

# COMMENTED STATE DECREE 6538/83

REGULATION ON FOOD HYGIENE  
AND INSPECTION

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## REGULATION ON FOOD HYGIENE AND INSPECTION

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## PRESENTATION

The State Decree 6.538 came into force on February 18, 1983; and before you question its validity and if it's not too old and out of date, it is necessary to emphasize that there is no other that can replace it. It is worth mentioning that all municipalities in the state of Rio de Janeiro use it as a support during inspection or as a basis for creating their legislation.

This decree was created to regulate food, hygiene and inspection; therefore, as provided for in the Health Code of Rio de Janeiro' State, it was approved so that the actions relevant to the defense and protection of the individual and collective health of the population were disciplined.

# TITLE I - Preliminary Provisions

## State Decree № 6.538 - of February 17, 1983

Art. 1º - The annex Regulation on food, hygiene and Inspection, referred to in the Health Code of the State of Rio de Janeiro, is approved.

Although this decree was approved and entered into force in 1983, it is still used throughout the state of Rio de Janeiro, including the state capital, serving as a guide for other municipal laws on the subject.


### FOOD REGULATION - HYGIENE AND INSPECTION

#### TITLE I - Preliminary Provisions

Art. 1º - The defense and protection of individual and collective health, with regard to food, from its origin to its consumption, will be disciplined throughout the State, by the provisions of this Regulation.

In addition to disciplining the individual's health, this Decree serves to standardize actions throughout the state of Rio de Janeiro.

A duly licensed establishment is an establishment that has a Sanitary License and or specific authorization from Organs supervisory bodies depending on the activity it performs.




Art. 5° - Machinery, appliances, utensils, containers, containers and other materials that come into contact with food, employed in the manufacture, handling, packaging, transport, conservation and sale of the same, must be of suitable material that ensures perfect hygiene and so as not to contaminate, alter or reduce the nutritional value of food.

Single Paragraph - The health authority may temporarily or permanently interdict the materials referred to in this article, as well as facilities that do not meet the technical requirements and requirements of this Regulation.

The partial ban cannot compromise the functioning of the rest of the establishment. Example: you cannot interdict the bathroom of the establishment if you do not have another one to replace it, in which case the entire establishment must be interdicted, that is, the interdiction must be total and not partial.

Art. 6° - The use of products intended for the hygiene of food, food raw materials and "in natura" foods, or of containers or utensils intended to come into contact with them, will depend on the prior authorization of the competent body.

The prior authorization dealt with in this article is the registration that the product must have in order to be marketed and used in establishments to sanitize food, containers and utensils, not being able to use homemade or unregistered products in commercial establishments.



Art. 7° - Municipalities may only grant a license to carry out construction, reconstruction or expansion and repair works, required by industrial and commercial establishments of foodstuffs, after previous examination and approval of the projects and specifications by the state sanitary authority or, by means of an agreement with the Municipalities, by the competent municipal sanitary authority.

For this to occur, it is necessary for the company to request a technical consultation in the VISA sector to be guided as to the documentation requirements and approval of the alteration project. The technical consultation can be requested for the alteration or for the opening of a new establishment, even before the acquisition or signed lease agreement of the property.

Art. 9° - The authorities of the State Department of Health, in the exercise of their duties, with no exception of day or time, will have free access to all facilities of establishments that deal with foodstuffs, as well as vehicles intended for distribution, commerce and consumption.

This article is what differentiates health inspection inspectors from federal, military, civil and municipal police who need a court order or specific authorization to inspect a commercial establishment of foodstuff.

In some municipalities, inspectors need a service order to carry out the inspection. Service order is the same that authorizes and identifies the server to perform a specific external activity as a representative of the Health Surveillance Superintendence.

Art. 10° - For the purposes of this Regulation, it is considered:

I - food - any substance or mixture of substances, in solid, liquid, pasty or any other suitable form, intended to provide the human organism with normal food for its formation, maintenance, nutrition and development.

We cannot forget that water, preservatives, dyes, stabilizers, sweeteners are also foods.

XX - competent supervisory authority - the legally authorized employee of the competent body of the State Department of Health or of other competent federal and municipal bodies.

To be considered a competent authority, it is only possible after approval in a public tender for the activity of Sanitary inspection inspector otherwise, he will be able to work in Organs supervisory bodies giving technical support, but never with police power and without being able to issue punishment documents such as Notice of Violation, Term of Summons, among others.

XXIII - fiscal analysis - the one carried out on the food collected by the competent supervisory authority and which will serve to verify its compliance with the legal provisions.

This is an analysis that is carried out periodically by the inspection or due to the suspicion that the product is outside the standards of its licensing.

## TITLE II - Definitions

This title defines what the various types of food are, additives, quality and identity standards, labels, competent body, types of analysis, among others, in order to have the same reading, determining the extension or the limits and, therefore, a same understanding of the content of the decree, thus approaching a uniformity of the interpretation of the articles and the actions of those responsible.

