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## The Emerging Significance of Food Safety in Restaurants following the Covid-19 Pandemic: A Comparative Legal Analysis of International Standards and Domestic Practice

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### Abstract

*The COVID-19 pandemic has exposed critical vulnerabilities in global food safety governance, necessitating urgent reassessment of legislative and operational frameworks. Although SARS-CoV-2 is not a foodborne pathogen, its disruption of food production, supply chains, and service industries has significantly heightened concerns regarding contact transmission and hygiene compliance within food environments. The article examines the adequacy of Bangladesh's existing food safety architecture—principally the food safety act 2013 and directives issued by the Bangladeshi Food Safety Authority (BFSA)—in addressing pandemic-era challenges. Employing a qualitative and policy-review methodology, the study analyses national regulatory instruments alongside international guidelines advanced by the food and Agricultural Organization (FAO) and the World Health Organization (WHO). Findings indicate that integrating enhanced sanitation protocols, worker safety standards, and operational requirements into national legislation can modernize Bangladesh's food safety regime and align it with global best practices. The study further identifies deficiencies in regulatory oversight, particularly within the informal and low-cost food service sector, and underscores the importance of awareness-raising among food business operators, workers, and consumers in improving compliance. Strengthening enforcement mechanisms — including mobile court operations — and fostering inter-institutional coordination are identified as essential priorities for building a safe and resilient food environment in both the COVID and post-COVID contexts.*

**Keywords:** Food safety, Restaurants, Covid-19 pandemic, Legal analysis, Mobile court

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## 1. Introduction

The COVID-19 pandemic has exposed significant weaknesses in Bangladesh's food safety systems. Although COVID-19 is not transmitted through food, the pandemic has disrupted food supply chains and strained food safety enforcement mechanisms. This disruption has led to increased risks of food contamination and highlighted the need for more robust food safety laws. This article argues that the COVID-19 pandemic necessitates a comprehensive review and strengthening of Bangladesh's food safety laws to ensure better preparedness for future crises. The article aims to investigate how the pandemic has impacted food safety practices and to propose legal reforms that can mitigate these risks. Bangladesh nowadays has become popular with many rich repertoires of diverse cuisines, serving many Bangladeshi, Indian, Chinese, Thai, French and Italian delicacies. In mid-March 2020, the food service industry, which accounts for a substantial share of the produce industry's sales, was largely shut down in response to the coronavirus (COVID-19) public health emergency. This situation resulted in major supply chain disruptions for the Bangladesh produce industry.

Most restaurants in the main cities of Bangladesh such as Dhaka, Chittagong had closed establishments amid this pandemic to abide by the government's obligation keeping human contact at a minimum. There are more than 7,000 restaurants and food outlets in Dhaka and among them, 95 percent have been closed due to the virus outbreak, according to the Bangladesh Restaurant Owners Association.<sup>1</sup>

All areas of the economy, including the food production sector, have been impacted by the ongoing pandemic and lockdown. There is a link between food delivery and the ability to buy groceries online. Both must coexist peacefully if commercial enterprises are to succeed. Online food and produce delivery are a relatively new concept in Bangladesh, but it is gaining popularity. People across

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<sup>1</sup> Tasneem Kibria, 'How Are Restaurants Surviving the Pandemic?' *The Business Standard* (online, 12 June 2020) accessed on 06.12.2023.

the world, especially those living in Bangladesh, are at risk from the disruptions in food safety caused by the COVID-19 pandemic management methods. The COVID-19 pandemic significantly disrupted the food supply chain and safety protocols. Lockdowns disrupted worker movement, leading to delays in harvesting and transportation of food products. Altered consumer behaviour (panic buying, stockpiling) affected supply chains and safety measures. Temporary plant closures due to outbreaks impacted food availability and safety standards. Export restrictions affected global food availability and affordability. Strained finances compromised safety practices. Hence, prioritizing food safety regulations is crucial during these challenging times.

This article aims to investigate how Bangladesh's food safety management industry has responded to the current problems posed by the COVID 19 Pandemic. The economic and social life of the Bangladeshi people has changed drastically after COVID 19. Since the virus COVID-19 erupted into the world, it has changed the life, and at least the daily routine, of almost everyone in the so-called civilized world to a more or less severe degree. Hundreds of thousands of people have died, many million employees around the globe have lost their jobs, their businesses, their seemingly secure career plans and, often their perspectives for how to continue. Social distancing measures and the shutdown of the economy, education, social and cultural life have changed the life of many people in a completely unpredicted manner. All of a sudden, people are ordered to wear face masks in public-which is forbidden for different reasons in many jurisdictions. This article aims to critically analyse the issues that COVID-19 presents to food safety management, especially in supply chains and the hotel industry, while evaluating the efficacy of the existing legislation framework, notably the Food Safety Act 2013.

This article used a comparative doctrinal method to assess domestic legislation and institutional responses in relation to established international standards, including directives from the FAO, WHO, and Codex Alimentarius, in order to ascertain the degree of normative alignment and regulatory coherence. It also examines the

actions implemented by governmental agencies and industry stakeholders to alleviate food safety issues during the epidemic. The paper seeks to highlight regulatory deficiencies and enforcement constraints while proposing specific policy and legal measures to bolster compliance, improve institutional capacity, and develop a robust food safety system adept at addressing future crises.

This paper employs a qualitative research design utilising both primary and secondary sources to investigate food safety management during the COVID-19 epidemic and the subsequent era in Bangladesh.<sup>2</sup> The study employs doctrinal analysis of secondary materials, such as academic literature, legislative instruments, case law, policy papers, books, and pertinent online resources, to assess the legal and regulatory framework governing food safety. The article evaluates the relevance and efficacy of food safety legislation in mitigating pandemic-related risks, encompassing their effects on food trade, contamination management, consumer protection, public health, and the right to life. The study integrates empirical observations with legal analysis to offer a thorough assessment of the impact of COVID-19 on food safety practices, emphasising the strengths and limits of the current regulatory framework.

## **2. The Existing Framework of Food Safety Management in Bangladesh**

The right to basic requirements of life, including food, clothes, housing, education, and medical attention, is guaranteed by

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<sup>2</sup> Primary data were obtained via a structured questionnaire addressing consumer protection and food safety practices, supplemented by structured interviews with 40 restaurants and food trade suppliers conducted from June to August 2023. Participants were chosen by random sampling from several markets to evaluate adherence to food safety regulations during the epidemic. Ethical permission was granted by an institutional review board, and informed consent was obtained from all participants, ensuring confidentiality to promote honest responses. The interviews examined alterations in food safety practices, difficulties in adhering to regulatory mandates, and suggestions for enhancing the legal environment.

Bangladesh's constitution.<sup>3</sup> The constitution also declares that one of the main responsibilities of the state is to increase dietary standards and improve public health.<sup>4</sup> While not legally enforceable,<sup>5</sup> these fundamental principles of state policy are essential to the governance of the state, the making of laws, and the interpretation of the Constitution as the supreme law of the land.<sup>6</sup> In the significant Radioactive Milk Powder Case, the Supreme Court of Bangladesh confirmed that the sale of food products detrimental to public health infringes upon the right to life, underscoring that no individual or organisation is permitted to jeopardise lives by disseminating unsafe food.<sup>7</sup> The Court thus acknowledged the right to safe food as a fundamental aspect of the constitutional assurance of the right to life.

The maintenance of public health and nutrition standards is the core policy of the Bangladeshi government, as stated in the Constitution, and states are required to take action to achieve this goal.<sup>8</sup> However, Bangladesh's constitution makes no mention of protecting food security and safety. For regulating food safety and food adulteration, some special laws have been passed. For instance, the articles of the Penal Code can be regarded as the nation's first regulations governing food safety. According to the Penal Code of 1860, the adulteration of food or drink intended for sale is punished under Section 272,<sup>9</sup> but the sale of harmful food or drink is an

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<sup>3</sup> Constitution of the People's Republic of Bangladesh, art. 15(a).

<sup>4</sup> *Ibid*, Art. 18.

<sup>5</sup> *Ibid*, Art. 8(2).

<sup>6</sup> Mahmudul Islam, *Constitutional Law of Bangladesh* (Mullick Brothers, 3<sup>rd</sup> ed. 2020) 74.

<sup>7</sup> *Dr Mohiuddin Farooque v Bangladesh and others — Radioactive Milk Case* (1996) 48 DLR 438.

<sup>8</sup> (n 3), Art 18.

<sup>9</sup> Penal Code, (Bangladesh) Act No. XLV of 1860, s 272 contemplates, "Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both."

offence under Section 273.<sup>10</sup> The contamination of water and pharmaceutical substances is additionally penalised under Sections 274–277.<sup>11</sup> Nonetheless, these measures were inadequate to mitigate the extensive occurrence of food contamination. The 1860 Code's primary shortcoming is the lack of a thorough monitoring and enforcement system to adequately control the manufacture and sale of contaminated food.

