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Federal Act on Foodstuffs and Utility Articles (Foodstuffs Act, FSA)

of 20 June 2014 (Status as of 1 January 2022)

*The Federal Assembly of the Swiss Confederation,
on the basis of Articles 97 paragraph 1, 105 and 118 paragraph 2 letter a of the
Federal Constitution ¹,
and having considered the dispatch of the Federal Council dated 25 May 2011²,
decrees:*

Chapter 1 General Provisions

Section 1 Aim and Scope

Art. 1 Aim

The aim of this Act is:

- a. to protect the health of consumers from foodstuffs and utility articles that are unsafe;
- b. to ensure that foodstuffs and utility articles are handled hygienically;
- c. to protect consumers from deception relating to foodstuffs and utility articles;
- d. to provide consumers with the information required when purchasing foodstuffs or utility articles.

Art. 2 Scope of application

¹ This Act applies to:

- a. the handling of foodstuffs and utility articles, i.e. their manufacture, processing, storage, transport and placing on the market;
- b. the labelling and presentation of foodstuffs and utility articles, their advertising and the information provided about them;
- c. the import, export and transit of foodstuffs and utility articles.

AS 2017 249

¹ SR 101

² BBl 2011 5571

² It applies to all production, processing and distribution levels, including primary production, provided they are relevant to the manufacture of foodstuffs or utility articles.

³ This Act applies to imported foodstuffs and utility articles, unless Switzerland is otherwise obliged in terms of an international treaty.

⁴ This Act does not apply to:

- a. the primary production of foodstuffs for private domestic use;
- b. the import of foodstuffs or utility articles for private domestic use; paragraph 5 is reserved;
- c. the domestic manufacture, handling and storage of foodstuffs and utility articles for private domestic use;
- d. substances and products subject to the legislation on therapeutic products.

⁵ The Federal Council may restrict the import of foodstuffs or utility articles intended for private domestic use.

Art. 3 Export

¹ Foodstuffs that are intended for export must comply with the provisions of this Act.

² They need not comply with the provisions of this Act if the legislation or the authorities of the country of destination require or permit otherwise.

³ Foodstuffs that do not comply with the provisions of this Act may only be exported if the authorities of the country of destination agree to the import after being informed in detail of the reasons why the foodstuffs concerned may not be placed on the market in Switzerland, and about the particular circumstances.

⁴ Utility articles that are intended for export must comply with the provisions applicable in the country of destination. The Federal Council may require otherwise.

⁵ Foodstuffs and utility articles that are harmful to health may not be exported.

Section 2 Definitions

Art. 4 Foodstuffs

¹ Foodstuffs are all substances or products that are intended or may reasonably be expected to be consumed by human beings in a processed, partly processed or unprocessed state.

² Foodstuffs also include:

- a. drinks, including water, intended for human consumption;
- b. chewing gum;
- c. all substances that are intentionally added to foodstuffs in the course of their manufacture, processing or treatment.

³ The following are not foodstuffs:

- a. animal feed;
- b. living animals, unless they are prepared for the placing on the market for human consumption;
- c. plants prior to harvesting;
- d. medicinal products;
- e. cosmetics;
- f. tobacco and tobacco products;
- g. narcotics and psychotropic substances;
- h. residues and contaminants.

Art. 5 Utility articles

Utility articles are articles that fall within one of the following product categories:

- a. consumer articles: articles and materials:
 1. that are intended to come in contact with foodstuffs,
 2. that may be expected to come in contact with foodstuffs if used in a normal or reasonably foreseeable manner, or
 3. that are intended to transfer their constituents to foodstuffs;
- b. cosmetics and other articles, substances and preparations which, when used as normally intended, come externally into contact with the body, teeth or mucous membranes;
- c. utensils and inks for tattooing and permanent make-up;
- d. articles of clothing, textiles and other articles which, when used as normally intended, come into contact with the body;
- e. toys and other articles intended to be used by children;
- f. candles, matches, lighters, and joke and novelty items;
- g. aerosol dispensers that contain foodstuffs or other utility articles;
- h. articles and materials intended for the furnishing and decoration of living areas, unless they are subject to other product-specific legislation;
- i. water that is intended to come in contact with the human body in facilities that are accessible to the general public or to an authorised, not exclusively private group of persons, and which is not intended for drinking, such as shower and bathwater in hospitals, nursing homes or hotels.

Art. 6 Placing on the market

Placing on the market in terms of this Act means the distribution of foodstuffs or utility articles, any form of their passing-on whether for payment or not, their being

made available for supply whether for payment or not, and their offering for supply and their supply itself.

Chapter 2 Requirements for Foodstuffs and Utility Articles

Section 1 Foodstuffs

Art. 7 Food safety

- ¹ Only safe foodstuffs may be placed on the market.
- ² Foodstuffs are deemed to be unsafe if it must be assumed that they:
 - a. are harmful to health; or
 - b. are unsuitable for human consumption.
- ³ The following must be considered when deciding whether a foodstuff is safe:
 - a. its normal conditions of use at all production, processing and distribution levels;
 - b. its normal conditions of use by consumers; and
 - c. the information given or otherwise made generally available to consumers on avoiding certain effects of a specific foodstuff or specific category of foodstuff that may be harmful to health.
- ⁴ The Federal Council shall stipulate the requirements for food safety.
- ⁵ It may introduce a licensing or notification requirement for:
 - a. novel foods;
 - b. foodstuffs intended for people with special nutritional requirements due to health reasons;
 - c. foodstuffs that are advertised as having special nutritional-physiological or other physiological effects;
 - d. foodstuffs from animals that have been administered unlicensed medicinal products in clinical trials.
- ⁶ The Federal Council may introduce further licensing or notification requirements if Switzerland has undertaken in terms of an international treaty to apply technical regulations that provide for such requirements.

Art. 8 Primary production

Any person who produces animals or plants for manufacturing foodstuffs, must produce them so that the foodstuffs manufactured do not present a risk to human health, nor give rise to deception.

Art. 9 Meat production

¹ The Federal Council shall determine the animal species whose meat may be used as foodstuffs.

² It shall determine the species of animal that may only be slaughtered in slaughterhouses licensed under Article 11.

³ It shall regulate the slaughter of animals which are sick, suspected of having a disease or injured.

Art. 10 Hygiene

¹ Any person who handles foodstuffs must ensure that such foodstuffs are not adversely affected in hygiene terms by such handling.

² Persons who are sick or injured and may therefore put the health of consumers at risk by handling foodstuffs must take special protective measures.

³ The Federal Council shall issue hygiene regulations relating to:

- a. the handling of foodstuffs;
- b. the premises in which foodstuffs are handled and their equipment;
- c. the areas and equipment in slaughterhouses required depending on the types and numbers of animals to be slaughtered.

⁴ The Federal Council may specify hygiene knowledge requirements for the persons who handle foodstuffs.

Art. 11 Licensing and reporting requirements for businesses

¹ Slaughterhouses and businesses that handle foodstuffs of animal origin require an operating licence from the canton.

² Other businesses active in the production, processing or distribution of foodstuffs must report their activities to the cantonal enforcement authorities.

³ The Federal Council may make exceptions for businesses:

- a. which operate exclusively in primary production; or
- b. whose activities present a negligible risk to food safety.

Art. 12 Mandatory labelling and information

¹ Any person who places pre-packaged foodstuffs on the market must provide purchasers with the following information about the foodstuffs:

- a. the country of production;
- b. the specific designation;
- c. the ingredients.

² The Federal Council may specify exceptions to the indication provided on the country of production and the ingredients in the case of processed products.