

The Role of Precautionary Principal in Protecting Consumers from Food Additives Damages

دور مبدأ الاحتياط في حماية المستهلكين من أضرار المضافات الغذائية

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Abstract:

Despite the emergence of the principle of precaution initially in the field of the environment, however it has been adopted in the area of private law as a transition to the field of private law, specifically the law on consumer protection and the suppression of fraud, as the Algerian legislator did not hesitate to set the general framework for consumer protection from pollutants allowed to be used in food, even with scientific uncertainty in line with the concept of food safety. Specified in Executive Decree No. 15-172 of June 25, 2015, which defines the conditions and modalities applied in the field of microbiological properties of foodstuffs, especially the use of food additives.

Keywords : Food, precautionary principle, food additives, potential harm, scientific uncertainty.

الملخص:

بالرغم من ظهور مبدأ الاحتياط بداية في مجال البيئة إلا أنه عرف انتقالا إلى مجال القانون الخاص و بالتحديد قانون حماية المستهلك و قمع الغش ، إذ لم يتوان المشرع الجزائري في وضع الاطار العام لحماية المستهلك من الملوثات المسموح باستعمالها في المادة الغذائية بما يتلاءم مع مفهوم السلامة الغذائية المحدد في المرسوم التنفيذي رقم 15-172 المؤرخ في 25 جوان 2015 الذي يحدد الشروط والكيفيات المطبقة في مجال الخصائص الميكروبيولوجية للمواد الغذائية ، خاصة استعمال المضافات الغذائية ، وهو ما يوجب داخلنا تساؤلا حول كنه الارتباط بين مبدأ الاحتياط و السلامة الغذائية فيما يتعلق بمجال المضافات الغذائية تحديدا

الكلمات المفتاحية: الغذاء ، مبدأ الاحتياط ، المضافات الغذائية ، الضرر المحتمل ، عدم اليقين العلمي.

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Introduction:

The use of food additive in the field of food industry is so indispensable despite of their damages they can cause to human health in the medium and long term .this has push jurists to support legal protection with a relatively new principle called precautionary principle .

This recent concept was legally formulated to face special damages characterized by their dangericy ,irreparable through proactive measures able to protect the environment , but the jurist reached that they can transfer this principle to the private law and specially to consumer protection law and suppression of fraud ,because of its great importance also common points between environmental damages and damages result from food additives which represents a strong reason push the Algerian legislator to established it.

From this point of view , appears the practical importance of the subject of our research specially with huge interest to the theme of food additives and its negatives multidimensional impacts , and it is so important to highlight these issues and focus on the new creating by jurisprudence and judiciary in order to find the answer for the following question :

What is the role of precautionary principle in protecting consumers from the food additives damages?

We have adopted the analytical approach in analyzing different texts to determine the meaning of prevention from additives food damages

To answer this important question we divided our research as follows :

- 1-the concept of precautionary principle.
- 2- aspects of applications of the precautionary principle in the field of food additives.

1. The concept of precautionary principle :

The precautionary principle appeared initially in the comparative law, then it was established in Algerian legislation with many texts.

1-1-the precautionary principle in comparative law :

The necessity of suppression of the environmental damages irreversible with a different way from the classical one , create a new legal concept which It is necessary to trace the historical evolution of this legal concept , and also without doubt define its conditions .

1-1-1 : the appearance of Precautionary principle historically :

The appearance of the term precautionary principle was at the first time in the global charter of nature ,and it was firstly formulated in 1987,including the second legally seminar of north sea¹ where the countries decided to protect the north sea from the most dangerous effects using precautionary approach, after that in the nineties this concept was adopted from several international texts like Rio declaration in the closing of earth summit in 1992,and Kyoto protocol in 1997, It should be noted that the precautionary principle appeared the first time in German jurisprudence in the end of seventies under the name Vorsorgeprinzip²

¹ The precautionary principle has formulated the french policies in the environmental field and also in health, starting from Barnier law in february 1995,concerning protection of environment and it was also established in 5th article of the constitution.