The Food Safety Act 2013 signifies a substantial improvement in Bangladesh's food safety system by creating an extensive legal framework to govern food safety requirements. The Act encompasses various issues, including the definition of unsafe food, the obligations of stakeholders throughout the food supply chain—such as producers and business operators—and regulatory restrictions pertaining to the production, processing, packaging, labelling, sale, and service of food to enhance an effective Food Safety Management System.<sup>12</sup> The primary aim of the Act is to establish an institutional framework that guarantees nationwide food safety. The BFSA was founded to protect and ensure citizens' right to obtain safe food.<sup>13</sup> In contrast to its predecessor, the Pure Food Ordinance, the Act implements more severe penalties for food safety infractions, hence enhancing enforcement and regulatory supervision.<sup>14</sup>

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<sup>10</sup> *Ibid* s 273 provides, "Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand taka, or with both."

<sup>11</sup> In those sections of 1860 Penal Code, punishments are provided up to one year or six months' imprisonment.

<sup>12</sup> Food Safety Act 2013 (Bangladesh), Act No. 43 of 2013, chapter VI ('FSA 2013'). See chapter V and II.

<sup>13</sup> *Ibid* ss. 5-14.

<sup>14</sup> 'The legal regime on food safety and human health', The *Daily Star* Law Desk, (online, 14 May 2019)

<<https://www.thedailystar.net/law-our-rights>>(accessed on 08.12.2023).

The Food Safety Act 2013 offered a notable innovation with the establishment of the Bangladesh Food Safety Authority (BFSA), which was institutionalised in 2015. The Act designates the BFSA with the essential duty of supervising and regulating operations along the food supply chain, encompassing production, importation, processing, storage, distribution, and sale. The legislation underscores the implementation of suitable scientific methodologies and the collaboration of pertinent agencies to enhance food safety management. A significant aspect is the establishment of the Central Food Safety Management Coordination Committee, intended to promote inter-agency collaboration and policy coherence. The Authority's organisational structure is centrally managed from Dhaka, indicating a centralised regulating methodology. The Act imposes stricter penalties for food safety offences, rectifying the deficiencies of the previous legal framework established by the now-repealed Pure Food Ordinance of 1959.

The widespread practice of food adulteration has led to the ingestion of dangerous food, thus elevating the existence of severe health issues, such as cancer and diarrheal disorders. The High Court Division of the Supreme Court of Bangladesh has issued a series of proactive instructions (Directives) to enhance food safety control. The Court mandated the BFSA to provide a report by 5 May 2020 detailing the actions implemented to guarantee the safety of food products, specifically fish and meat.<sup>15</sup> It subsequently obliged relevant government entities to justify why they should not be required to ensure public access to safe food.<sup>16</sup> The High Court summoned the Chairman of the BFSA for noncompliance with a direction to withdraw 52 inferior food items from the market, mandating his attendance before the Court on 16 June to provide an explanation for the potential imposition of sanctions.<sup>17</sup> These judicial

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<sup>15</sup> The High court Division of Bangladesh Supreme Court directs authorities to submit report by May 5 on steps to ensure safe food, Editorial, 'Submit report on steps taken to ensure safe food by May 5: HC' *The Daily Star* (online, 14 March 2019) (accessed on 15.01.2024).

<sup>16</sup> *Ibid.*

<sup>17</sup> Editorial, 'BFSA chief summoned over substandard food', *The Daily Star* (online, 23 May 2019) (accessed on 17.01.2024)

interventions highlight the Court's proactive role in upholding the right to safe food and enhancing regulatory accountability.<sup>18</sup>

Under the 2013 Food Safety Act, numerous food courts have been set up across the nation to address management issues with food safety and offenses associated with it.<sup>19</sup> A public prosecutor supports each court, and a legal advisor handles writ petitions filed against the BFSA.<sup>20</sup> The Food Safety Act is currently being used by 2,345 mobile courts.<sup>21</sup> Beginning in January 2020, the BFSA closely examined and certified 57 eateries with stickers in the colors green and blue.<sup>22</sup> Authorities are considering seriously creating the relevant laboratory in Bangladesh, despite the fact that no food testing laboratory of international standards has yet been established to warrant an extensive supervision in the food industry.

Another issue for Bangladeshi consumers' health is the unchecked use of chemicals to ripen produce. The use of artificial colors, unapproved food preservatives, chemical fruit ripening, excessive fertilizer use, and the use of hormones, steroids, and antibiotics on animals must all be strictly prohibited. The BFSA is a powerful force that speaks out against these wrongdoings.

In addition to other pertinent Acts and laws, the Fish and Fish Products (Inspection and Quality Control) Act (FFPA) 2020 is a significant Act for enforcing and maintaining quality control of fish and fish products that are intended for import. This Act establishes the minimum standards for the goods' quality and specifies the

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<sup>18</sup> *Ibid.*

<sup>19</sup> So far seventy-one food courts are set up to resolve issues addressed in 2013 Act. See Ashif Islam Shaon, 'National Food Safety Day: What the government is doing to ensure food safety', *Dhaka Tribune* (online, 2 February 2019).

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.* 2,345 mobile courts sentenced 239 people to imprisonment and fined more than Tk 2 crores from July 2017 to June 2018. A total of 4,209 cases were filed against the offenders.

<sup>22</sup> *Ibid.* The colored stickers—green, blue, yellow, and orange—symbolize the grades A+, A, B, and C respectively. The green sticker stands for "excellent" and is only awarded to restaurants that score 90 points or above, while the blue sticker represents "good" and is awarded to restaurants that receive 80–89 points.



methods for catching, obtaining, processing, and moving fish and fish products. It gives up guidelines for how pertinent authorities should oversee these operations.<sup>23</sup> Additionally, a rigid system has been established to guarantee that only licensed and registered operators can handle and export fish products.<sup>24</sup> Under this Act, the guidelines for regulating the market, farms, and factories<sup>25</sup> as well as the penalties<sup>26</sup> for violations have been toughened.<sup>27</sup> A significant accomplishment in the fight against seafood poisoning is the establishment of enough laboratories for quality control.<sup>28</sup> According to this Act, the Quality Assurance Manager will carry out this obligation to safeguard the fishery.<sup>29</sup> Inspector will conduct an inspection to see whether the fish are accompanied by dangerous substances, such as formalin, and will provide punishment as necessary.<sup>30</sup>

The Consumers' Rights Protection Act (CRPA) 2009, which is relevant to food safety, contains provisions relating to consumer food. It identifies "anti-consumer right practices" as the sale of tainted goods, the sale of products that are harmful to health, and the mixing of illegal substances with food.<sup>31</sup> The Act gives the government the authority to forbid the production and sale of products that are harmful to human health as well as to seize, confiscate, and destroy such products.<sup>32</sup> This Act lists a multitude of civil and criminal remedies, and it also stipulates a variety of sorts of penalties for infractions.<sup>33</sup>

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<sup>23</sup> Fish and Fish Products (Inspection and Quality Control) Act 2020 (Bangladesh), Act No. XX of 2020, ss. 3-7('FFPA 2020').

<sup>24</sup> *Ibid* ss. 8-13

<sup>25</sup> *Ibid* ss. 14-21

<sup>26</sup> *Ibid* ss. 30-42

<sup>27</sup> Rummana Foisal Nafiu, 'Fish and Fish Products Bill passed with harsher punishment', *Dhaka Tribune* (online, 16 November 2020)

<sup>28</sup> FFPA 2020 (n 24), s 3.

<sup>29</sup> *Ibid* s 4.

<sup>30</sup> *Ibid* s 14.

<sup>31</sup> The Consumers' Rights Protection Act 2009 (Bangladesh), Act No. 26 of 2009, s 2(20) ('CRA 2009').

<sup>32</sup> *Ibid* ss. 29-36

<sup>33</sup> *Ibid* ss. 37-56

Bangladesh Standards and Testing Institution Act (BSTIA) 2018 is another important piece of law pertaining to food safety. BSTI was established in accordance with the original Ordinance of 1985 (now repealed) for the standardization, testing, metrology, quality control, grading, and labelling of products, including food, beverages, and other items meant for consumption.

