Indonesia

Food product and safety regulation

Overview

The regulation of food in Indonesia is governed by Law No. 18/2012 on Food ("Food Law"). The quality of food is specifically governed by: Government Regulation No. 28/2004 on Food Safety, Quality, and Nutrition ("GR 28"). It should be noted, however, that bureaucracy in Indonesia has wide ranging discretion in applying these laws and can change policy from time to time, often without public notice.

The term "food" is defined in the Food Law as anything that comes from biological sources of agricultural products, plantations, forestry, fisheries, farms, or marine or water environments, whether it is processed or unprocessed, that is used as food or drink for human consumption. This can also include additional ingredients for food, raw materials in food and any other material that is used in the preparation, processing and/or manufacture of food or drink.

GR 28 regulates the sanitation of food, additional ingredients that can be added to food, genetically modified foods, food irradiation, food packaging, food guarantees, laboratory analysis, contaminated food, food quality, food quality certification, food nutrition, importation of food, exportation of food, supervision of food, and public participation in the supervision of food.

Medicines/therapeutic goods are regulated separately to food. Foods are regulated under the Food Law, while medicine/therapeutic goods are regulated under: Law No. 36/2009 on Health and its implementing regulations. However, both these goods are supervised by the same agency i.e. the Food & Drugs Supervisory Agency ("BPOM").

In addition to the Food Law, some foods are subject to additional regulation. For example, alcoholic beverages are regulated under: President Regulation No. 74/2013 on the Alcoholic Beverages Control and Supervision ("Alcohol Regulation").

Businesses that distribute food in Indonesia are also subject to Law No. 8 of 1999 on Consumer Protection ("Consumer Protection Law") and Law No.7 of 2014 on Trade ("Trade Law"). The Consumer Protection Law generally requires businesses in Indonesia to act truthfully and to follow regulatory standards. The Trade Law may impose mandatory national quality standards on food products and how they are manufactured/produced.

Law No. 33 of 2014 on Halal Assurance ("Halal Assurance Law") requires halal certification for consumer products in general, including foods and beverages. Prior to this law, halal certification is optional, not mandatory. At the time this guide was written, the implementing regulations of this Law had not been issued, but if it does become fully implemented, all food and beverage products may be required to go through the halal certification process.
Indonesia

Basic labelling requirements

Specific labelling requirements are stipulated under Government Regulation No. 69/1999 on Food Labels and Advertisement (“GR 69”).

According to GR 69, anybody producing or importing packaged food into Indonesia for trade must label food as part of the food packaging. The label must contain at least the following details:

a. the name of product;
b. a list of ingredients;
c. the net weight or net content;
d. the name and address of the manufacturing party or importer; and
e. the date of expiration.

The details in labels shall be written or printed by using the Indonesian Language, Arabic figures and Latin Letters. These letters shall be clear and easy to read.

Labelling of ingredients

Information regarding the ingredients used in the production process must be mentioned on labels in the form of a list, beginning with the ingredient which has the largest proportion. This does not apply to vitamins, minerals, and other nutritional supplements.

Information on Nutritional Content

Information on the nutritional content of food shall be provided on the food label. Where applicable, this is to be accompanied by a declaration of any vitamins, minerals and/or other kinds of nutritional supplement present in the food. Nutritional content information shall be contained in the following order:

- total volume of energy, with specifications based on amounts of energy derived from fat, protein and carbohydrates.
- total volume of fat, saturated fat, cholesterol, carbohydrates, fibre, sugar, protein, vitamins and minerals.
Indonesia

Language and legibility requirements

Based on Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69"), the details in labels shall be written or printed in the Indonesian Language using Arabic Figures and Latin Letters. The letters and figures contained in labels shall be clear and easy to read. The main part of labels, which contains the name of the product, the net weight or net content, and the name and address of the party producing or importing the food into Indonesia, must be arranged in an orderly, not crowded manner, and clearly placed in an easily readable position. The use of backgrounds, in the form of pictures, colours and/or other decoration that may obscure the writing in the main part of the label, are prohibited.