² Natural ressource economics society conference,Manly ,Newsouth Wales 8-10,february 2006,P4,available on the web site : pc.gov.au,15/06/2023 at 17 :01.and also: presidential Decree 96-53 of January 22, 1992 containing Algeria's ratification of the United Nations Convention on the Law of the Sea, No. 6.

The precautionary principal appear in Rio De Janeiro declaration in 1992, which contains 27 principles, related to protect global environment and development. Its purpose was to search for a special model for sustainable development as an economic and social model of development that aims to ensure the perpetuation of the earth's natural heritage and responds to the needs of present and future generations¹

in the 15th principle, which based on the prevention from environmental issues before it happened to face irreversible damages with proactive measures. So we don't wait the damages until it happened, because it is without benefit because of the nature of this damages, and in European level this principle was confirmed in the article 174-R from Maastricht convention

1-1-2 : Definition of the Precautionary Principle:

The precautionary principle as proposed by Cooney (2005), emphasizes the proactive approach nations should adopt to safeguard against potential harm, particularly in cases where there is a risk of significant or irreversible damage to the environment. This principle asserts that lack of absolute scientific certainty should not hinder the implementation of cost-effective measures aimed at preventing environmental degradation. Despite its adoption by countries like Sweden and Denmark into their environmental and public health policies, there remains a lack of universal consensus on its interpretation and application within the legal community, despite the accumulation of case law.

The precautionary principle, as broadened during the Wingspread conference in Racine, Wisconsin, USA in 1998, asserts that in cases where an activity poses potential harm to human health or the environment and the cause-and-effect relationships are not fully scientifically established, precautionary measures should be taken.²

So the precautionary principle is a notion which refforts taking protective action before there is complete scientific proof of a risk, that is action should not be delayed simply because full scientific information is lacking. The farther of the precautionary approach is Hippocrates, who said "As to diseases make a habit of two things help, or at least, to do no harm"³.

¹ BEN CHAABANE Faouzi, The Legal and Jurisprudence Consecration of Precautionary Principle in The Field and political science, vol 60, N 3, 2023, p352. of environment Protection, Algerian Journal of Legal We must know that the principle of precaution is enshrined in many international and regional agreements, including the Barcelona convention of 1976 on the protection of Mediterranean sea, the convention of the law of the sea in Jamaica on December 10, 1982, also the Vienna convention of 1985 on the Ozone layer as well as the Frame work convention on climate change in 1992, and the framework convention on biodiversity in 1992, see: MAIZI Khalidia, Applications of the Precautionary Principle in Algerian Journal of Law and Political Science, Vol 6, N 1, 2021, p 663, and also BIZAT Sonia, The Legal Value of the precautionary principle and its applications, works of the International Virtual Forum on the legal consecration of the principle of precaution and its applications, on April 12, 13, 2021, available on site web: fdsp.univ-boumerdes.dz, and also: BELHOUT Ibrahim, The Standard Value of The Principle of Precaution, The Works of the International Virtual Forum on the legal consecration of the principle of precaution and its applications, p71, available on site web: fdsp.univ-boumerdes.dz.

² The United States is not alone in North America to initiate the precautionary principle, Canada has developed a precautionary framework policy that was formally approved by the Canadian government in August 2003; Wallace Hayes, the precautionary principle archives of industrial Hygiene and toxicology, p164, available on the site web: researchgate.net, in 18/08/2023, at 18:19. Archives of Icelandic legal journal, 1996, vol 49.

³ Development Asia Bank, the precautionary principle, available on website: Events.development.asia, in 15/08/2023 at 18:31.

