

Food safety enforcement in Zimbabwe: Evidence from published judicial decisions and publicly documented enforcement records (1990–2025)

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Abstract

Food safety legislation in Zimbabwe provides statutory powers for inspection, seizure, destruction of unsafe food, and prosecution of such offenders. However, empirical evidence on how these powers are enforced in practice remains limited. This study conducted a review of food safety-related legal cases adjudicated in Zimbabwe between 1990 and 2025. Published High Court and Supreme Court judgments were analysed alongside magistrates' court prosecutions and administrative enforcement actions documented in credible public sources. Cases were characterised by enforcement pathways, legal instruments invoked, evidentiary standards, outcomes, and institutional actors. The study reveals that food safety enforcement in Zimbabwe is active but unevenly visible. Higher courts primarily addressed procedurally complex matters, including civil litigation and trade-linked enforcement, while routine enforcement occurred largely through magistrates' courts and administrative actions. Common violations included expired foods, false description, labelling non-compliance, and illegal beverage manufacture. Enforcement was predominantly police-led, supported by environmental health, consumer protection, and laboratory services. Sanctions were generally modest and preventive in nature. However, most routine prosecutions and administrative outcomes were not captured in publicly accessible legal repositories. The identified records suggest a food safety system that is operational but fragmented, although findings should be interpreted as indicators of enforcement visibility rather than comprehensive measures of enforcement activity. Improved transparency, reporting, and coordination of enforcement actions would strengthen understanding of food safety governance in Zimbabwe.

Keywords: Food safety; Enforcement; Food law; Regulatory compliance; Zimbabwe

1. Introduction

Food safety remains a central public health and development concern worldwide. The World Health Organization estimates that unsafe food causes approximately 600 million cases of foodborne illness and 420,000 deaths each year, with the greatest burden borne by low- and middle-income countries (LMICs) where regulatory and enforcement capacities are often constrained (Mangen et al., 2015; WHO, 2022). Beyond morbidity and mortality, food safety failures undermine consumer confidence, restrict market access, and impose substantial economic costs on households and national food systems (Liguori et al., 2022). Consequently, effective food safety governance is now widely recognised as a cornerstone of public health protection, food security, and trade competitiveness (Dreyer, & Renn, 2009). Food safety governance refers to the structures, policies, regulations, institutions, and decision-making processes, both public and private, that ensure food safety throughout the entire supply chain, from production to consumption. It encompasses risk-based frameworks for assessment, management, and communication; state-set rules and standards; enforcement and surveillance mechanisms; as well as coordination among multiple stakeholders, including regulators, industry, consumers, and informal actors (Gao et al., 2023). Effective food safety governance is adaptive, evidence-based, and focused on minimizing foodborne risks, protecting public health, and promoting equitable and sustainable food systems. Central to any functional food safety system is a sound legal framework coupled with credible enforcement (Mphaga et al., 2024; Mugadza et al., 2025). Empirical evidence from LMICs consistently shows that the mere existence of legislation is insufficient; weak enforcement, limited institutional capacity, and procedural bottlenecks frequently erode the effectiveness of food safety controls (Grace, 2015; Kimanya, 2024). Understanding the implementation and practice of food safety laws is therefore critical for strengthening food control systems.

In Zimbabwe, the statutory basis for food safety enforcement is well established (Mugadza et al., 2025; Pswarayi et al., 2014). The Food and Food Standards Act [Chapter 15:04] is the principal legislation governing the manufacture, importation, sale, and labelling of food. The Act prohibits the sale of food that is adulterated, unsafe, or falsely described and empowers authorised officers to inspect premises, collect samples, seize food, and institute legal proceedings against offenders. These provisions are complemented by the Public Health Act [Chapter 15:17], which mandates public health authorities and environmental health officers to prevent the sale of food that is unwholesome or unfit for human consumption, and to regulate food premises in the interest of public health. Together, these statutes form the legal backbone

of Zimbabwe's national food control system Mugadza et al., 2025. Legal cases, which include criminal prosecutions, appeals/reviews, and civil challenges to seizures/detention/destruction, can thus be used as observable enforcement outputs, revealing enforcement actions are legally contested and resolved.

However, several studies have highlighted systemic weaknesses in Zimbabwe's food safety governance Kembo et al., 2025; Macheka et al., 2013; Mugadza et al., 2025; Pswarayi et al., 2014. Reviews of the national food safety framework have identified fragmentation across multiple ministries and agencies, overlapping mandates, outdated provisions, and uneven alignment with international standards such as the Codex Alimentarius Mugadza et al., 2025, mirroring low Africa Food Safety Index (AFSI) scores (under 50% on track for 2025 targets). These challenges are compounded by chronic resource constraints affecting inspection services and public laboratories, as well as the prominence of informal food markets that operate outside formal regulatory oversight. In such contexts, enforcement becomes selective, reactive, or complaint-driven rather than systematic and risk-based, when compared to regional leaders like Kenya, Morocco (97% compliance) who outperform via better standards and trade focus.