GR 69 specifically regulates that the size of font must be equal to or greater than the "o" lowercase on Arial font with the minimum size of 1 mm (Arial 6 point).
Indonesia

Country of origin labelling

If food is imported from outside Indonesia, in addition to the name and address of the foreign manufacturer, the name and address of the importing party shall be declared on the label.
Indonesia

Genetically modified foods

Genetically modified foods are permitted in Indonesia. Based on Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69"), anyone who uses raw materials, food additives, and/or other auxiliary materials resulting from genetic engineering in the production of food shall examine the safety of its food first before distribution. The phrase "Genetically Engineered Food" shall be contained in the labels of food resulting from genetic engineering. Where food produced from genetically engineered products is used as an ingredient in other food products, information on the genetically engineered ingredients shall be enough.

Genetically modified foods are regulated under: Food & Drugs Supervisory Agency ("BPOM") Regulation No. HK.03.1.23.03.12.1563 Year 2012 on the Security Assessment of the Genetically Modified Foods ("Genetically Modified Food Regulation"). Under the Genetically Modified Food Regulation, all genetically modified food, both produced in Indonesia or imported to Indonesia, must be assessed by the Commission of Biological Genetically Modified Product Safety and approved by the Head of BPOM before being distributed.

In practice, the licensing of genetically modified foods is still at an early stage. Few products have passed assessment and the assessment process is not very well established.
Indonesia

Nutrition content claims and health claims

Based on Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69") all food that contains vitamins, minerals and/or other kinds of nutritional supplements must state the presence of such products on the label of the food. Furthermore, under Ministry of Health Regulation No. 30/2013 on the Inclusion of Information regarding Sugar, Salt and Fat Contents and Healthy Claims for Processed Foods and Fast Foods ("MOH Regulation No. 30"), anyone who produces processed food for trade must provide the sugar, salt and/or fat and other health information on the food label and in related advertisements and promotional materials.

Nutrition content and health claims are regulated under: Food & Drugs Supervisory Agency ("BPOM") Regulation No. HK.03.1.23.11.11.09909 on the Supervisory of Claim in Processed Food Label and Advertisement ("Nutrition Content and Health Claims Regulation"). Under the Nutrition Content and Health Claims Regulation, every nutrition and health claim on food must be in accordance with the criteria set under the Nutrition Content and Health Claims Regulation.

Nutrition content claims that are allowed are claims regarding energy, protein, carbohydrates, fat, vitamins, and minerals, and their derivatives as set in the Nutrition Label Reference. Health claims that are allowed include nutrition function claims, other function claims, and claims as to the decline of risk of disease.

If a manufacturer or the distributor wishes to make nutrition content and/or health claims that differ to those permitted under the Nutrition Content and Health Claims Regulation, the manufacturer or the distributor must submit them to BPOM for review.
Mandatory warnings and advisory statements

The following are major warning and advisory statements required by Indonesian food laws and regulations:

- The words 'Irradiated Food' must be contained on labels of food that is subject to irradiation treatment. In the case of foods not allowed to be irradiated again, the words 'Not to be Irradiated' must also be contained.
- The words "Genetically Engineered Food" shall be written on the labels of food resulting from genetic engineering.
- Information on labels for processed food for infants, children below five, pregnant or breast feeding mothers, people on special diets, elders, and sufferers of certain diseases, must contain information on the allocation, method of use and/or other necessary instructions including any health impact of the food.
Indonesia

Trade measurement markings

Under Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69"), all food sold must contain the following trade measurement markings:

- measurement of content for liquid food must be in millilitre (ml or mL), or litre (l or L);
- measurement of weight for solid food must be in milligram (mg), gram (g), or kilogram (kg);
- and
- measurement of content or weight for semi-solid or thick food can be in milligram (mg), gram (g), kilogram (kg), millilitre (ml or mL), or litre (l or L).
Indonesia

Product recalls

The Law No. 8 of 1999 on Consumer Protection requires businesses to recall goods that are not in accordance with mandatory standards.

Recalls may be required on a national level by Food & Drugs Supervisory Agency ("BPOM") as an administrative sanction. On a local level, recalls may be ordered by the Governor, Regent/Mayor, or the Head of BPOM. Recalled products are required to be destroyed to ensure that the product is not consumed. Voluntary recall is allowed subject to reporting to the Ministry of Trade and BPOM.