1.1.3: The conditions of application of precautionary principle :

- **Unceirtainty :**

The definition states that uncertainty arises from a lack of information or unknown factors. Smithson (1989) provides a typology of sources of ignorance, wherein "uncertainty" is categorized as one of them. He further divides uncertainty into three distinct categories: vagueness, probability, and ambiguity. Vagueness relates to a range of possible values along a continuum, probability involves the principles of chance, and ambiguity pertains to a finite number of distinct possibilities.¹

It is crucial to distinguish between two terms, namely risk and uncertainty, as per the economic perspective of "Knight Franks." Risk refers to a scenario where precise and specific damages can be identified. On the other hand, uncertainty denotes a potential danger that cannot be scientifically determined. In the case of risk, preventive measures can be taken, whereas in situations of uncertainty, precautionary measures become imperative², it should also be noted that "CFC was considering as one of the most safety and healthy product until discovering that it can destroy Ozone layer and the same about DDT", which is insecticides³

- **Seriousness of damages :**

Precautionary responsibility cannot be established in cases of minor damage; it necessitates the presence of serious harm. This condition is paramount in various legal frameworks. Additionally, we must acknowledge that minor damage, if left unaddressed over time, can escalate into significant harm.⁴

- **Economic cost Acceptability :**

The application of the precautionary principle requires the presence of significant environmental damages and a justifiable economic cost to mitigate potential harm. This balance is essential for safeguarding both the environment and the freedom to engage in economic and industrial activities while ensuring public health is preserved.⁵

1-2 the precautionary principle in Algerian legislation:

Algeria, like many countries, adopted the precautionary principle through various international conventions and is in the process of incorporating it into its national legal system. In Algerian law, the precautionary principle is defined as the proactive approach taken to prevent environmental harm and protect public health in the face of scientific uncertainty. Its conditions include the requirement for evidence of potential harm, the feasibility of preventive measures, and the consideration of economic and social factors , so what is the definition of precautionary principle in Algerian law, and what are it conditions? .

¹ COMEST, the precautionary principle, unisco 2006, available on website : doc.unesco.org in 15/08/2023 at 18:58 . Wheeler, D.M and others, uncertainty, What is it?, Conference nutrient management in farmed landscapes at Palmerston north Volume 33, available on website :

Firc. Massey.ac.nz, in15/08/2023 at 19:59

² FOURCANS André, un principe à manier avec précaution, revue risques. Fr, n 57, mars 2004, p94, consulte le 26/03/2022 à 18:13.

³FOURCANS André ,opcit,p84

and also: BHIANG Rathbun, uncertain about uncertainty, understanding the multiple meanings of crucial concept in international Relations Theory, international studies quarterly (2007), p538.

⁴ Robert V.Percival, who's afraid of the precautionary principle?, p15, available on website : the.digitalcommons.Law.u.maryland.edu, in 15/08/2023,at 21 :08.

⁵Deborah .C.Peterson, ,opcit,p10.

1-2-1 the definition of precautionary principle in Algerian law

Under the new legislative direction to protect environment in Algeria, Algerian legislator established many new principles in the law 03-01 dated in 15/07/2003 related to protect environment in the framework of Sustainable development, As the article 3 states¹, and also with the article 8 from the law 04-20 related to prevention from huge dangers and catastrophes in the framework of sustainable development², Algeria adopted precautionary measures after authentication on many international agreements of repression of pollution and cooperation in the this field³.

1-2-2 the conditions for applying the precautionary principle in Algerian legislation:

In addition to the General conditions previously mentioned, the Algerian legislator also stipulated the severity of the damage according to the law 20-04 related to prevention from huge dangers and catastrophes management in the framework of sustainable development, where he describe the huge danger as any potential threat on human and their environment. perhaps can happened because of exceptional dangers or/and because of human activities and he mentioned many of this dangers in the article 5 by saying:

" the Protection from huge dangers in the provisions of article 5 concerning the following dangers:

- earthquakes and geological dangers, floods, dangers.
- fires of forests.
- Energetical and industrial dangers.
- Radiological and nuclear dangers.
- dangers related to human health.
- Dangers related to animal and plants health.
- Multiple forms of pollution" "Air, land sea or Water
- the disasters resulting from population gatherings" .

So the plan for the prevention from the industrial and energy dangers represents a many measures and procedures to prevent and limit from the danger of explosions and gas emission and to limit also from dangers related to dangerous product basing on the article 23 of the law 20-04 previously mentioned.