These enforcement weaknesses constrain empirical evaluation of whether food safety laws are being applied effectively and equitably across the food system. In this context, legal case law offers a valuable, albeit partial, empirical lens through which food safety enforcement is examined Poirier et al., 2022. Judicial decisions capture instances where regulatory action is contested, escalated, or subjected to formal legal scrutiny. Analysis of such cases can provide insights on which types of food safety violations reach the courts, how enforcement powers are interpreted by judges, what evidentiary standards are required to sustain prosecutions or administrative actions, and what sanctions or remedies are ultimately imposed Burris et al., 2023. Case-based analyses have been used to reveal procedural weaknesses, institutional gaps, and enforcement priorities within food control systems, particularly in LMIC contexts where routine enforcement data are scarce Burris et al., 2023; Poirier et al., 2022.

The aim of this study was to examine how food safety legislation in Zimbabwe is enforced in practice by analysing food safety-related court decisions and documented enforcement actions between 1990 and 2025. Previously, food safety governance in LMIC has been widely examined through reviews of legislation, institutional mandates, regulatory design, and coordination, highlighting persistent challenges such as fragmented authority, limited capacity,

and gaps in risk-based regulation Boatemaa et al., 2019; Grace, 2015; Jaffee et al., 2018; Mugadza et al., 2025. However, this literature has focused on governance frameworks, with limited attention to how enforcement powers are exercised, contested, and interpreted in practice. By contrast, this study employs a case-based legal analysis of court decisions and prosecution records to examine food safety enforcement in practice, providing insights into enforcement visibility and institutional involvement that are not captured through statutory or policy analysis alone. To our knowledge, this is the first study in Southern Africa to systematically analyse food safety enforcement through judicial and quasi-judicial records, positioning legal case law as an empirical data source for evaluating food safety governance.

2. Materials and methods

2.1 Study design

This study employed a systematic desk-based legal mapping and policy surveillance approach to examine publicly visible food safety enforcement actions in Zimbabwe Ramanathan et al., 2017. Judicial decisions, prosecution reports, and administrative enforcement actions were analysed as observable indicators of how food safety legislation is interpreted, contested, and applied in practice. The study did not seek to evaluate public health outcomes or causal effects of legislation. Rather, it aimed to characterise enforcement visibility, institutional involvement, and legal interpretation using publicly available enforcement records. The study covered the period 1990–2025, enabling assessment of long-term trends in the visibility and nature of food safety enforcement through the courts.

2.2 Data sources

The study utilised three categories of publicly accessible enforcement evidence. First, published judicial decisions were obtained from the Zimbabwe Legal Information Institute (ZimLII), published High Court and Supreme Court law reports, and publicly accessible judicial archives. Second, magistrates' court prosecutions were identified through publicly available reports from nationally recognised media organisations. Third, administrative enforcement actions relating to food safety were identified from official government communications and publicly reported enforcement records. The study distinguished between: (i) published High Court and Supreme Court judgments, (ii) media-reported magistrates' court prosecutions, and (iii) administrative enforcement actions documented by public authorities. These evidence types were analysed separately during data extraction and interpretation because they differ in evidentiary status, completeness, and public accessibility.

2.3 Search strategy

A systematic desk-based search was conducted to identify food safety-related legal cases and enforcement records in Zimbabwe between January 1990 and December 2025. Searches were initially conducted in December 2025 and updated to 31 December 2025. Only records published or publicly accessible by that cut-off date were eligible for inclusion using multiple sources to maximise coverage. Judicial records were searched through the Zimbabwe Legal Information Institute (ZimLII), published High Court and Supreme Court law reports, and publicly accessible judicial archives. Supplementary searches were conducted using Google Scholar and Google Advanced Search to identify magistrates' court prosecutions and administrative enforcement actions not captured in formal legal repositories. For media-based records, credible news sources were defined a priori as nationally recognised media organisations with identifiable editorial oversight, including The Herald, NewsDay, Bulawayo24, NewZimbabwe, Zimbabwe Situation, Masvingo Mirror, and The Zimbabwean, and official government press releases. These sources were selected because magistrates' court judgments and administrative enforcement actions are rarely published in formal legal databases. Search terms were applied in various combinations using Boolean operators as follows: ("food safety" OR "food hygiene" OR "unsafe food" OR "expired food" OR "false description" OR "labelling" OR "adulterated food" OR "illegal manufacture" OR "beverages" OR "alcohol" OR "public health") AND (prosecution OR court OR "magistrates' court" OR "High Court" OR judgment) AND Zimbabwe. Where relevant, statutory references, including the Food and Food Standards Act [Chapter 15:04], Public Health Act [Chapter 15:17], and Customs and Excise Act [Chapter 23:02], were incorporated as additional search terms. Reference lists of eligible cases and relevant secondary literature were also examined to identify additional records.