### 3. Food Safety Management in Bangladesh

Effective food safety governance in emergencies necessitates swift executive action, as dependence solely on extended legal processes or parliamentary discussions may prove insufficient in urgent scenarios such as disease outbreaks, food contamination events, terrorist threats, or significant natural disasters.<sup>34</sup> Parliament, as the main legislative body, holds primary responsibility for safeguarding food safety through legislation and monitoring.<sup>35</sup> Parliamentary Standing Committees are essential for evaluating government performance, examining legislation, and overseeing the enforcement of food safety regulations.<sup>36</sup>

Food safety regulation in Bangladesh encompasses a multifaceted institutional framework, with around eighteen government agencies collectively accountable. Prominent ministries encompass the Ministry of Health and Family Welfare, Ministry of Industries, Ministry of Agriculture, Ministry of Local Government, Ministry of Commerce, Ministry of Fisheries and Livestock, Ministry of Food and Disaster Management, Ministry of Environment, and Ministry of Home Affairs, among others.<sup>37</sup> Each ministry functions according to its designated statutory mandates; for instance, the Ministry of Fisheries and Livestock enforces food production legislation, the Ministry of Industries upholds standards via the Bangladesh

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<sup>34</sup> Filipe Brito BASTOS and Anniek De Ruijter, 'Break or Bend in Case of Emergency?: Rule of Law and State of Emergency in European Public Health administration' (2019) 10(4) European Journal of Risk Regulation 610.

<sup>35</sup> Bangladesh Constitution (n 3) art 65(1).

<sup>36</sup> *Ibid*, Art 76.

<sup>37</sup> ILSI India, Laws and Regulation to Foods and Food Additives (Country Report: Bangladesh 2013) 2-3.

Standards and Testing Institution framework, and the Ministry of Commerce oversees consumer protection laws within its domain.<sup>38</sup>

The judiciary is essential in protecting food safety by enforcing fundamental rights and maintaining governmental accountability.<sup>39</sup> The Supreme Court has given instructions in public interest lawsuits to rectify regulatory deficiencies, including mandates concerning groundwater safety testing and public health protection initiatives.<sup>40</sup> BLAST also successfully petitioned the Supreme Court to order the Ministry of Health to iodize all salt supplies by the provisions of the International Dangerous Drugs Control Act of 1989.<sup>41</sup> At the foundational tier, Sessions Courts, Special Tribunals, Food Courts, and Environmental Courts resolve issues pertaining to food adulteration, environmental damage, and associated infractions.<sup>42</sup> Special Tribunals established under the Special Powers Act adjudicate grave instances of food and medication adulteration, whilst Environmental Courts operate under environmental statutes.<sup>43</sup>

The Mobile Court system, instituted by the Mobile Court Act 2009, enhances enforcement by authorising judicial magistrates to carry out summary actions for breaches of food safety regulations.<sup>44</sup> Mobile courts have been crucial in identifying and penalising food adulteration, encompassing the seizure of dangerous items, imposition of fines on non-compliant enterprises, and sanctions against traders engaged in illicit activities.<sup>45</sup>

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<sup>38</sup> Abu Noman Mohammad Atahar Ali, 'Food safety and public health issues in Bangladesh: A regulatory concern', (2013) 8(1) European Food and Feed Law Review 31, 36.

<sup>39</sup> Bangladesh Constitution (n 3) Art 102.

<sup>40</sup> *Rabia Bhuiyan, M.P. v Ministry of Local Government and Rural Development and others* [2007] 59 DLR (AD) 176.

<sup>41</sup> *BLAST v Bangladesh* [2005] [25 BLD (HCD)] 83.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid* ss. 51-52 of the Food Safety Act 2013(n 12).

<sup>44</sup> Mobile Courts Act 2009 (Bangladesh) Act No. 59 of 2009, ss. 4-5, 11.

<sup>45</sup> *Ibid* schedule.

The Food Safety Act 2013 establishes the BFSA as the principal regulatory entity tasked with overseeing food safety governance.<sup>46</sup> The Authority is authorised to promulgate regulations, monitor compliance, and partner with authorities like the Bangladesh Standards and Testing Institution (BSTI) to establish standards consistent with international norms.<sup>47</sup> The BSTI, created to define and enforce quality standards, oversees various food safety regulations and certification prerequisites while progressively incorporating Codex standards.<sup>48</sup>

The National Consumers' Rights Protection Council, created under consumer protection laws, facilitates policy creation, advises the government, and enhances public awareness to protect consumer interests.<sup>49</sup> These entities collectively establish a comprehensive regulatory framework designed to ensure food safety and safeguard public health in Bangladesh.<sup>50</sup>

In order to implement the mandates of CRPA 2009, the National Consumers' Right Protection Council was established.<sup>51</sup> The duties of this council include, but are not limited to, formulating policies and regulations to uphold the Act's protections for consumers' rights, assisting and advising the government in the development of regulations and administrative guidance to uphold those rights, and

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<sup>46</sup> Md Tauhid-Uz-Zaman, 'Rice traders fined for not using jute sacks', *Dhaka Tribune* (online, 6 March 2018) <<https://www.dhakatribune.com>>.

<sup>47</sup> UNB, '1,100 maunds of chemically ripened mangoes destroyed', *Dhaka Tribune* (online, 19 May 2018) <<https://www.dhakatribune.com>>.

<sup>48</sup> Rehan Kabir, 'Mobile court fines 6 Gulshan restaurants Tk 20 lakh', *Dhaka Tribune* (online, 4 June 2019) <<https://www.dhakatribune.com>> 'Mobile Court fines Tk 20 Lakh'. See also, Bari Dhali, 'Five jailed for selling banned fish, adulteration in Karwan Bazar', (online, 11 September 2020).

<sup>49</sup> Bangladesh Standards and Testing Institute Act 2018 (Bangladesh), Act No. 67 of 2018, s 6.

<sup>50</sup> Ashutosh Sarkar, '52 Food Items: Most of them now pass BSTI retest', *The Daily Star* (online, 11 June 2019) <<https://www.thedailystar.net>>. See also, FSA 2013 (n 11), s 3.

<sup>51</sup> CRA 2009 (n 32), s 5.

taking appropriate action to inform, encourage, and raise public awareness of those rights.<sup>52</sup>

#### **4. The Efficacy of Existing Laws Regarding Food Safety During and Post Covid-19 in Bangladesh**

The COVID-19 pandemic exposed significant gaps in the enforcement and effectiveness of Bangladesh's food safety laws. The pandemic-induced disruptions to regular food safety inspection systems made it challenging to maintain oversight, and food adulteration cases surged during this time. The temporary closure of food processing plants, workforce shortages, and disruptions to regular monitoring systems hampered the ability of the BFSA to ensure compliance with food safety regulations.

The *FSA of 2013* was particularly impacted, as the pandemic led to a significant reduction in food safety inspections. The lack of an internationally accredited food testing laboratory and resource constraints prevented BFSA from conducting scientific assessments of food products. Moreover, the rapid growth of online food delivery platforms, which were mostly unregulated, created further challenges for enforcement agencies. Informal food vendors, who constitute a large part of the food economy, faced difficulties in complying with hygiene regulations due to a lack of awareness and resources.

Despite these challenges, the BFSA made efforts to address food safety during the pandemic by issuing guidelines for hotels, restaurants, bakeries, and food industries. These guidelines emphasized cleanliness, food hygiene, personal hygiene, and safe food storage and preservation. In addition, the BFSA introduced the *Microbial Pollutant Control Regulations 2021* to curb the presence of harmful microorganisms in food. However, enforcement was weak due to resource limitations and the fragmented jurisdiction between various regulatory bodies.

The *MCA of 2009* played an essential role during the pandemic by providing real-time enforcement. Mobile courts have played a

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<sup>52</sup> *Ibid* s 8.

crucial role in addressing food adulteration by detecting inferior food products and enterprises engaged in unethical actions, such as incorporating dangerous chemicals or unauthorized additives into food. Mobile courts, in collaboration with the BSTI and BFSA, conducted raids to combat food adulteration, but the increase in food-related offenses during the pandemic strained their resources.<sup>53</sup> The *BSTI* also carried out inspections and imposed fines on food businesses found guilty of violations. A significant highlight was the High Court's intervention, which ordered the government and the Prime Minister to take action against food adulteration after the discovery of 52 substandard food items by the BSTI.<sup>54</sup>

The BFSA has been attempting to address the problem of food safety during the epidemic under FSA 2013. To guarantee safety in hotels, restaurants, bakeries, and food industries, it has issued guidelines.<sup>55</sup> These recommendations comprise, but are not limited to: variety of cleanliness standards (disinfecting surfaces and furnishings, getting rid of rodents and reptiles to reduce the spread of disease, keeping the kitchen, dining area, and restrooms clean, and properly disposing of trash are all essential hotel and restaurant operations), food hygiene, personal hygiene, storage and preservation (guidelines for preserving and storing food and ingredients, including how to keep perishables fresh, how to keep perishables frozen, how to store cooked and raw food, how to store packaged and frozen raw food and edible food, and how to keep vegetable and animal food safe from contamination).