2- the applications aspects of the precautionary principle in the field of food additives:

The importance of precautionary principle and its effective role in the suppression of special damages make the jurists integrate this principle with its multiple dimensions in the field of consumers protection law and suppression of fraud especially in food additives

¹ the law 03-10 dated 19.july 2003 related to the protection of environment in the workframe of sustainable development , official journal n 43 dated 20 july 2003.

² the law n 04-20 related to the huge dangers dated 25/12/2004, official journal n 84.

³ A part of the jurisprudence tends to consider it as a principle of legal nature based on principles of customary international law, and there are those who see it as an independent legal rule, while another side considers it as a new ethics of responsibility, and a fourth trend sees it as an extension of the precautionary principle previously found in civil law, CABE Amel, The Legal Framework for the Precautionary Principle, an intervention at an international forum entitled The Legal Consecration of the Precautionary Principle and its Applications, an international forum on 12 and 13 April 2021, University of Boumerdes. Available on the website: fdsp.univ-boumerdes.dz, viewed on 19/01/2024.

area which reinforces the food safety with a several rules align with the special damages resulting of breaking rules of food additives.

In order to clarify this point , we must study the food additives from legal perspective first, then We move on to the impact of precautionary principle in creating a new rules to protect consumer from the food additives harms.

2-1: The food additives from Legal perspective:

The necessity of using food additives impose the sureness of establishing a legal framework control its use and confront to responsibility resulting , So what is the meaning of food additives, terminologically and legally ?.

The use of food additives in food industry is indispensable despite its damages, So How do we classify the food additives? and how do we use them legally ?.

Food additives are substances incorporated into our food for specific purposes. The term originates from the word "add" and functions as an adjective. However, food encompasses anything that can nourish our bodies through consumption, including both food and beverages.¹

, However, the term "food" is used to describe any substance that humans can consume for sustenance, whether it be plant-based, animal-derived, liquids like water, or other beverages. Its purpose is to provide the necessary energy to sustain and support human life².

2 -2-1 the legal definition of food additives :

To clarify this point, we must study food additives at international level first , then define them in Algerian law.

- **The international definition :**

The first international definition of food additives was in 1956, means any substance the intended use of which results, or may responsibly be expected to result directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food³.

Food additives, nutraceuticals and dietary supplements functional ingredients that are either are intentionally added to food for specific function or are used in dietary formulations to supplement the intake of nutrients in a normal diet. Although its definition is still evolving the term "functional food" ingredients is increasingly being used to describe nutraceuticals or bioactives that have been in to a food for health-related function⁴.

A food additive, as defined in European Community (EC) legislation, is "any substance not normally consumed as food in itself... the intentional addition of which to food serves a technological purpose.". The legal definition of food additives is undergoing change due to the introduction of a new list of authorized flavorings by the EU in 2011. This list permits

¹ Food English meaning, Combridge Dictionary, available on website: www.dictionay.Combridge.org, in 16/08/2023 at 17 :10.

² Ontologie-birseit.edu, in 01/10/2021, and Almaany.com, in 01/10/2023 at 17:10.

³ J.E Hoadley, in functional food, 2011, p201 available on website: sciencedirect.Com, in 17/08/2023, at 17:15.

⁴ M.A. Augustin, L. Sanguansri, Encapsulation technologies and Delivery systems for food ingredients and Nutraceuticals, Nissim Ganti, D. Julian McClements, 2012, p90, available on website: science direct.com, in 12/08/2023, at 17:15, Ben Mephram, food additives : an ethical evaluation, university of Nottingham, UK, 2 july 2011, P9, available on website: academic.oup.com, in 17/08/2023 at 17:50 academic.oup.com.

around 5000 artificial flavorings, largely based on criteria similar to the US Food and Drug Administration's designation of "generally recognized as safe" (GRAS). It's important to note that the term "additive" generally excludes substances added to food unintentionally, such as packaging migrants, agrochemicals used in crop production, or drug residues resulting from the treatment of farm animals. Although these substances often raise ethical concerns, they are not considered food additives. Algeria has adopted international classifications for food additives, known as INS.¹

- **Food additives définition in Algerian législation:**

The Algerian legislation had also defined food additives through the third article from the executive decree n° 12-214 dated in 15 may 2014 related to conditions and Methods of use food additives for human consumption, and also the same executive decree confirmed that the food additives must be permissible, it means allowed according Islamic legislation².