Art. 10º - For the purposes of this Regulation, it is considered:


I - food - any substance or mixture of substances, in solid, liquid, pasty or any other suitable form, intended to provide the human organism with normal food for its formation, maintenance, nutrition and development.

II - raw material - any substance of plant or animal origin, in its raw state, which, in order to be used as food, needs to undergo treatment and/or transformation of a physical, chemical or biological nature;

III - "in natura" food - any food of plant or animal origin for which immediate consumption requires only the removal of the inedible part and the treatments indicated for its perfect hygiene and conservation;

IV - fortified food - any food that has been added with a nutrient substance, in order to reinforce its nutritional value;

V - dietetic food - all food made for special diets;



VI - fancy or artificial food - any food prepared with the aim of imitating natural food and in whose composition it comprises, preponderantly, a substance not found in the food to be imitated;

VII - substitute food - any food made to replace natural food, ensuring its nutritional value;


VIII - irradiated food - any food that has been intentionally subjected to the action of ionizing radiation, with the purpose of preserving it or for other lawful purposes, in compliance with the rules that may be prepared by the competent body;

IX - ingredient - every food component (food raw material or "in natura" food) that goes into the elaboration of a food product;

X- intentional additive - any substance or mixture of substances, with or without nutritional value, added to the food with the purpose of preventing alterations, maintaining, conferring or intensifying its aroma, color and flavor, modifying or maintaining its general physical state, or take any action required for good food manufacturing technology;

XI - accidental additive - any residual or migrated substance present in the food, as a result of the previous treatments to which the food raw material and the "in natura" food have been subjected, and the contact of the food with the articles and utensils, used in their various stages of manufacture, handling, packaging, transport or sale;

XII - food product - any food derived from food raw material or "in natura" food, added or not of other permitted substances, obtained by an appropriate technological process;



XIII - manufacturing technology adjunct - the substance or mixture of substance used with the purpose of exerting a transitory action at any stage of food manufacturing and withdrawn, inactivated and/or transformed as a result of the technological process used, before obtaining the final product;

XIV - identity and quality standard -established by the competent body providing for the name, definition and composition of the food, food raw materials, "in natura" foods and intentional additives, setting hygiene requirements, packaging and labeling rules, sampling and analysis methods;


XV - label - any identification printed or lithographed as well as words painted or fire engraved, by pressure or declaration applied on the container, vessel, wrapper, cartridge or any type of packaging of the food or on what accompanies the container;

XVI - packaging - any way in which the food has been conditioned, stored, packaged or packaged;

XVII - advertising - the dissemination, by any means of communication and the distribution of food related to the sale and use of raw food material, "in natura" food, or materials used in its manufacture or preservation, with the aim of promoting or increasing its consumption;

XVIII - competent body - the specific technical body of the State Health Department, as well as the federal and municipal counterparts;

XIX - official laboratory - the specific technical body of the State Health Department, as well as the federal and municipal counterparts;



XX - competent supervisory authority - the legally authorized employee of the competent body of the State Health Department or other competent federal and municipal bodies;


XXI - control analysis - that which is carried out after the food is registered, when it is delivered to consumption, and which will serve to prove.

XXII - prior analysis - the analysis that precedes the registration;

XXIII - fiscal analysis - the one carried out on the food collected by the competent supervisory authority and which will serve to verify its compliance with the legal provisions;

XXIV - establishment - the place where food, raw food materials, "in natura" food, intentional additives, materials, articles and equipment intended to come into contact with the same.

No comments for the items as they are definitions.



## TITLE III - Registration and control of labeling, additives, identity and quality standards

This title quickly mentions these aspects, indicating the Federal Decree-law № 986 of 1969 - Basic Food Standards, as legislation that will govern the subjects of this regulation as well as other provisions that also deal with the subject. In this case, we can indicate several other more up-to-date legislations on the subject, such as RDC № 360/03 - Technical regulation on nutritional labeling of packaged foods; RDC № 359/03 - Technical regulation of portions of packaged foods for nutritional labeling purposes; RDC № 277/05 - prohibits indications to infants and drug interactions and Law № 11,265/06 - regulates the marketing of foods for infants and young children and childcare products and related products, among others.

## TITLE IV- Food inspection

Art. 12 – A ação fiscalizadora será exercida pelas autoridades Federais, Estaduais ou Municipais no âmbito de suas atribuições.

O capítulo I define quem pode exercer ação fiscalizadora e o seu limite, frisando a autoridade sanitária independente do meio empregado para divulgação, inclusive de publicidade e propaganda de alimentos. No Capítulo II é tratado o comércio de gênero alimentício de forma generalizada, classificando alimentos como próprios e impróprios para o consumo. No Capítulo III, é descrito, exclusivamente, os produtos que necessitam passar por análises e ou perícias em laboratórios oficiais do governo como medida preventiva ou quando há suspeita que o alimento pode vir a causar algum agravo ao consumidor. No Capítulo posterior, em continuidade, são definidas as possíveis medidas que poderão ser tomadas dependendo do resultado das análises, acarretando a liberação do alimento para o comércio ou a interdição do estabelecimento, até para divulgação.