In addition to these guidelines, BFSA has issued the *Microbial Pollutant Control Regulations 2021* as an ancillary regulation to the FSA of 2013. This regulation's primary focus is on the prevention

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<sup>53</sup> Latest News, Bangladesh Standards and Testing Institution (online, 31 July 2021) <[http://www.bsti.gov.bd/site/view/latest\\_news](http://www.bsti.gov.bd/site/view/latest_news)>.

<sup>54</sup> Staff Correspondent, 'Wage war on food adulteration', *The Daily Star* (online, 13 May 2019) <<https://www.thedailystar.net>>.

<sup>55</sup> BFSA Guidelines, 'মিষ্টি বেকারী ও খাবার তৈরীর কারখানা/স্থাপনায় পালনীয় এবং সর্বসাধারণের অবগতির জন্য বাংলাদেশ নিরাপদ খাদ্য কর্তৃপক্ষের নির্দেশনাসমূহ' (online, 2020) <<http://www.bfsa.gov.bd>> accessed on 06.12.2023.

and control of microbial organisms in food. Preventing the presence of microorganisms in food in excess of the acceptable amount as prescribed in the Schedule, in accordance with international standards for said acceptable amount, and prohibiting the advertising, distribution, and sale of food in violation of these regulations are all covered by this set of rules and regulations.<sup>56</sup> Food samples can be collected and examined for the presence of microbiological contaminants by appropriate authority.<sup>57</sup>

While the BFSA undertook commendable initiatives in response to the pandemic, a closer examination reveals notable limitations in its enforcement effectiveness under these exceptional circumstances. The initiatives taken by BFSA were offset by a series of enforcement challenges that undermined their overall impact. One major limitation was the absence of a fully equipped, internationally accredited food testing laboratory, which severely constrained the BFSA's ability to conduct scientific assessments of food safety compliance.<sup>58</sup> This gap was particularly concerning given the reported increase in the use of hazardous chemicals and unapproved additives during the pandemic.<sup>59</sup>

Resource constraints also proved to be a critical barrier. The BFSA lacked adequate staffing and financial support to carry out widespread inspections, particularly when many food businesses operated informally or clandestinely due to lockdown measures.<sup>60</sup> Pandemic-related disruptions to supply chains and personnel mobility further hampered regular monitoring. In addition, regulatory fragmentation and overlapping jurisdictions between the BFSA, local governments, and other ministries led to inconsistent

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<sup>56</sup> Microbial Pollutant Control Regulations 2021, ss. 3-5

<sup>57</sup> *Ibid* s 6.

<sup>58</sup> Food and Agriculture Organization of the United Nations, *Evaluation of the Project "Institutionalisation of Food Safety in Bangladesh for Safer Food"* (Project Code: GCP/BGD/054/USA), Project Evaluation Series 05/2022 (FAO 2022) <<https://www.fao.org>> accessed 26 June 2025.

<sup>59</sup> *Ibid*.

<sup>60</sup> *Ibid*.

enforcement.<sup>61</sup> This was especially evident in the case of online food delivery platforms, which grew rapidly during the pandemic but remained largely unregulated and outside the scope of effective oversight.<sup>62</sup> Enforcing protocols among small and informal food vendors presented another persistent challenge. These vendors, who constitute a large part of the food economy, often lacked awareness or the resources to comply with hygiene regulations as demonstrated by the primary data. As a result, enforcement in this sector remained weak and inconsistent. Judicial interventions during the pandemic highlighted these structural weaknesses. Notably, the High Court summoned the BFSA chairman over failures to remove unsafe food items from the market,<sup>63</sup> an act of public accountability that underscored institutional shortcomings and emphasized the need for stronger enforcement capacity and responsiveness.

Moreover, the mobile court's duties include enforcing compliance with these guidelines and regulations of BFSA. In an effort to better the agro-food business and the food safety system and practices as a whole, BFSA and Land O'Lakes Venture<sup>37</sup> (Development Organization) have just signed an agreement of collaboration.<sup>64</sup> The introduction of Pure Food Court is a significant new feature of FSA 2013. A number of courts in the metropolitan area, including Senior Judicial Magistrate Court 1, have been given the authority to operate as Pure Food Courts under the Act.<sup>65</sup> As a result of this law, 71

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<sup>61</sup> Food Planning and Monitoring Unit (FPMU), Ministry of Food, *National Food and Nutrition Security Policy (NFNSP) Plan of Action (PoA) and Bangladesh Third Country Investment Plan – CIP3 (2021–2025) Monitoring Report 2024* (Government of the People's Republic of Bangladesh 2024) <<https://fpmu.mofood.gov.bd>> accessed 26 June 2025.

<sup>62</sup> Nusrat Parvin, 'Factors Influencing Online Food Delivery Apps Use During COVID-19 Lockdown among Female College Students in Bangladesh' (2022) 11(2) *Asian Review of Social Sciences* 32 <<https://doi.org/10.51983/arss-2022.11.2.3262>> accessed 26 June 2025.

<sup>63</sup> Nahela Nowshin, "A Recipe for a Public Health Disaster" *The Daily Star* (July 9, 2019) <<https://www.thedailystar.net>>.

<sup>64</sup> Tribune Desk, 'Bangladesh Food Safety Authority, Land O'Lakes Venture<sup>37</sup> sign agreement', *Dhaka Tribune* (online, 1 February 2021)

<sup>65</sup> Md Zakir Hossain, 'Is it safe to eat?', *Dhaka Tribune* (online, 4 February 2020)



additional courts can now function across the country.<sup>66</sup> There is, however, no new Pure Food Court; rather, the current Food Courts have been given extra responsibilities.<sup>67</sup> All Pure Food Courts except the one in Dhaka have remained case-free.<sup>68</sup> Despite public demands that food safety standards and Pure Food Courts be adequately developed, they are utterly inert.<sup>69</sup> The Covid-19 crisis has simply made this situation worse.

Finally, the Covid-19 pandemic brought on by the SARS-CoV-2 virus will not be completely eradicated, according to most experts.<sup>70</sup> Like influenza and other flu viruses, it will eventually become endemic. That is to say, over time, people's immune systems will strengthen to the point where exposure to Covid-19 will be similar to catching a cold during ideal conditions.<sup>71</sup> Therefore, it is crucial to strengthen and enforce food safety laws to address these vulnerabilities. Specifically, the pandemic has shown the need for clear regulations on food handling and packaging to prevent contamination and ensure consumer safety.

##### **5. A Snapshot of International Food Safety Standards and its Sustainability in the Pre- and Post-Covid situation:**

Standards for food safety are a reflection of two opposing forces: on the one hand, respect for trade freedom and on the other, population protection from food-borne illnesses.<sup>72</sup> The existing architecture of

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<sup>66</sup> *Ibid.*

<sup>67</sup> Md. Zakir Hossain, 'The Pure Food Court for Food Safety', *Dhaka Courier* (online, 26 September 2020)

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> Nicky Phillips, 'The coronavirus is here to stay – here's what that means', *Nature* (online, 16 February 2021) <<https://www.nature.com/articles/d41586-021-00396-2>> accessed on 06.12.2023.

<sup>71</sup> Helen Branswell, 'How the Covid pandemic ends: Scientists look to the past to see the future', *STAT* (online, 19 May 2021) <<https://www.statnews.com>> accessed on 06.12.2023.

<sup>72</sup> Louis Augustin-Jean and Lei Xie, 'Food Safety Standards and Market Regulations As Elements of Competition-Case Studies from China's International Trade', (2016) 11(2) *Asian journal of WTO & international health law and policy* 289, 291.

international food markets, governed by the Codex and the WTO, is generally debated by academics and policymakers as being more in favor of consumer protection or market protection. This pattern has strengthened since the SPS Agreement was included in the WTO framework in 1994.

To date, the Codex has established “over 1,100 food additive provisions with their maximum levels of use, over 2,900 Maximum Residue Limits (hereinafter MRLs) for pesticides, and over 400 MRLs for veterinary drugs” since its inception in 1963.<sup>73</sup> Yet obstacles remain, particularly for developing nations that may not be able to adopt these international food safety standards for some time due to inadequate infrastructure, weak institutions, and high costs. Equally important to increasing commerce in agro-food products between regions and countries is greater regional collaboration to disseminate best practices and harmonize current standards.<sup>74</sup>

### 5.1 International Food Safety Standards

According to the WTC, global food exports climbed by 7 percent year on average between 2000 and 2019.<sup>75</sup> Countries with varying food safety regulations have a more difficult time trading with one another. Any illness epidemic or even death can be caused by compromised food safety. Following is a description of several mandatory and recommended food standards:

When it comes to worldwide guidelines for keeping food safe, the Codex Alimentarius commission offers the gold standard. The Commission was established after the FAO and the WHO passed separate resolutions in 1961 and 1963.<sup>76</sup> A total of 188 nations and the European Union (EU) are part of this framework's

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<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> World Trade Organization, World Trade Statistical Review (Review, 2020) 36.