It should be noted that Algerian legislator distinct between food additives and food polluter in the article 3 in executive decree n°12-214 previously mentioned ,The use of food additives aims to achieve several goals, the most important of which are:

-preserving the nutritional value of food.

-Considering as indispensable in the diet food.

-to improve conserving food without change the nature of food³ , so The use of food additives related to an important concept called food safety stated in the article 4 in the executive decree n° 15-172 dated in 25 June 2015 define conditions and Methods in the field of microbiological characteristic food⁴ so, food additives is considering as a new technological technique in the food world.

2-2 Protection of consumers from food additives harms

We must study first, How to protect consumers with obligation of information, and what are the precautionary measures .?

2-2-1Protect Consumers through information obligation :

No matter how many jurisprudential definitions there are through which jurists have tried to give an accurate definition of the obligation to inform, its content cannot deviate from the necessity for the professional to provide all the information related to the product clearly without leaving place to ambiguity, which allows the consumer, after getting to know it and on its basis, to choose the product, especially the food that will be entered into Its body, which is what was stated in Article 10 of Executive Decree No. 12-203 relating to the rules applied in the field of product security⁵.

we can browse the website of Algerian ¹ To know about the SIN "international classification for food additives", commercial ministry : www.commerce.gov.dz

²Article 3 of Decree No. 05-484 of 22 December 2005 amending and supplementing Decree No. 90-367 of 10 November 1990 on the labelling of food commodities. defines food as any processed, partially processed, or raw material intended for human or animal nutrition, including beverages, chewing gum, and all materials used in food manufacturing, preparation, and processing, with the exception of materials used only in the form of medicines or cosmetics, or tobacco materials.

³ Article 8 in the executive decree 12-214 previously mentioned.

⁴ Article 3 in the law 03-09 related to consumers protection and respression of fraud , dated in 25 february 2009, journal official journal n 15.

⁵ Dated on 06-05-2012, Official journal No. 28 , See also : Zayed Mohammed, Commitment to informing in the Consumer Contract, Afaq Scientific Magazine, Volume 12, N 04, 2020, p. 541.

The obligation to inform is considered the clearest aspect of good faith, and it expresses the necessity of informing the parties to the contractual relationship of a minimum of information about the product being consumed, especially the components of the product. The matter becomes more serious and important when the product is food, which exposes human health to damage that may reach the point of being irreparable. The obligation to label the product in its positive aspect is coupled with a negative obligation, which means refraining from providing any information that might create confusion among the consumer, which is what Article 60 of Executive Decree No. 13-378 stated¹.

Ethiquette is one of the most important legal way to inform consumers by all the components of any product , according the article 17 of law 03-09 related to protection of consumers states that every Economic intervening must inform consumers by every information related to product by labeling product or any other appropriate way, food labeling is describe food by : determine characteristics by writings, signals, signs, symbols, food² ,The term characteristics" means according to the executive decree 13-378- related to conditions and ways to inform consumers³, every important information includes Product identification, Producer, product nature. the satisfy consumers clearly includes product identification ,producer, product nature ,the component, security information, price, term of service contracts⁴

According the applicable law in Algeria , all that information must be writing in Arabic language , and the producer can use also any other foreign language easy to understand , Readable and legible⁵.

Defining the components of the food product clearly and clearly allows the consumer, with a sound will, to choose what he will consume. According to the third paragraph of Article 3 of the Consumer Protection and Fraud Suppression Law, spoilage is considered an integral part of the commitment to advertising and plays a dual role, which is firstly to protect the food item from Pollution, and secondly, informing the consumer of its ingredients, provided that the type of product is taken into account in the packaging process. Food products are packaged with specifications that differ from non-food products⁶.