# Chapter I - General Provisions

Art. 12 - A supervisory action will be carried out by Federal, State or Municipal authorities within the scope of their attributions.

In Chapter I, it defines who can exercise supervisory action and its limit, emphasizing the health authority regardless of the means used, for dissemination, including advertising and food advertising. Chapter II, on the other hand, deals with the trade in foodstuffs in a generalized way, classifying foods as appropriate and unsuitable for consumption. In Chapter III it is described exclusively about products that need to undergo analyzes and/or tests in official government laboratories as a preventive measure or when there is suspicion that the food may cause some harm to the consumer. In the subsequent Chapter, in continuity, the possible measures that can be taken depending on the results of the analysis are defined, resulting in the release of the food for trade or the prohibition of the food, which may even reach the food destruction and the ban on the establishment.

Art. 18 - In the interest of public health, the health authority may prohibit, in the places it determines, the entry and sale of foodstuffs and food products from certain sources, when the reasons are fully justified.

The food that is sent for analysis in an official laboratory and presents an unsatisfactory result of analysis will be communicated to the company. If it does not take action, regardless of its origin and importance to the market, and puts the population at risk, its commercialization will be prohibited, and this measure can be taken by federal, state or municipal inspection.



Art. 19 - Persons who are a source of infection from infectious or transmissible diseases, except when there is an obligatory intermediate host vector, as well as those affected by exudative or exfoliative dermatoses, or carriers of diseases of repugnant aspects, they will not be able to carry out activities that involve contact or handling of foodstuffs.

The technician in charge who notices any of these symptoms must request that the employee leave the handling area and perform another activity or look for the sector responsible for the establishment.

Art. 20 - Utensils and containers in the establishment where food is consumed must be washed and sanitized properly or used in non-reusable containers.

Utensils should be sanitized preferably with hot water and using cleaning materials duly registered with government agencies, the use of soap or homemade detergents is not allowed. Containers such as: disposable cups and plates, and utensils such as: disposable cutlery should be discarded immediately after consumption.

Art. 22 - The competent health authority will verify whether the food substances are suitable for consumption, taking a sample of those that are suspected of being altered, adulterated or falsified or of containing substances harmful to health or, even, if they do not correspond to the prescriptions of the current legislation, rendering the deteriorated manifestations unusable.

1 - samples will be collected where the counter-evidence will remain in the establishment and the other two will be sent to official laboratories for Fiscal analysis.

2- when a food substance or any other food is destroyed, a document, called Auto or Term of Seizure and Disposal, must be drawn up at the time of disposal, describing the quantity and the main data on its packaging.


Art. 24 - In relation to adulterated, fraudulent or counterfeit products, the following are considered violators:

d) the person who transports or keeps in a warehouse or warehouse, goods belonging to others or performs any act of intermediary, between the producer and the seller, when hiding the origin or destination of the goods.

e) the owner of the merchandise even if it is not exposed for sale.

In items D and E, we must emphasize that even if the goods are not on display or do not belong to the establishment, that is, they may belong to an employee, etc. The establishment will be responsible for the same and will be subject to the applicable penalties.

Art. 26 - Appliances, utensils, containers and other materials used in the manufacture, preparation, handling, packaging, transport and sale of food and beverages shall be made of innocuous material and kept clean and in good condition.



1- harmful material is those that do not cause harm or damage, inoffensive sense, therefore they do not offer danger, do not contaminate the food.


2- the utensils and containers that are not in a good state of conservation, such as: broken dishes, crumpled trays, black pans, etc., must be removed from the establishment and the establishment may receive a Term of Summons or even a Notice of Infraction in the event of non-compliance.

Art. 27 - At the discretion of the health authority, street sales and fairs of food products that cannot be the object of this type of trade may be prohibited.

The criterion to be used for the release of street marketing is normally the hygiene conditions and quality of the products and conservation temperature, which in the absence of at least one of these, there should be no release for sale.

Art. 28 - Foodstuffs and beverages deposited or in transit in the warehouses of transport companies will be subject to inspection by the health authority.

Sole paragraph - the transport companies will be obliged, when it seems opportune to the sanitary authority, to promptly provide clarifications about the goods in transit or deposited in their warehouses, to give you a view on the shipping or import bill, invoices, acknowledgment of other documents relating to the goods in your custody, as well as to facilitate their inspection and the collection of samples.



The power of the police that the inspectors of the Sanitary Surveillance have, also wields the power to inspect a vehicle (motorcycle, car or truck).