<sup>76</sup> ‘Codex Alimentarius: how it all began’, FAO (Web Page, 28 July 2021) <<http://www.fao.org/3/v7700t/v7700t09.htm>> accessed on 26.12.2023.

intergovernmental network.<sup>77</sup> Intergovernmental and non-governmental organizations make up 239 of the observers.<sup>78</sup> Standards like the GFSI standards are based on the Codex Alimentarius.

Article 1 of the Codex Alimentarius Commission's statutes states that the members may seek recommendations from the relevant organs of FAO and WHO and consult them on matters relating to consumer health protection, fair food-trade practices, guiding preparation of draft standards, amending published standards, and so on.<sup>79</sup>

As a result of the SPS agreement with the WTO, CODEX has gained increased prominence. The SPS agreement's Articles 3.1 and 3.2 require signatory countries to base their SPS measures on international standards such as CODEX.<sup>80</sup> A first proposal for "Harmonization of Bangladesh's Food Safety Standards with Codex Standards and other international best practices" was recently drafted by the BFSA. The BFSA and BSTI have taken the first steps toward incorporating Codex standards into the country's food safety rules.<sup>81</sup> In addition to the mandatory CODEX regulations, there are also voluntary guidelines like HACCP, International BRCS, FSSC Certified to IFS SQF and ISO 22000.

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<sup>77</sup> 'Members: Codex Alimentarius Commission', FAO (Web Page, 28 July 2021) <<http://www.fao.org/fao-who-codexalimentarius/about-codex/members/en/>>accessed on 20.12.2023.

<sup>78</sup> 'Codex Observers', FAO (Web Page, 18 July 2021) <<http://www.fao.org/fao-who-codexalimentarius/about-codex/observers/observers/about/en/>>accessed on 06.12.2023.

<sup>79</sup> Statutes of the Codex Alimentarius Commission, art 1.

<sup>80</sup> Agreement on Sanitary and Phytosanitary Measures, WTO Doc LT/UR/A-1A/12, art 3.1, 3.2.

<sup>81</sup> 'Harmonization of Bangladesh's Food Safety Standards with Codex Standards and other international best practices', Bangladesh Food Safety Authority Ministry of Food, Govt. of Bangladesh Dhaka (online, 11 July 2021) <<https://bfsa.portal.gov.bd>>. accessed on 15.11.2023.

## **5.2 Hazard Analysis Critical Control Point (HACCP)**

What dangers can enter food, where they can enter food, and how they can be controlled are all topics covered in detail in Hazard Analysis and Critical Control Point. It's the standard by which all other food safety regulations are measured. Implementing HACCP entails 12 phases based on the 7 principles,<sup>82</sup> such as doing a hazard analysis, identifying critical control points, setting critical limits, etc.

## **5.3 ISO 22000 or the Food safety Management System**

It was an ISO food safety management system that brought together the ISO 9000 quality management standard and the Hazard Analysis and Critical Control Points methodology. Industry risk management systems were the primary target audience. This applies to every stage, from farming to dining out, when people are involved in the production of food.<sup>83</sup> One of the food safety standards recognized by the Global Food Safety Initiative (GFSI) is based on the FSSC standards.

## **5.4 GFSI approved standards**

There was a universal standard of safety for the food suppliers in the UK because of the frequent audits by customers. The GFSI was established as a result of efforts to harmonize food safety standards by the retail, manufacturing, and food service sectors of the Consumer Goods Forum.<sup>84</sup>

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<sup>82</sup> 'The 7 principles of HACCP explained' Institute of Agriculture and Natural Resources Nebraska Extension (Web Page, 17 July 2021)

<<https://food.unl.edu/seven-principles-haccp>> ('HACCP principles').

<sup>83</sup> According to ISO 22000's definition, it is a set of requirements that enables an organization to prove compliance with FS-related legal and regulatory obligations. To be accredited under this standard, a company must specifically adhere to local and export market rules and regulations. The enhancements to the firm's processes and procedures, as well as the quality and safety of its goods, are additional significant benefits of having an FSMS. According to Malalis et al. (2009), these advantages are also attainable when the system is built on ISO 22000.

<sup>84</sup> 'Overview: safe food for people everywhere', The Global Food Safety Initiative (GFSI), (Web Page, 15 July 2021),

<<https://mygfsi.com/who-we-are/overview/>>.

### 5.5 Covid-19 and the Food Industry

SARS cov-2 is the coronavirus responsible for the 2019 outbreak of severe acute respiratory syndrome. The pandemic was officially announced on March 11, 2020, by the World Health Organization (hence referred to as “WHO”). The World Health Organization, the European Food Safety Authority,<sup>85</sup> and the Food and Agriculture Organization all agree that Covid-19 cannot spread through food.<sup>86</sup> However, scientists discovered that COVID can stay alive for two to three days on a variety of surfaces.<sup>87</sup> Food and Agriculture Organization and the World Health Organization hypothesized that a person could contract COVID through contact with tainted food packaging and then spread the virus to his or her nose, mouth, or eyes.<sup>88</sup>

To stop the spread of the virus, clear regulations for restaurants are required. The restaurants may opt to adhere to internationally recognized standards, such as those established by the Codex Alimentarius Commission’s Hazard Analysis and Critical Control Point (HACCP) guidelines, the International Organization for Standardization’s 22000 or the Global Food Safety Initiative’s (GFSI) approved standards, or the generally accepted Good Manufacturing Practices (GMPs).

### 5.6 HACCP as a sustainable solution

Food safety is an ongoing concern, both before and after the advent of refrigeration, and HACCP analysis may provide a long-term answer. It’s a roadmap for pinpointing potential threats to food safety and establishing controls at those places. The World Health Organization (WHO) recommended that the food industry

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<sup>85</sup> ‘Coronavirus: no evidence that food is a source or transmission route’, European Food Safety Authority (EFSA) (Web Page, 13 August 2021) <<https://www.efsa.europa.eu>>.

<sup>86</sup> WHO and FAO 2020 (n 85).

<sup>87</sup> Amin N. Olaimat, Hafiz M. Shahbaz, Nayab Fatima, Sadia Munir and Richard A. Holley, ‘Food safety During and After the Era of COVID-19 Pandemic’, *Frontiers* (Web Page, 4 August 2020) <<https://www.frontiersin.org>>

<sup>88</sup> *Ibid.*

implement a HACCP-based food safety management system to control potential threats to consumer health.<sup>89</sup> The HACCP system includes seven guidelines<sup>90</sup> for recognizing and mitigating potential threats to food supply.<sup>91</sup> The seven HACCP principles below have to be implemented for a sustainable solution: i) Conduct a hazard analysis; ii) Determine the critical control points; iii) Establish critical limits; iv) Establish monitoring procedures; v) Establish corrective actions; vi) Establish verification procedures; vii) Establish record keeping and documentation procedures. In the absence of a HACCP plan, an expert should maintain communication with the relevant public health authorities and seek their guidance as needed.<sup>92</sup>

## **6 Food safety guidelines for Covid-19 from International Organizations**

World Health Organization (WHO)<sup>93</sup>, Centers for Disease Control and Prevention (CDC)<sup>94</sup>, International Food Safety Technology (ISFT)<sup>95</sup>, and the United States Food and Drug Administration (USFDA)<sup>96</sup> are just few of the prestigious national and international institutions that have issued food safety advice in light of the recent COVID-19 pandemic.

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<sup>89</sup> HACCP principles (n 82).

<sup>90</sup> 'HACCP Principles and Application Guidelines', U.S. Food and Drug Administration (Web Page, 18 August 2021) <<https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines#app-a>>.

<sup>91</sup> *Ibid.*

<sup>92</sup> HACCP principles (n 82).

<sup>93</sup> *Ibid.*

<sup>94</sup> 'Considerations for Restaurants and Bar operators', Centers for Disease Control and Prevention (Web Page, 13 August 2021) <<https://pesquisa.bvsalud.org>>.

<sup>95</sup> 'Food safety risks during the pandemic', Institute of Food Science & Technology (Web Page, 28 May 2020) <[https://doi.org/10.1002/fsat.3402\\_4.x](https://doi.org/10.1002/fsat.3402_4.x)>.

<sup>96</sup> 'FDA Issues Best Practices on Safe Food Handling and Employee Health in Retail Food Settings During COVID-19 Pandemic', U.S. Food and Drug Administration (Web page, 9 April 2020). <<https://www.fda.gov>>.