¹Issad Fadila, The producer's commitment to informing the consumer in light of the Consumer Protection Law and Executive Decree No. 13-378 of November 9, 2013 specifying the terms and conditions related to consumer information, Journal of Human Sciences, No. 48, 2017, Volume A, p. 245.

² Article 3 in law 03.09 related to protection previously mentioned. The Algerian legislator distinguished between labeling related to food items and labeling related to non-food items through the text of Article 02 of Executive Decree 90-366 regarding the labeling and display of non-food items, dated November 10, 1990 in the Official journal No. 50.

³ Executive decree 13-378 dated in 09 November 2013 related to conditions and ways to informe cosumers, official journal n 58 dated in 18 November 2013.

⁴Article 3 in the excecutive decree n° 13-378 previously mentioned.

⁵ Article 18 in the law 03-09 related to cosumers protection and respresion of fraud previosly mentioned.

⁶ BACHIR Salim, Commitment to Informing and methods of implementing it in accordance with the provisions provisions of the Consumer Protection and Fraud Suppression Law 03-09, Journal of Rights and Liberties, vol 4, April 2017, p. 38. There are many words that indicate commitment to information, including renseignement, which means information, the term information, which means informing, the term notification, which means notification, the term advise, which means notice, and the term give information, which means providing knowledge. To know more details about the topic, see: BENADIDA Nabil, Commitment to the media and its consequences in the field of consumer law, Doctoral thesis, University of Oran, 2018, p. 12.

The commitment to inform has undergone significant evolution influenced by the precautionary principle, now extending to suspected hazards, as evident in specific legal provisions regarding the labeling of genetically modified foods or food additives. Moreover, this commitment has broadened to encompass public disclosure, including unconventional scientific opinions deemed credible. Furthermore, the precautionary principle has expanded the scope of monitoring obligations, requiring stakeholders to continue monitoring product safety even after market introduction and to inform consumers of any emerging risks, regardless of their prior knowledge upon circulation, as outlined in Article 5 of Decree No. 12-203 concerning the regulations governing product safety.¹

2-2-2 precautionary Measures

Despite that precautionary principle appear in environment field, but it transferred to consumer law through finial or temporary rejection of the imported product and temporary withdrawal.

- **The temporary or finale rejection to of imported product**

The agents mentioned in the article 25 in the law 03-09 related to consumer protection and repression of fraud refuse temporary the entrance of imported product when they doubt about conforming the product to the specifications legally required, and after doing careful investigations they can decide the final rejection to the imported product²

- **temporary withdrawal:**

Temporary withdrawal means that every product is put up for consumption if it is too suspected of non-conformity , waiting for investigations results especially analyzes or tests or deep experiment and the republic agent must be informed³.

Suppose the case of conformity, in this time the sample will be compensated according to the justiciable record , The Algerian legislator also mentioned another case of finally withdrawal without prior license from republic agent in the article 67 in the law 03-09 related to consumers protection and respression of fraud which states the following:

- The products proven unfit for consumption .
- Counterfeit products.
- things and devices using forgery.
- every product can be used in forgery.

However, when the non- conformity is improved, The agents must destroy the products and also decide a temporary suspension of the enterprise, then the consumers must be informed with different ways to avoid dangers related to the product under withdrawal⁴. It is noteworthy that the precautionary principle and its implications in

And to know about the several definition of the obligation of informing see : BENADIDA Nabil,Ibid ;p 13.

¹ "Boularas Mukhtar, Civil Protection for Consumer Protection from the Harm of Food Products in Algerian Legislation, Master's Thesis, University of Adrar, 2015, p. 25"

And also : Executive Decree 12-203 dated May 6, 2012, concerning the regulations applied in the field of product safety, Official journal No. 28.

² Article 54 in the law 03-09 related to cosumers protection and respression of fraud previously mentioned.

³ Article 61 in the law 03-09 related to cosumers protection and respression of fraud previously mentioned.