The other point to be highlighted is that drivers must have and present, when requested, the Vehicle Sanitary License (LSV) issued in the Sanitary Surveillance sector.

## **Chapter II – Trade in foodstuffs**

Art. 45 - The greatest cleanliness and cleaning should ... be observed in the manufacture, production, handling, preparation, conservation, packaging, transport and sale of foodstuffs.

Sole Paragraph - It is expressly forbidden for the person handling food to receive money from the buyer, and for the person in charge of receiving payment ...

Even though it is a simple activity like a popcorn cart, it must have at least 2 (two) people: one to make and serve popcorn and another to stay at the cashier and clean.

## Chapter IV - Interdiction, Presentation and Disabling

Art. 46 - In the interdiction of food for laboratory analysis purposes, the respective term will be drawn up, signed by the health authority and by the possessor or holder of the goods, or their legal representative and, in the absence or refusal of the latter, by 2 (two) witnesses.

Sole Paragraph - The interdiction term will specify the nature, type, brand, origin and quantity of the goods, name and address of the holder and the manufacturer.

In the case of permanent interdiction of the food, it must be rendered unusable by drawing up a Notice or a seizure and destruction term.

Art. 49 - The owner or person responsible for the prohibited food will be prohibited from delivering it for consumption, diverting it or replacing it, in whole or in part, until the goods are released by the health authority, as provided for in the previous article.

The establishment that has the food banned or with a Term of Seizure and Deposit, if it does not properly store the product, will be held responsible and receive the appropriate punishments.

I - work without the corresponding official authorization;

Essa autorização é o Certificado de inspeção Sanitária, licença sanitária ou em alguns municípios recebe o nome de Boletim de Ocupação e Funcionamento.


This authorization is the Sanitary Inspection Certificate, sanitary license or in some municipalities it is called the Occupation and Functioning Bulletin.

III - the presence of carriers of communicable disease agents or those affected by dermatoses has been confirmed among its staff;

If few cases are proven and depending on the problem, there is no need to interdict the place, but rather to remove these people from the handling area, changing their function, placing them in areas that do not have contact with food.

Art. 52 - Foods that are manifestly deteriorated and altered, in such a way that the alteration found justifies immediately considering it unfit for consumption, will be seized and summarily rendered useless by the health authority, without prejudice to other applicable penalties.

The term unusable cannot be interpreted as: throwing out or throwing the food in the trash, but making it impossible to sell it in its original form, being able to be de-characterized, removed from its original packaging or even added to some substance or product that alters its characteristics features, so that it is no longer possible to put it for human consumption.



§3° - when the value of the goods is notoriously small, the drawing up of the seizure and destruction term may be waived, unless the offender protests in the act.

In addition to the amount, what is evaluated is whether the failure was intentional, due to negligence, if the establishment is aware of the fact, in this same case the amount being negligible, the tendency is for the inspectors in the establishment.

## Chapter V - Final Provisions

§1° - If the fiscal analysis reveals that the product is unfit for consumption, it will be immediately destroyed by the health authority.

To render a product unusable, the inspector must draw up the Term of Seizure and Disposal, which must contain the quantity of the products, batches, origin, validity and any other identification data. As it is a clandestine product, this establishment must also receive, regardless of the result of the analysis, a Notice of Infraction.


# TITLE V - Industrial and Commercial Establishments of Foodstuffs

## Chapter I - Establishments in General

Art. 60 - The construction, installation and operation of any industrial or commercial food establishment will be authorized by the competent health authority, and this authorization must be renewed whenever there is a change of establishment or when it is intended to modify or renew its physical structure, its facilities and equipment or the nature of its operational activities.

The major obligation to renew the aforementioned authorization is when the establishment changes its physical structure or when it adds or modifies its activity, etc.: Supermarket that wants to add the bakery activity in its interior, cafeteria that wants to start operating as a restaurant, etc.

II - keep its premises, as well as the machines, utensils and other materials existing therein, permanently sanitized, being prohibited to use these premises as housing or dormitory, and as a circulation area for residence or housing, which may exist in the place intended for these establishments;




The inspectors can inspect commercial establishments without having to have a prior authorization as described in article 9 of this decree, but if you have a common area with residence, it is necessary that the inspectors have a court order to be able to inspect the place, otherwise, you may be accused of property invasion.

IV - lighting will be by natural light, whenever possible, and when artificial light is needed, it should be as similar as possible to natural light;

If the option is for cold lamps without being screw-in, but plug-in, they must have anti-fall protection, so that if they come loose from the adapter, they will not fall on the person or the food.

VI - in places where unconditioned food products are handled or stored, the communication openings must be provided with adequate devices to prevent, as far as possible, the entry of insects and avoidable impurities;

To prevent insects from entering, it is necessary to adapt millimeter screens in the openings to the outside (e.g. windows), adapt a device that keeps the door closed (e.g. spring), adapt protection under the door (e.g. door squeegee), keep the drains with a siphon and the drain cover must have a grate with a retractable device ("opens and closes" system).