## **7. Bangladesh's Adherence to International Food Safety Standards**

Recently BSFA and BSTI have taken steps to incorporate Codex's food safety standards into Bangladesh's legal regime on food safety. International food standards and guidance by the Codex Alimentarius Commission are considered the golden standard for providing food safety regulations worldwide. They are also the reference point within the framework of WTO. Even though Bangladesh's attempt to incorporate these standards into the national legal framework is praiseworthy, the proper implementation of these is yet to be seen. Bangladesh is a country having the greatest number of laws on food safety<sup>97</sup> which makes it counterproductive to see the non-compliance with these laws every now and then. Most of the people are unaware about these laws, rules and regulations in Bangladesh which is a great risk for food and nutrition security. Significant progress has been made towards harmonizing Codex standards, however, there are still number of gaps that need to be identified and addressed followed by absolute implementation of the standards. The challenges Bangladesh faces while fully adhering to international food safety standards such as capacity building through a robust regulatory and enforcement structure, resource constraints that impede the development of food safety measures, lack of coordination between different agencies and harmonizing regulations across different sectors are yet to be addressed. Because their persistence can overturn all the development efforts made in the past. To protect the public health of the citizens it is crucial to ensure compliance of the international food safety standards in Bangladesh as soon as possible.

## **8. Empirical Findings: Food Safety Practices in Restaurants during COVID-19 Pandemic**

This section presents key findings from a structured field study conducted in 50 restaurants across Chittagong, Bangladesh, covering low-end, mid-end, and high-end establishments.

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<sup>97</sup> Ehsanul Haque Jasim, 'Food Safety still a far cry' Bangladesh Post (online, 13 September 2021) <<https://bangladeshpost.net/posts/food-safety-still-a-far-cry-68463>>.

Information was gathered through direct interviews and observational visits, with the objective of assessing compliance with food safety protocols during and after the COVID-19 pandemic. The goal was not only to understand the practices but to examine their implications within the framework of national regulations and international food safety standards. The trends observed offer valuable insights for both policy formulation and regulatory reform.

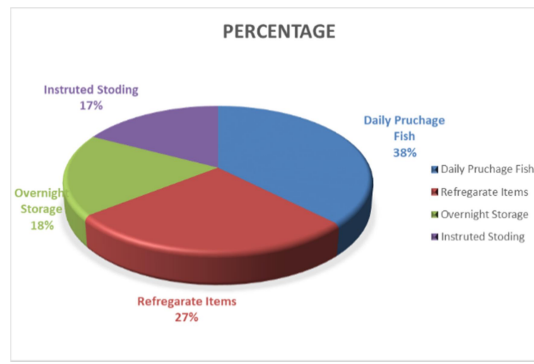


Figure 1 Storage

**Figure 1** shows that while 73.6% of owners reported regularly purchasing fresh ingredients—a seemingly positive indicator—adherence to safe storage protocols was significantly lower. Only 52.8% separated meat, fish, and vegetables into different refrigeration units, and even fewer (35.8%) maintained proper overnight storage. Only 34% followed freezing guidelines for perishable items. This highlights a crucial gap in translating ingredient quality into actual food safety practices.

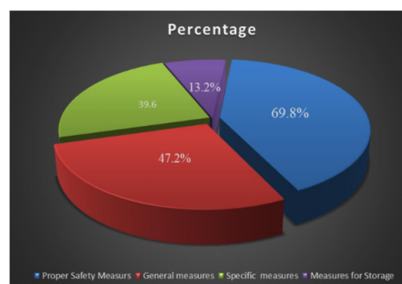


Figure 2 Hygiene for Storage



Figure 2 illustrates hygiene practices during food storage. Although 69.8% claimed to follow basic safety measures (e.g., masks and gloves for employees), only 47.2% observed general food-handling precautions, and a mere 39.6% adhered to legal requirements like using medicated water, drying, wrapping, and safe storage. Notably, 13.2% of respondents took no precautions at all, underscoring the urgent need for accessible enforcement and education.

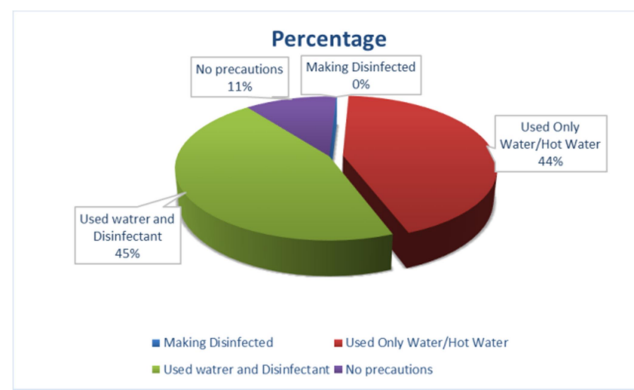


Figure-3 Hygiene for Utensils

Figure 3 examines utensil hygiene, revealing inconsistency in sanitation practices. While 43.4% of restaurants cleaned dishes with only water or hot water, 45.3% combined hot water and disinfectant. However, only 11.3% of low-end eateries followed even minimal sanitation standards. This reflects broader structural issues such as resource scarcity and poor infrastructure.

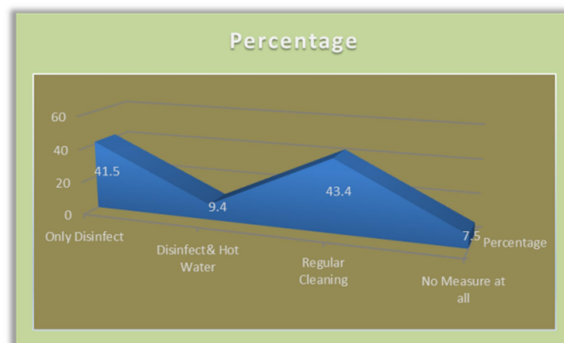


Figure-4 Hygiene for Furniture

Figure 4 addresses furniture hygiene. As seen in the figure, 41.5% of owners recognized the need for disinfectant cleaning, but only 9.4% actually used both hot water and disinfectant. Although 43.4% cleaned furniture regularly, most were unsure about using appropriate agents. Meanwhile, 7.5% admitted not cleaning furniture at all, further exposing gaps in day-to-day safety practices.

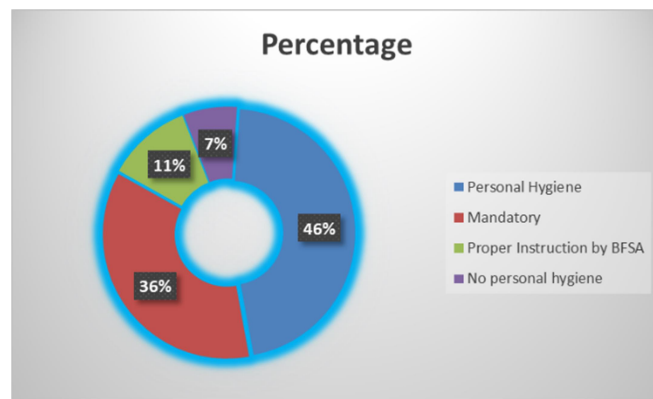


Figure-5 Personal Hygiene for Staff

Figure-5 provides insight into personal hygiene among restaurant staff. The figure indicates that 86.8% of staff followed basic hygiene practices like using masks and gloves, and 69% of owners valued cleanliness in their operations. However, only 20.8% were aware of formal instructions from authorities like the BFSA or Mobile Courts. About 13.2% of respondents neglected hygiene rules entirely. This suggests compliance was often driven by social expectations, not regulatory guidance.

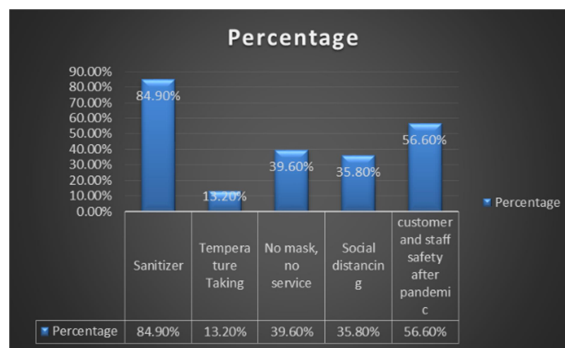


Figure 6- Customer Safety During and After COVID

Figure 6 demonstrates customer-facing safety measures. While sanitizer use was high (84.9%), very few establishments checked customer temperatures (13.2%). “No mask, no service” policies were poorly enforced, with only 39.6% reporting compliance. Similarly, 35.8% implemented social distancing, but these efforts were undermined by customer resistance particularly in lower-income areas.