Product recalls are also regulated under the Ministry of Industry Regulation No. 75/M-IND/PER/7/2010 on the Good Manufacturing Practices for Processed Food ("MOI Regulation No. 75"). Under MOI Regulation No. 75, product recalls can be done by the company if the products are suspected to be the cause of illness or food poisoning. Other products that are manufactured in the same conditions as the products that are suspected to cause illness or food poisoning must also be withdrawn from the market by the company. The public must also be informed of the possibility of foods that are still be sold in the market and which may cause illness or food poisoning.
Food safety

Mandatory Reporting

If a person finds that someone has been poisoned as a result of contaminated food, they must report to the nearest medical service unit. The medical service unit must promptly take action to ensure the safety of the victim. If the medical service unit finds that there is an indication of an extraordinary condition of food toxicity, the medical service unit must promptly take samples of the food allegedly causing the toxicity. The medical service unit must also report the event to the regent/municipal service that is in charge of health affairs, and to Food & Drugs Supervisory Agency.

There is no specific regulation requiring importers or manufacturers to immediately report incidents of illness to BPOM, however this action is advisable to establish that the company is acting in good faith.
Indonesia

Advertising claims

The Law No. 8 of 1999 on Consumer Protection provides a general requirement for advertising to be truthful and not misleading. The same is required in relation to advertising for food products pursuant to the Law No. 18/2012 on Food.

Based on Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69"), all advertisements for traded food shall contain true statements, and shall represent all mandatory information on the food label. The regulation also stipulates that every advertisement of food shall not contravene norms of decency and public order.
Indonesia

Credence claims

Organic

Organic food is regulated under: Food & Drugs Supervisory Agency ("BPOM") Regulation No. HK.00.06.52.0100 Year 2008 on the Supervision of Organic Process Food ("Organic Process Food Regulation"). Processed food that already meets the requirements of organic processed food as stipulated in the Organic Process Food Regulation can write "Organic" and use the organic logo on the label and in advertising.

Fresh

Government Regulation No. 69/1999 on Food Labels and Advertisement ("GR 69") stipulates that ‘fresh’ claims can only be used in respect of unprocessed foods unless the processing does not affect the nature and contents of the processed food.
Indonesia

Licensing and approvals requirements to import/export food

Customs registration

Certain commodities, e.g. horticultural products, are subject to specific import registration under: Ministry of Trade Regulation No. 30/M-DAG/PER/5/2012, the Provisions for the Importation of Horticultural Products ("MOT Regulation No. 30"), as amended. Special import registrations are also applied, from time to time, on the import of certain commodities, usually staple products such as rice, sugar and milk.

The importation of foods is specifically regulated under the: Head of Food and Drugs Supervisory Agent Regulation No. 27/2013 on the Supervision of Food and Drugs Importation to Indonesia ("BPOM Regulation No. 27"). Under this regulation, the only processed food that can be imported to Indonesia is food that already has a Market Authorization Permit. In addition to this, the importer must obtain an approval from the Head of Food & Drugs Supervisory Agency ("BPOM") in the form of an Import Information Letter ("SKI").
Indonesia

Import permit

In order to import food, a business must hold an Import Information Letter ("SKI") from the Head of Food & Drugs Supervisory Agency; ("BPOM"). The SKI is obtained through an online application system set by BPOM. After completing all of the required documents, BPOM will evaluate all of the required documents and decides whether or not to grant the SKI. The SKI will be issued one working day after all of the required documents are completed.

Under Ministry of Trade Regulation No. 30/M-DAG/PER/5/2012, the Provisions for the Importation of Horticultural Products ("MOT Regulation No. 30"), all importation of horticultural products can only be done by a company that has already obtained recognition as Producers or Importers of Horticultural Products or has gained appointment as a Specific Importer for Horticultural Products from the Minister. The full list of applicable horticultural products is set out in Attachment 1 of MOT Regulation No. 16 and its amendments.
Indonesia

Inspection and testing of imported foods

All imported processed foods must have a Market Authorization Permit. Market Authorization Permits are regulated under the Head of Food & Drugs Supervisory Agency Regulation No. HK.03.1.5.12.11.09955 Year 2011 on the Registration of Process Food ("Registration of Process Food Regulation").

A Market Authorization Permit will not be granted unless the importer has a Health Certificate or Certificate of Free Sale. This certificate shows that the processed foods are safe for sale, and that the processed food has been examined in the country of origin. Fresh products in general, as well as specific horticultural products, are subject to quarantine requirements and must be imported through designated ports. Horticultural products are also subject to pre-shipment inspection at their port of origin by an Indonesian Government approved surveyor (or their local affiliate), the purpose of which is to check compliance with Indonesian regulations.
Indonesia

Export permits/clearances

Unlike the importation of food, food exports generally do not require a specific permit. However in some cases, the export destination country may require the exporter to provide specific documents, such as health certificates or certificates of free sale. Please note that from time to time the tax office may impose a specific tax for exported foods.