VII - It is up to the companies that own the establishments to avoid the presence of rodents and insects in them, acting cautiously regarding the use of poisons, whose use will only be allowed in premises not intended for handling or storing food and with prior authorization from the competent authority;

The use of poison by the owners of establishments is strictly prohibited, and a company with a license from INEA and the Health Surveillance must be hired for this activity, and the service order and the guarantee certificate must be left at the establishment.

X - have sufficient ventilation in all premises, respecting the appropriate technological peculiarities;

When talking about technological peculiarities, we can cite as an example a bakery that needs to put a dough to rest and grow that cannot have ventilation over it.

XXII - elaborated products, raw materials, additives and beverages, as well as material intended for food packaging, must be stored in appropriate places, on suitable shelves or supports<sub>1</sub> and, in the case of sacks, these must be placed on pallets<sub>2</sub>, conveniently isolated from the ground;

1- The shelves and shelving must be made of waterproof material so that if any product leaks, it will not be absorbed by the same.

2- The pallets should be 15 cm away from the floor in a way that allows air circulation, and facilitates the cleaning under the products.

XIV - the food preparation, fractionation or packaging places must have the floor and walls suitably waterproofed with suitable materials.

The Health Surveillance cannot specify the appropriate material. It has to indicate the properties of the same without citing brand or model, so the indication for the establishment must be:

Floor - must be smooth, resistant, waterproof, light in color and inclined to drain water into a syphon drain. Wall - coated with smooth, resistant and waterproof material, of a light color and the height of the coating to the ceiling.

Art. 62 - the companies that own establishments that produce or fractionate food are responsible for all the product they send to the market, when they verify the preparation or packaging in faulty hygienic conditions, as well as the violation of the current provisions, they must render it unusable immediately.

§1° -Any food found in commercial or industrial establishments, or on their premises, is considered as intended for consumption, unless they are in suitable liquid containers or unused.

All food found inside the establishment is considered for use or commercialization, therefore, it must not contain material that is foreign to the activity or inappropriate for consumption. If it exists, this material must be segregated, identified and sealed, awaiting its final destination.

Art. 63 - in industrial or commercial establishments of foodstuffs, there will be in sufficient quantity to collect their own or public waste... smooth interior, rounded edges, fitted with a hermetically sealed lid and removed daily, unless they are waste that can be used without harm to public health.

The waste collection containers, more popularly known as garbage bins, existing in the handling areas, should be equipped with a lid packaging with a pedal system or other device that does not require the hands to open it. In the external area it does not have this requirement.

§1° - Sanitary facilities and changing rooms must have ceramic flooring, with a drain with a grate that closes walls covered up to 2m (two meters), at least, with glazed ceramic material, or another previously approved by the competent technical body, doors with springs that close automatically and openings screened.

1-Whenever you make a material recommendation, you must add "or another previously approved by the technical body" so that there is no imposition of material.

2-When talking about screened openings, the required weight of the screen must be added, for example: Millimetric screen (with a spacing of one millimeter).

§6° - At the discretion of the sanitary authority, establishments whose nature entails a long stay by the public must have adequate sanitary facilities available and franchises to their users.

Not all establishments are required to provide toilets for customers, medium and short-stay establishments such as snack bars are not required to provide toilet facilities for users.

Art. 66 - Employees and workers of food establishments are required to:

II - to wear complete clothing appropriate to the nature of the job, while working;

Normally, the minimum requirement is the use of a cap, lab coat and closed shoes, except for some specific activities that may require goggles, gloves, boots, etc.

## Chapter IV - From bakeries, confectioneries and the like

c) gas stove, electric or other approved smoke and vapor exhaust system;


The exhaust system is normally made up of a hood, filter and an extractor that forces the smoke to be removed and facilitates the renewal of ambient air. Their specifications such as size, height, etc., will be evaluated by the inspector at the time of inspection.

f) stainless steel or enameled iron sinks, provided with hot and cold running water.

Hot water is required for any place that handles food and serves to wash the utensils, facilitating their cleaning and removing the fat existing in them more easily.

Art. 79 - In production activities, selected yeasts of proven purity must be used, and fermentation obtained from dough "baits" is prohibited.

Dough baits are part of the dough that is removed before baking and used for fermentation of new doughs without the use of biological yeast. This process is not allowed due to the loss of product quality and the ease of contamination of this product.



III - that the display of breads of other products intended for consumption, in any establishment, will always be done in showcases and their sale will be carried out in plastic bags or on appropriate paper.

At no time does this Decree mention the possibility of self-service for the breads, but in order to reduce the workforce, the trend of the shops, nowadays, is for the customer to serve his own bread. However, this is not regulated, that is, it does not have the right way of doing it. The population is not yet prepared for this type of service due to the poor understanding of health risks, easily exposing this food to contamination through contaminated hands, sprays, etc.

