOD OF MEASURING THE TEMPERATURE OF QUICK-FROZEN  
FOOD INTENDED FOR HUMAN CONSUMPTION**

Scope and  
applicability.

1. This Schedule establishes the procedure to be followed when measuring the temperature of quick-frozen food intended for human consumption in order to establish that the quick-frozen food, following thermal stabilisation, is maintained, at all times, at a temperature of (minus) -18° C or colder with brief upward fluctuations not exceeding the limits specified in these Regulations.

Principle.

2. The measurement of the temperature of quick-frozen food consists of accurately recording the temperature of a sample selected in accordance with Schedule 1 to these Regulations by means of appropriate equipment.

Apparatus.

3. A thermometric measuring device shall be used in order to take measurements of temperature and in taking such a measurement, a pointed metallic instrument, such as an ice punch, a hand drill or an auger that is easy to clean, may be used to facilitate insertion of the thermometric measuring device in the food sample.

General  
specifications for  
the temperature  
measuring  
instruments.

4. The measuring instruments shall meet the following specifications:

(a) the response time should achieve 90 % of the difference between the initial and final reading within three minutes;

(b) the instrument must have an accuracy of plus or minus 0.5° C within the measurement range (minus) -20°C to +30°C;

(c) the measuring accuracy must not be changed by more than 0.3°C during operation in the ambient temperature range (minus) -20°C to +30°C;

(d) the display resolution of the instruments should be 0.1°C;

(e) the accuracy of the instrument should be checked at regular intervals and, where applicable, in accordance with manufacturer recommendations in this respect;

(f) the instrument should have a current certificate of calibration issued by the competent authority or a certification



(g) the temperature probe should be capable of being easily cleaned;

(h) the temperature-sensitive part of the measuring device must be so designed as to ensure good thermal contact with the product;

(i) the electrical equipment must be protected against undesirable effects due to the condensation of moisture.

5. (1) The measurement of the food temperature shall be carried out in the manner specified hereunder: Procedure for measurement.

(2) The temperature measuring probe and the product penetration instrument shall be pre-cooled before measuring the temperature of the product and the pre-cooling method used shall ensure that both instruments equilibrate as close to the product temperature as possible. Pre-cooling of instruments.

(3) When the temperature measuring probe is not designed to penetrate a quick-frozen product, a hole may be made into the product in which to insert the probe by using the pre-cooled product penetration instrument. The diameter of the hole shall be such as to provide a close fit to that of the probe, and its depth will depend on the type of product in accordance with sub-paragraph 4 of this paragraph. Preparation of samples for temperature measurement.

(4) The sample preparation and its temperature measurement should be undertaken whilst the sample remains in the selected refrigerated environment. Measurement of the temperature shall be made as follows: Measurement of product temperature.

(a) where the product dimensions allow, the pre-cooled probe shall be inserted to a depth of 2.5 centimetres from the surface of the product; or

(b) where this is not possible, the probe shall be inserted to a minimum depth from the surface of three to four times the diameter of the probe; or

(c) where certain food, because of its size or composition, cannot be drilled into so as to determine its internal temperature, the internal temperature of the food package shall be determined by the insertion of a suitable, pre-cooled, sharp-stemmed probe into the centre of the pack so as to measure the temperature in contact with the food; and

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(d) in any case, the temperature shall be read and recorded only when this has reached a steady value.

Interpretation.

6. For the purposes of this Schedule, 'temperature' means the temperature measured at the specified location by the temperature sensitive part of the measuring instrument or device used.