It should be noted that, under the Law No. 18/2012 on Food, the Government may restrict the export of certain commodities (usually staple foods) to protect domestic supply, e.g. by requiring the payment of an export duty or requiring the exporter to obtain a specific permit.
Indonesia

Other notifications/approvals/licences

Besides complying with Food & Drugs Supervisory Agency Regulation, all imported food in Indonesia must also comply with regular custom regulations. Generally speaking, manufacturers are allowed to import food products as inputs for producing other goods only. Traders are allowed to import food products for resale only.
Indonesia

Enforcement

Enforcement authorities and key responsibilities

The main bodies/agencies responsible for enforcement of food related laws in Indonesia are outlined below:

1. Food and Drugs Supervisory Agency (BPOM)

BPOM is an institution in Indonesia that oversees the distribution of medicines and food in Indonesia. BPOM's main responsibilities are to conduct assessments and formulate national policies in the areas of drug and food supervision. BPOM is also tasked with the implementation of specific policies in the field of food and drugs supervisions.

BPOM priorities are to have an effective and efficient drug and food control system in order to protect consumer security and health in Indonesia and overseas.

2. Directorate General of Standardization and Consumer Protection - Ministry of Trade (DJSPK)

The main job of the DJSPK is to formulate and implement policy in the field of standardization and consumer protection, as well as to develop guidelines, norms, standards, procedures and criteria in the field of standardization and consumer protection.
Indonesia

Penalties for non-compliance

Food and Drugs Supervisory Agent Regulation No. 27/2013 on the Supervision of Food and Drugs Importation to Indonesia ("BPOM Regulation No. 27")

Article 24: every violation of BPOM Regulation No. 27
Administrative sanction such as, a written warning, suspension of importation or distribution, extermination or re-exportation, suspension or revocation of Market Authorization Permit.

Process Food Regulation

Article 39: violation of process food regulations
Administrative sanction such as written warning, prohibition to distribute, suspension of activities, revocation of Registration License.

Law No. 18/2012 on Food

Article 144: production of Processed Food without implementing the Food Processing procedure, causing the decline or loss of the food nutrition of raw materials.
Imprisonment for one year or fine of not more Rp 2,000,000,000

Article 135: any business who organizes the manufacture, storage, transportation or distribution of foods that do not meet the requirements of food sanitation as set by the Food Law.
Imprisonment for two years or a maximum fine of Rp 4,000,000,000

Article 136: Deliberate addition of food additive that exceed the maximum specified limits, or use of prohibited materials.
Imprisonment for five years or a fine of Rp 10,000,000,000

Article 137: any business that produces food using Genetically Engineered Ingredients without obtaining any safety approval, or produces Processed Food using raw materials, food additives, and/or other materials produced from genetically engineered food without any approval
Imprisonment for five years or a fine of Rp 10,000,000,000

Breach of Article 139: use of food packaging that endangers human health
Imprisonment for two years or a maximum fine of Rp 4,000,000,000

Article 140: food does not meet the Food Safety standards
Imprisonment for two years or a fine of Rp 4,000,000,000

Article 142: does not have a Market Authorization Permit
Imprisonment for two years or a maximum fine of Rp 4,000,000,000

Article 143: deletes, removes, covers, or replaces the labels and/or changes the date, month, year of food expiration
Imprisonment for two years or a maximum fine of Rp 4,000,000,000

Article 144: giving misleading information or statements on food labels
Imprisonment for three years or a maximum fine of Rp 6,000,000,000

Article 145: giving misleading information or statements regarding food through advertising
Law No. 8/1999 on Consumer Protection

Article 62: to produce or sell food that is not in accordance with what is written on the label or failing to declare information of the expiration date. To sell damaged, defective or contaminated food.
Imprisonment for five years or a maximum fine of Rp 2,000,000,000

Article 62(2): closeout sales to deceive/mislead consumers by raising prices before the sales. Not fulfilling orders, and not including food risks in advertisements.
Imprisonment for two years or a maximum fine of Rp 500,000,000