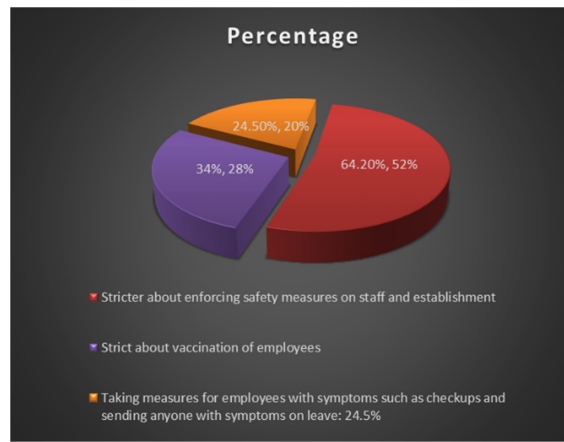


Figure-7 Management

Figure 7 reflects management-level practices. During the pandemic, 56.6% of restaurants took proactive steps to ensure safety; this increased to 64.2% afterward. However, only 34% of workers were cautious about vaccination, and just 24.5% enforced sick leave protocols for symptomatic staff. This suggests that while safety awareness improved post-pandemic, compliance with critical health practices remained inconsistent. In the wake of the Pandemic, certain trends became apparent. The analysis revealed the following patterns and tendencies:

### 8.1 Mid-End Restaurants

These establishments demonstrated visible efforts to follow safety protocols. They often provided staff housing to reduce exposure and adopted basic sanitization routines. However, they lacked targeted training or updated legal guidance from government agencies and

remained unaware of BFSA protocols, relying instead on generalized COVID-19 instructions.

### **8.2 Low-End Restaurants:**

These eateries claimed COVID compliance but provided minimal evidence of it. Due to their socioeconomic clientele, enforcement of mask or distancing protocols was nearly absent. Reuse of utensils in unsanitary conditions was common, and none had received food-specific guidance. Even where fines were issued by mobile courts, compliance remained superficial and unsustained.

### **8.3 High-End Restaurants:**

These businesses took relatively advanced measures, including regular deep cleaning, mandatory sick leave, and training sessions for staff. They used separate cutting boards, refrigeration units, and vegetable sanitizing techniques. However, their safety standards were developed independently, often through informal online sources. They lacked any structured regulatory roadmap for pandemic-era food safety.

The government gave only broad, vague safety recommendations, so the restaurants' management teams relied on their own information gleaned from social media and the mainstream media. However, they lacked any sort of targeted regulation for food safety during the pandemic. When asked which regulatory agencies they have encountered, the VAT authority and the BFSA were the most common responses.

## **9. Continuing Relevance of this Research Post-COVID**

The enduring relevance of this research lies in the fact that Bangladesh's food safety landscape remains highly vulnerable, with the pandemic having only magnified systemic weaknesses. While the COVID-19 emergency phase has officially ended, risks of foodborne illnesses and contamination persist, particularly within small and informal food outlets, which make up a large portion of

the market.<sup>98</sup> Despite regulatory progress, enforcement and compliance remain inconsistent. The pandemic accelerated the adoption of online food delivery services, yet regulatory oversight of these digital platforms is minimal.<sup>99</sup> Delivery aggregators like Foodpanda and Pathao have not been integrated into the existing food safety governance framework.<sup>100</sup> This regulatory gap leaves consumers exposed to unverified vendors and inconsistent safety standards.

Moreover, enforcement capacity of the Bangladesh Food Safety Authority (BFSA) continues to be limited. The 2023 Government Audit Report revealed that the BFSA's laboratory capacity is still insufficient for comprehensive testing across food categories, especially microbial and chemical hazards.<sup>101</sup> Additionally, field inspections remain irregular due to staff shortages and inter-agency coordination gaps.<sup>102</sup> Mobile courts, while effective during the pandemic, are now less frequently deployed for food safety offences.<sup>103</sup>

Recent media reports highlight persistent problems with adulteration and contamination. For instance, in 2023, mobile courts uncovered widespread use of formalin in fish and non-compliance

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<sup>98</sup> New Age, 'F-commerce scams on the rise during Eid shopping spree' (New Age, 20 April 2023) <<https://www.newagebd.net>> accessed 3 June 2025.

<sup>99</sup> Statista, 'eCommerce - Bangladesh, Statista Market Forecast' (Statista) <<https://www.statista.com>> accessed 3 June 2025.

<sup>100</sup> RSIS International, 'Strengthening e-commerce consumer protection in Bangladesh: Legal challenges, regulatory gaps, and reform strategies' (RSIS International, 2023) <<https://rsisinternational.org>> accessed 3 June 2025.

<sup>101</sup> Bangladesh Food Safety Authority, 'Annual Audit Report 2022 - 2023' (BFSA, 2023).

<sup>102</sup> The Financial Express, '30,000 complaints filed against e-commerce entities' (The Financial Express, 6 October 2022) <<https://thefinancialexpress.com.bd>> accessed 3 June 2025.

<sup>103</sup> *The Daily Star*, '17 e-commerce firms fined' (The Daily Star, 30 September 2021) <<https://www.thedailystar.net/business/economy/e-commerce/news/17-e-commerce-firms-fined-2199981>> accessed 3 June 2025.

with labelling standards in dairy products.<sup>104</sup> The Prothom Alo has reported that “consumers remain ensnared in legal loopholes,” with offenders exploiting weaknesses in enforcement.<sup>105</sup>

Although the BFSA issued the Microbial Pollutant Control Regulations 2021, compliance among low-end restaurants remains poor.<sup>106</sup> Many owners lack both the financial means and knowledge to implement standards such as Hazard Analysis and Critical Control Points (HACCP) or Good Manufacturing Practices (GMP).<sup>107</sup> This is compounded by the fact that consumer awareness of food safety rights is still alarmingly low.<sup>108</sup> Bangladesh’s ambition to align with Codex Alimentarius and international best practices faces hurdles. Despite adopting several Codex standards in principle, operationalization remains weak.<sup>109</sup> Furthermore, laboratory infrastructure does not yet meet the stringent requirements of ISO/IEC 17025 accreditation, a precondition for international recognition of testing results.<sup>110</sup>

In the post-pandemic era, it is crucial to institutionalise the improved hygiene behaviours that emerged during COVID-19. However, without making these standards mandatory through binding legal reforms, the sector risks regressing to pre-pandemic practices.<sup>111</sup> The recent surge of climate-induced disruptions, such as

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<sup>104</sup> *The Daily Star*, ‘E-commerce refunds worth Tk 127cr stuck in payment gateways’ (The Daily Star, 21 August 2024) <<https://www.thedailystar.net>> accessed 3 June 2025.

<sup>105</sup> *Prothom Alo*, ‘Consumers ensnared in legal loopholes’ (Prothom Alo, 1 January 2023) <<https://en.prothomalo.com>> accessed 3 June 2025.

<sup>106</sup> Bangladesh Food Safety Authority, ‘Microbial Pollutant Control Regulations 2021’ (BFSA, 2021) <<https://bfsa.gov.bd>> accessed 3 June 2025.

<sup>107</sup> Mia B and Mallick S, ‘Protection of consumers’ rights in Bangladesh: Law and reality’ (2021) 4(3) *International Journal of Law Management & Humanities* 4789.

<sup>108</sup> Hossain M, ‘Consumers’ rights protection in Bangladesh’ (The Financial Express, 2021) <<https://thefinancialexpress.com.bd>> accessed 3 June 2025.

<sup>109</sup> UNCTAD, ‘United Nations Guidelines for Consumer Protection’ (UNCTAD, 2015) <<https://unctad.org>> accessed 3 June 2025.

<sup>110</sup> OECD, ‘OECD Guidelines for Consumer Protection in E-Commerce’ (OECD, 2016) <<https://www.oecd.org>> accessed 3 June 2025.

<sup>111</sup> United Nations Conference on Trade and Development, ‘Science, Technology and Innovation Policy Review of Ethiopia’ (UNCTAD/DTL/STICT/2020/3)

increased flooding, further heightens the urgency of building a resilient, adaptable food safety system.<sup>112</sup>

In short, this research continues to provide critical legal and policy guidance. It highlights the pressing need for: a) Strengthening enforcement through regular inspections and capacity-building; b) Closing regulatory gaps in the online food delivery sector; c) Enhancing laboratory infrastructure to meet international standards; d) Institutionalizing pandemic-era best practices through legislative reform; and e) Increasing consumer awareness to foster a culture of food safety.

By addressing these priorities, Bangladesh can move towards a modern, resilient, and internationally harmonized food safety regime, better equipped to safeguard public health in the post-pandemic era and beyond.