## Chapter XI - Establishments that Sell Meat and Meat Products or By-products

Art. 115 - It will only be allowed to expose for sale and consumption meat and meat products from establishments duly registered with the competent body.

To sell meat, the establishment must have a sanitary license (CIS or BOF) and the meat must come from an establishment registered with the SIF (Federal Inspection Service) or SIE (State Inspection Service) which are the inspection bodies responsible for animal origin.

Art. 117 - In establishments that sell meat, the sale of fresh ground meat will be permitted, and this operation must be carried out in the presence of the buyer, although keeping it stored in this state is prohibited.

The sterilized milk is packaged in aseptic carton pack and/or aseptic PET (polyethylene) and not in plastic bags or common plastic bottles and should be stored in a dry and ventilated place, requiring refrigeration only after opening.

Art. 119 - Industrialization in establishments that sell meat is expressly prohibited.

§1° - It will be allowed, however, to sell preserved and prepared meats from legally licensed and registered factories, provided that they have a refrigerated showcase area and counter, especially intended for the exhibition of said products.

The act of pre-cutting meats into steaks and packaging them in trays is already considered industrialization, other examples are: making steaks, sausage, chicken skewers, Cafta, etc., all these products cannot be prepared in advance in establishments that sell meat. It is permissible to stuff meat, for example with sausage, or to cut and beat steaks, but as long as this process is done at the request and in the presence of the consumer, orders or any type of temporary storage are not allowed.

Art. 121. Butchers must comply with the following physical conditions.

b) walls waterproofed up to the ceiling with light tiles or other equivalent material, the color red and its hues being prohibited.

The color red and its hues (Measures the average wavelength of light that reflects or emits the color of the object. Hues are represented by simple colors (red, yellow, green, blue and purple and their combinations) it is not allowed on the walls and floors of establishments that sell meat, as the red color of the walls reflects on the meats that are exposed for sale, giving an appearance of cleanness and freshness better than it actually may have, thus deceiving the consumer.

e) front doors equipped with iron or steel gratings, in order to allow constant and frank renewal of air, with metallic plate cushions at the bottom with a minimum height of 20 cm (twenty centimeters).

It is strictly forbidden to maintain a meat establishment without constant air renewal, even when the establishment is not open during its opening hours (if it is closed). Of course, these openings to the outside must be provided with a millimeter screen in order to prevent the entry of vectors.

Art. 122 - In butcher shops, lighting will be done by natural light, when necessary or by using artificial light, this will be as similar as possible to natural light; however, red coloring is expressly prohibited, by any artifice.

The lighting cannot be red and its hues either for the same reasons described in item b of article 121; and we also added the sodium vapor (neon) lamp as it emits a very bright light.

Art. 125 - The masonry counters will be covered with marble or light tiles, without a frame, and must have a minimum height of 1 m (one meter), and must be placed directly on the floor, on a concrete base.

§2° -The counters will be equipped, in their upper part, with refrigerated display cabinets, with a minimum height of 1 m (one meter), where the meat intended for sale will necessarily be hung.

The commercialization and/or exhibition for sale of meat outside the refrigerated display cabinets exposed to insects, heat and dust is prohibited. If verified, the establishment will receive a Notice of Violation and the meat must be destroyed.

Art. 133 - Establishments that sell meat and meat products will not be able to use their premises as housing or dormitory, nor have internal circulation for housing that may exist in the area of these establishments.

The commercialization and/or exhibition for sale of meat outside the refrigerated display cabinets exposed to insects, heat and dust is prohibited. If verified, the establishment will receive a Notice of Violation and the meat must be destroyed.

The ban on the use of premises of establishments as housing applies to all other types of establishments that sell food, and cannot be connected to residences nor be used as such, since Surveillance inspectors do not have permission to enter residences unless with a court order.

Of the establishments that sell fish

Art. 137 - Fishmongers are establishments for the sale of fish, shellfishes, crustaceans and other aquatic species, fresh or refrigerated. §1° Fishmongers are obliged to sell gutted and cleaned fish, with the exception of small fish, with a maximum size of 25cm (twenty-five centimeters).

This fact is due to the ease of contamination of the meat and the difficulty of verifying the sensorial characteristics such as color of the gills, meat texture, bright eyes, etc., without these parts it is impossible to verify the quality of the fish.

Art. 138 - Any processing of fish at the place of sale and storage, including salting, pressing, cooking and smoking, is expressly prohibited. Even simpler procedures such as stuffing the fish, discarding shrimp beforehand and bagging them etc., which are also considered industrialization.

e) front doors equipped with iron or steel gratings, in order to allow constant and frank renewal of air, with metallic plate cushions at the bottom with a minimum height of 20 cm (twenty centimeters).

We cannot forget that these openings that allow constant and frank renewal of air must have a millimeter screen that prevents the entry of vectors such as flies, cockroaches, etc.