⁴ BEN AZOUZ , Applying the principle of precaution in the field of food security , an intervention at an international forum entitled The Legal Consecration of the Precautionary Principle and its Applications, an

consumer protection alone constitute a significant tool. Therefore, the legislator has coupled it with stringent regulatory measures.¹

The Algerian legislator has not explicitly stipulated the penalties for violating the provisions regarding the use of food additives. However, since food additives are part of the obligation of ensuring food safety, Article 71 of Law 09-03 on Consumer Protection and repression Fraud imposes a financial penalty ranging from two hundred thousand Algerian dinars to five hundred thousand Algerian dinars on anyone who violates the obligation of food safety specified in Articles 4 and 5 of the law.

The Algerian legislator has settled for imposing a financial fine on violators of the law without imposing any custodial penalties. Moreover, the value of the fine is considered minimal and therefore not sufficient as a deterrent punishment. Therefore, there is an emphasis on the legislator to increase the value of the financial penalty².

Conclusion:

The precautionary principle first appeared in comparative law, and subsequently, the Algerian legislator established it in numerous texts and implemented various necessary measures. This was particularly evident in cases involving irreversible damages and severe effects on health and the environment. Consequently, it became imperative to apply this crucial principle in the field of consumer protection to address the harms caused by food additives, which are among the most prevalent pollutants legally permitted.

Results: We can conclude the following results:

1- Food additives are any substances that cannot be used as food but are used to achieve technological purposes in preparation, fabrication, or backing.

2- Algeria adopted the international classification of food additives, established through Executive Decree No. 12-214 dated May 15, 2014, related to the conditions and methods of using food additives for human consumption.

3- It is essential to distinguish between food additives and complementary nutrition based on their roles in the human body.

4- It is necessary to draw a line between food additives and food contaminants when the Algerian legislator adopts a double standard by using Algerian qualifications. In their absence, we resort to international qualifications.

5- The obligation to inform is considered the clearest aspect of good faith, expressing the necessity of informing the parties to the contractual relationship of at least the minimum information about the product being consumed, especially its components.

6- Ethics is one of the most important legal ways to inform consumers about all components of any product. According to Article 17 of Law 03-09 related to the protection of consumers, every economic intervenor must inform consumers of all information related to the product by labeling the product or any other appropriate means. Food labeling

international forum on April 12 and 13, 2021, University of Boumerdes.available on the website: fdsp.univ boumerdes.dz, Browsed on 19/01/2024.

"Definition of food non-conformity: It is the response of each product offered for consumption to the conditions contained in the technical regulations and to its own health, environmental, safety, and security requirements." , see "Boularas Mukhtar, Civil Protection for Consumer Protection from the Harm of Food Products in Algerian Legislation, Master's Thesis, University of Adrar, 2015, p. 25.

¹ Bayat Fatihah. "Legal Guarantees for Protecting the Safety of Food Products in Algerian Legislation." Doctoral Thesis, University of Algiers, 2015, p 52.

² Amal Bouhantala, Legal Controls of the Use of Food Additives, Journal of Law and Human Sciences, Volume 5, N 2, 2022, p 488.

describes food by determining characteristics through writings, signals, signs, symbols, and food.

7- The Algerian legislator has implemented a series of conservative procedures, which are considered a clear reflection of the precautionary principle to protect consumers from harm resulting from food additives. The precautionary principle manifests in consumer protection through many conservative measures, especially the temporary rejection of imported products and the final rejection after conducting careful investigations.

Recomendations :

1- We recommend that the Algerian legislator increase measures taken against the damages caused by food additives, particularly in manufacturing and storage stages.

2- We urge the Algerian legislator to establish separate rules to clarify their application.

3- Unhealthy food additives must be prohibited in the food industry, and their overall usage should be reduced gradually.

4- There is a need to raise awareness at both consumer and industrial levels, utilizing technological methods, with cooperation between the Ministry of Industry and the Ministry of Health. This will benefit both individuals and society .The implementing of the precautionary principle in protecting consumers from the harms of food additives will have positive outcomes for both individuals and society as a whole. It implies that safeguarding consumers from potential risks associated with food additives will not only protect their health and well-being but also contribute to the overall welfare and advancement of society.

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