## **10. Policy Implications**

The COVID-19 pandemic has shown significant weaknesses in Bangladesh's food safety framework, especially with enforcement, communication, and the ability to address foodborne hazards during public health crises. The transmission of the SARS-CoV-2 virus via food is unlikely; yet the pandemic has highlighted the significant impact of food environments on the dissemination of infectious diseases. Elements include surface contamination, inadequate hygiene standards, and overcrowded environments in food preparation and service have exacerbated concerns regarding food safety. In response to the insights gained during the pandemic, the subsequent policy steps are recommended to enhance food safety legislation and systems in Bangladesh.

### **10.1 Institutionalizing Hygiene Protocols from the Pandemic Era into National Food Safety Regulations**

The Bangladesh Food Safety Authority (BFSA) ought to include pandemic-era cleanliness measures into national food safety rules,

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<<https://unctad.org>> accessed 3 June 2025.

<sup>112</sup> Halder S, 'Ecommerce Scam: Customers yet to get Tk 600cr back' (The Daily Star, 15 May 2023) <<https://www.thedailystar.net>> accessed 3 June 2025.

rendering them legally obligatory. These standards must encompass explicit hygienic measures, such as the disinfection of contact surfaces following each customer, obligatory use of gloves and masks by food handlers, regular deep cleaning, and proper storage practices for food and ingredients. By integrating these principles into legal frameworks, Bangladesh may guarantee uniform sanitary measures across all levels of food service, from upscale restaurants to modest eateries. This method will create a definitive standard of care that businesses must follow, reducing the likelihood of surface contamination and guaranteeing a safer food environment for consumers and employees alike.

#### **10.2 Amending the Food Safety Act 2013 to Incorporate Epidemic Response Protocols**

The Food Safety Act of 2013, however, requires thorough revision to clearly incorporate response processes for epidemics and other public health crises. New provisions must delineate explicit obligations for food enterprises during emergencies, encompassing requirements for compensated sick leave for food handlers, adherence to social distancing protocols, and obligatory reporting of foodborne illness outbreaks. The incorporation of these standards will institutionalize the responsibility of food enterprises in safeguarding public health during emergencies, guaranteeing that the food industry is equipped to react promptly and efficiently in forthcoming pandemics.

#### **10.3 Implementing a Digital Monitoring System for Compliance Oversight**

In light of Bangladesh's growing digitization, the BFSA should implement a digital monitoring system to oversee food safety compliance in real time. This system may entail the creation of a mobile application or web portal, enabling food service enterprises to record regular hygiene inspections, including cleanliness procedures, temperature regulations, and food storage conditions. In instances of non-compliance, the system may initiate unannounced audits or visual inspections by food safety officials, enhancing accountability and enabling prompt solutions. A



computerized system would enhance data collecting, facilitating more efficient analysis and more informed policy decisions.

#### **10.4 Targeted Capacity-Building Initiatives for Low-End Restaurants**

The epidemic exposed considerable deficiencies in food safety understanding and execution among small and informal food sellers. These enterprises frequently lack the requisite resources and expertise to adhere to food safety regulations. The government should partner with NGOs and other stakeholders to implement focused capacity-building initiatives for small eateries. These programs ought to provide complimentary, multilingual multimedia guides, on-site training, and subsidized access to sanitation resources. By providing informal food vendors with the necessary equipment and expertise to adhere to food safety standards, the government may elevate the overall standard of food safety within the food service sector.

#### **10.5 Mandating Public Disclosure of Food Safety Ratings**

Restaurants in Bangladesh should be mandated to exhibit a food safety grade (A/B/C) reflecting their adherence to hygiene and safety requirements, in accordance with worldwide best practices. This method would improve consumer accountability by enabling patrons to make informed dining choices. Publicly exhibiting these ratings would motivate food enterprises to enhance their hygienic measures, as a superior grade would function as an advantageous marketing asset, whereas an inferior grade could result in diminished patronage.

#### **10.6 Enhancing the Enforcement Authority of BFSA with Defined Penalties**

The enforcement capabilities of the BFSA must be increased to guarantee compliance with food safety regulations. Post-pandemic food safety regulations must be supported by well delineated sanctions, such as fines, license revocations, and business closures for recurrent infractions. These sanctions must be publicly recorded and made available to consumers, promoting openness and

emphasizing the significance of compliance. Enhancing enforcement mechanisms will ensure that non-compliant businesses are held accountable and that food safety standards are routinely upheld.

#### **10.7 Requiring Health Screening and Vaccination Documentation for Food Industry Employees**

Pandemic preparedness must encompass the creation of a health database for food sector personnel, comprising authenticated health screening and immunization documentation. These records must be linked to workers' work permits or identity, guaranteeing that all food handlers are qualified for employment and free from contagious diseases. Routine health exams and vaccine updates will mitigate the risk of foodborne infections and other health hazards associated with food preparation and service.

#### **10.8 Integrating Food Safety with E-Commerce and Delivery Platforms**

The swift expansion of online food services during the epidemic has underscored the necessity for food safety rules to encompass digital platforms. E-commerce and food delivery companies, like Foodpanda and Pathao, must be mandated to verify the food safety compliance of the vendors featured on their sites. This can be accomplished by obligatory inspections and the integration of food safety certification into the registration procedure for food providers. Ensuring that food delivery platforms adhere to food safety regulations will mitigate the dissemination of contaminated food in the expanding online food service sector.

#### **10.9 Establishing an Inter-Agency COVID-19 Food Safety Task Force**

To mitigate the fragmentation of food safety responsibilities among multiple ministries, an inter-agency COVID-19 Food Safety Task Force should be formed. This task force will coordinate responses to future public health emergencies, unify overlapping food safety obligations, and guarantee the consistent application of food safety standards across all sectors. The task force can enhance efficient and coordinated action during future pandemics by uniting

representatives from the BFSA, Ministry of Health, Ministry of Agriculture, and other pertinent entities.

#### **10.10 Enhancing Consumer Awareness and Enforcement of Rights**

Alongside legislative measures, it is imperative to augment consumer awareness concerning food safety standards. The Consumer Protection Directorate ought to implement regular campaigns to inform consumers on identifying safe food practices, reporting violations, and insisting on adherence to food safety standards. By equipping consumers with the knowledge and resources to hold firms responsible, these initiatives can enhance public engagement in upholding food safety regulations, ultimately fostering a more resilient and sustainable food safety culture.

#### **11. Concluding Remarks**

The COVID-19 pandemic has exposed both strengths and significant vulnerabilities in Bangladesh's food safety regulatory framework. While the establishment of the Bangladesh Food Safety Authority (BFSA) and recent legislative reforms mark important progress, persistent enforcement challenges, resource constraints, and gaps in scientific infrastructure continue to undermine food safety outcomes. To ensure resilience in the face of future public health crises and to align more closely with international best practices, several actionable policy recommendations are necessary.

First, Bangladesh should expedite the establishment and accreditation of modern, internationally recognised food testing laboratories across major regions. Reliable, scientific testing is crucial for detecting contaminants, enforcing standards, and responding promptly to emerging threats, such as pandemics or foodborne outbreaks. Additionally, enforcement and inter-agency coordination must be strengthened by enhancing the capacity of the BFSA through increased funding, the recruitment and training of inspectors, and the use of digital technologies for monitoring. Formal mechanisms for coordination among the BFSA, Ministry of Health, local government, and law enforcement are also essential to ensure unified and efficient enforcement. The Food Safety Act should be amended to include specific, legally binding protocols for

food businesses during public health emergencies, incorporating lessons learned from COVID-19. These protocols should be regularly reviewed and updated based on evolving international guidelines such as Codex Alimentarius and FAO or WHO recommendations, ensuring preparedness and rapid response in future crises.

Moreover, oversight must be expanded to cover informal food vendors and the rapidly growing online food delivery platforms. This includes developing tailored regulatory frameworks that encompass licensing, hygiene training, and regular inspections, as these sectors form a significant but often overlooked part of the food supply chain. Moreover, public awareness and stakeholder engagement also play a vital role. Nationwide education campaigns targeting both consumers and food business operators should be launched, and industry associations, civil society, and consumer groups should be actively involved in developing and disseminating food safety standards. Reducing chemical contamination is another urgent priority. Bans on harmful chemicals and unsafe food preservation methods must be strictly enforced, with traceability systems for agricultural inputs, regular market surveillance, and increased penalties for violations.

Furthermore, continuous capacity building should be institutionalised through ongoing training for food safety inspectors, laboratory personnel, and food business staff to keep pace with emerging risks and scientific developments. Finally, transparent reporting systems for food safety violations and enforcement actions should be implemented, accessible to the public and media. Judicial oversight should be strengthened, with clear channels for consumer complaints and redress. Transparency and accountability are essential to building public trust and deterring non-compliance. In summary, Bangladesh must move beyond reactive measures and adopt a comprehensive, science-based, and inclusive approach to food safety management. By implementing these recommendations, the country can better protect public health, meet international standards, and ensure the resilience of its food system in the face of future challenges.