Art. 144 - It is forbidden to keep the fish out of refrigeration, except during the cleaning and evisceration phase, as well as to keep it under the direct action of ice.

Sole paragraph - In special cases, at the discretion of the health authority, direct contact of the fish with the ice may be allowed. It is only allowed the direct contact of the fish with the ice and only if it is intact and compels and scales to protect, that is, it cannot be filleted or in slices, because when the ice comes in direct contact with the meat of the fish, the same loses its sensory characteristics and nutritional quality.

## Chapter XIII - Of markets and supermarkets

f) doors and windows provided with bars, when necessary for ventilation, in order to prevent the entry of rodents;


These doors and windows equipped with bars are mandatory when the supermarket has meat stores (butchers) and fish stores (fishmongers) inside, which are required to keep the place permanently ventilated. These openings to the outside, such as windows, must be provided with millimeter screens.

g) natural and/or artificial ventilation and lighting, sufficient and adequate;

l) washbasins with running water, in an immediate location to each sanitary compartment, with soap and towels for individual use.

It is not allowed to have only one washbasin on the outside in order to tend the two male and female toilets. This washbasin may exist for people who just want to wash their hands, but it does not exempt the need to have a washbasin inside each toilet.

Art. 157 - The stalls for displaying canned animals of animal origin will be made of marble or smooth, waterproof and resistant material, with a sufficient slope for the flow of liquids.



This requirement is due to facilitate cleaning, especially in cases of commercialization of salted meat in order to facilitate cleaning of the place, preventing the proliferation of halophilic bacteria, also known as vermillion, which are attracted by salt and contaminate the meat.

Art. 158 - Foodstuffs must be isolated from perfumery and cleaning products.

Products must always be separated by species so that cross-contamination does not occur during storage, exposure for sale and during the handling process.

Art. 161 - The preparation or manufacture of food products and the installation of poultry and small animal slaughterhouses is prohibited in markets and supermarkets, although the manufacture of bakery products is permitted.

In view of this article, it is not allowed to cook food inside supermarkets, therefore, there should be no restaurant offering food by the kilo, only bakery foods.

## Chapter XVII - Restaurants, Steakhouses, Bars, Cafes, Cafeterias and similar establishments

Art. 183 - It will be allowed to use coatings with decorative effects on the floors and walls of dining or sales halls when kept hygienic, installed on the surface and previously approved by the competent technical body.

In the service room, coverings and decorative utensils are accepted, such as potted plants, paintings, etc., while in the handling and storage area none of this is allowed.

e) stove equipped with a hood or dome equipped with a charcoal filter or other absorbent material;

It is usually necessary to install exhaust fans next to the hood to force smoke and grease out. The hoods and/or domes must be completely covering the stoves.

Art. 188 - The adequate installation of washbasins, with running water, soap and individual towels, will be mandatory, next to the sanitary offices and in the places where meals are prepared, handled or served.

A bar Soap cannot be, it must be liquid and towels can be disposable paper towels or hand drying with hot air.

Art. 190 - It is expressly prohibited to operate these establishments when they do not have enough hot and cold running water for their tasks.

The need for hot water is due to the need to wash the utensils and facilitate cleaning and removal of grease from them.

Art. 192 - Garbage and food residues must be deposited separately, in easy-to-clean containers, with a hermetically sealed lid. These containers will be removed to an appropriate place, during the daily general cleaning or whenever necessary, while awaiting the final destination of their contents. There will be a sufficient number of containers, some of which must remain in public view, for the disposal of debris, peels and papers from the products consumed on the spot.

The trash cans that are inside the establishment, such as inside the service desk, in the handling area, etc., must have a lid and must be activated using a pedal or other system that does not require the hands to open it; but in the external areas of common circulation, it is not mandatory that the dumps have lids.

XIII - the use of ice in direct contact with the drink will be allowed, when obtained from filtered water;

The ice can be made on site with filtered water manually or with a machine (check validity of the filters), but if purchased from other establishments, they must have a record proving that it is made with filtered water.

Art. 196 - Steakhouses are allowed to install barbecues in suitable places, even outdoors, as long as they strictly comply with hygiene precepts, prepare typical sauces and use charcoal as fuel for barbecues.

When it is allowed to install barbecues outdoors, they are not being allowed to stay on the sidewalks, interfering with the traffic of pedestrians, putting the consumer at risk of getting burned and the food being contaminated with intense traffic of buses, trucks, strays, etc.

# Chapter XVIII - Pastry Shops, Pizzerias and Similar Establishments

Art. 203 - In different places of the pastry shops, pizzerias and similar establishments, suitable easy-to-clean containers with lids should be placed, where garbage and food waste consumed in the place should be deposited separately.

In the consumer circulation area, it is not mandatory that the bins have a lid with automatic activation, and it is not even necessary to have lids for them.

Art. 204 - Doughs and fillings for pastries, pies and other snacks must be prepared and used on the same day and cannot, under any circumstances, be kept in the refrigerator for more than 24 (twenty-four) hours.

We remind you that the doughs can be purchased from duly licensed manufacturers and they can remain stored under refrigeration for a determined time as described in their labeling, which the description in the Article is for locally made doughs.

# Title VI - Free Fairs and Street Food Commerce


## Chapter I - Open Fairs

Nowadays, many fairs have lost their original purpose of putting people who cultivate, plant and raise animals in direct contact with consumers. They sold fresh food without pesticides, without a middleman and often served to improve the income of a family property.

Its character has been altered and distorted and nowadays the op is seen as businessmen selling clandestine products such as electronics from China or Paraguay, barbecue clothes and beer. There is little space left for the vegetables squeezed, also due to the irregular sale of clandestine cheeses and meats. Surveillance is left with its hands tied without having anything to do in the face of such a fact, as city halls normally allow commercialization without the endorsement of sanitary inspection.

Sole paragraph - the exposure of a certain food, at the discretion of the health authority, will only be allowed on duly protected stalls or trays and coated with galvanized, galvanized iron plates or other equivalent material.

In the current times, what is observed are the benches being made of wood, due to the lack of health inspection professionals or the concession of the public power to authorize the operation of the same without a Sanitary License.



The surface could be any washable material.

c) the preparation or handling of any type of drink, food or delicacy on the public street, with the exception of activities licensed for this purpose, with the use of disposable utensils in appropriate vehicles approved by the health authority being mandatory.

The preparation of drinks by the street vendors must be carried out at the time of the customer's request and cannot be prepared in advance and stored.

## Title VII - Infraction and Penalties

Art. 234 - For the purposes of these Regulations, disobedience or non-compliance with the provisions of regulatory legal norms and others that, in any way, are intended to preserve health is considered an infraction.

The infraction notice is a document drawn up by the competent health authority, for evidence or material proof of the infraction, indicating the transgression practiced to the norm and or to the current technical regulation.

Art. 234 - For the purposes of these Regulations, disobedience or non-compliance with the provisions of regulatory legal norms and others that, in any way, are intended to preserve health is considered an infraction.

Sole paragraph - Excludes the imputation of infraction to the cause resulting from force majeure or from unforeseeable natural or circumstantial events, which determines damage, deterioration or alteration of products of public health interest.

When the imputation of infraction is excluded, it is the same as saying that the infraction did not exist, therefore it does not have to be imposed, the person is not responsible for the fact that occurred.


## Title VIII - Administrative Procedure

The first chapter deals with the subpoena term, which is a document that is applied for the fulfillment of some requirement to be carried out by the establishment. If it is not complied with after the second subpoena term, it may even result in the revocation of the license of the infringing establishment.

In chapter II, the Notice of Infraction (AI) is established, which is a document of public faith for the initial application of the penalty, determining all the deadlines and the way in which it will be judged.

Chapter III, on the other hand, deals with the Notice of Fine that may be drawn up when the AI period has expired and the payment must be made or an appeal may be filed following all the procedures of this regulation. Finalizing the decree.

In chapter VI, the general provisions define the statute of limitations for the case. It applies to the fulfillment of any requirement to be carried out by the establishment. If it is not complied with after the second subpoena term, it may even lead to the revocation of the license of the offending establishment.



Nos tempos atuais o que se observa são as bancadas sendo de madeira, devido a falta de profissionais de inspeção sanitária ou pela concessão do poder público em autorizar o funcionamento dos mesmos sem Licença Sanitária. A superfície poderia ser de qualquer material lavável.

c) o preparo ou manipulação de qualquer tipo de bebidas, alimento ou guloseima na via pública, com exceção das atividades licenciadas com esse fim, sendo obrigatório o uso de utensílios descartáveis, em veículos apropriados e aprovados pela autoridade sanitária;

A confecção de bebidas pelos ambulantes deverá ser realizada no momento da solicitação do cliente não podendo ser preparada previamente e armazenadas.



## FINAL CONSIDERATIONS

This product is intended to be an educational tool to contribute to a better understanding of the aforementioned Decree. Thus, it seeks to unify its application in fiscal and professional actions in the area of food by nutritionists. In addition, it aims to contribute as a parameter to outline sanitary control limits within the state of Rio de Janeiro.

It is worth mentioning that the scarcity of existing bibliography on State Health Surveillance, specifically on State Decree 6538/83, causes recurring difficulties in interpreting the Decree, during the nutritionist's academic training and professional life.

It is important to clarify that the product does not reflect the State Decree in its entirety, that is, with experience in the teaching profession, it was observed that for some titles of the aforementioned decree the interpretations were wrong on the part of the academics of the Nutrition course. Reason why the commented product was prepared with cuts in the standardization.



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