2.4 Inclusion and exclusion criteria

Retrieved records were screened using predefined inclusion and exclusion criteria. Screening was undertaken in three stages: title review, summary review, and full-text assessment. Records were included if they: (i) related directly to food safety enforcement, food adulteration, food contamination, food labelling violations, illegal food or beverage manufacture, food seizures, or food-related public health offences; (ii) occurred in Zimbabwe between January 1990 and December 2025; and (iii) had accessible full-text judgments or reports containing information on the alleged offence, enforcement authority, location, and enforcement outcome or

procedural status. Media-reported prosecutions and administrative enforcement actions were included only where sufficient information was available to permit reliable extraction of key study variables. Reports lacking information on the alleged offence, enforcement authority, location, or enforcement outcome/procedural status were excluded. Where multiple reports referred to the same enforcement event, records were cross-checked using date, location, parties involved, and nature of the offence, and duplicate reports were consolidated into a single case record. Records were also excluded where food-related issues were incidental to the primary legal dispute, where insufficient information was available for analysis, or where duplicate reports referred to the same enforcement event. The study selection process is summarised in Fig. 1.

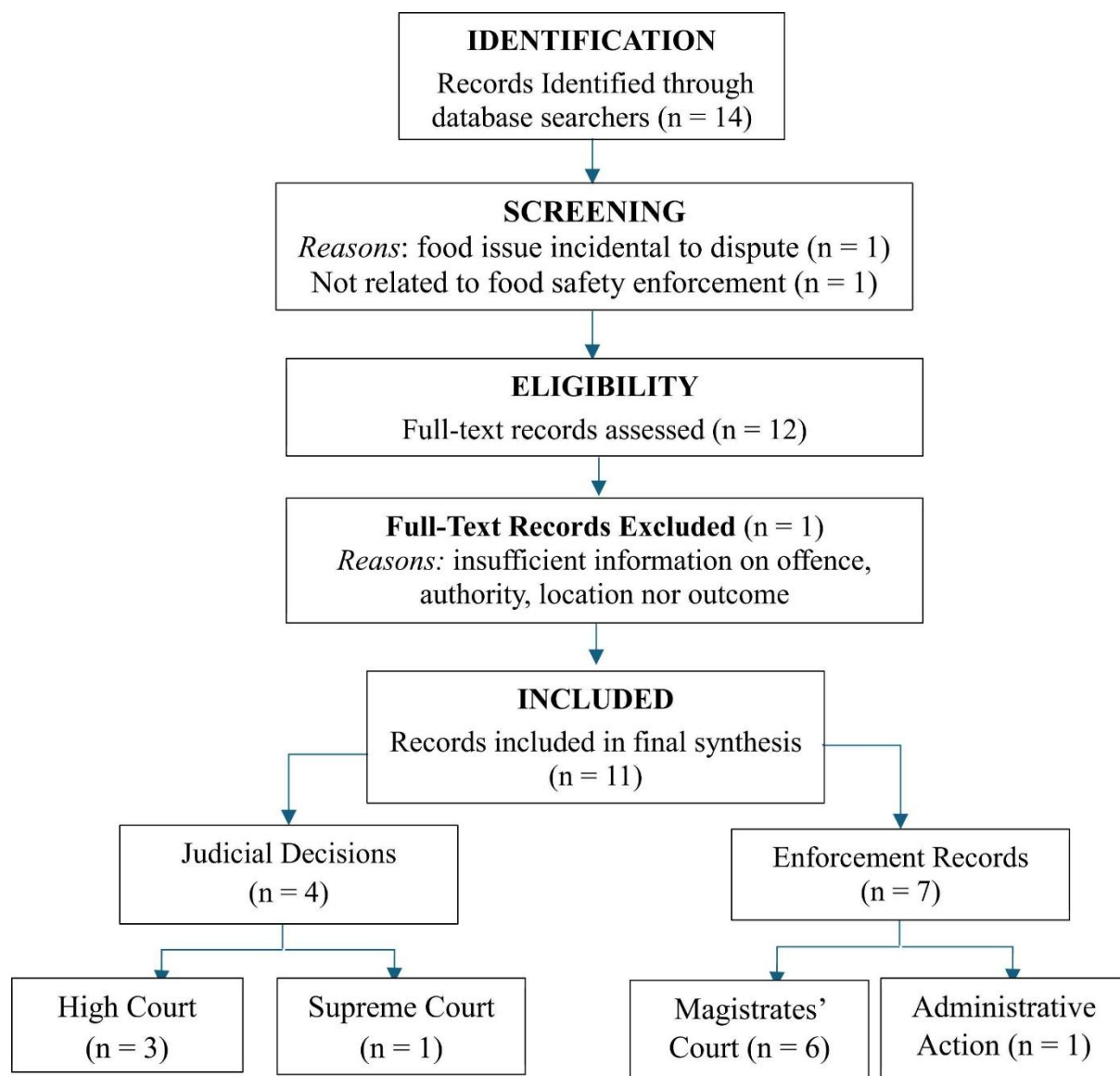


Fig. 1. Study selection flow diagram.

2.5 Data analysis

Descriptive analysis was used to summarise the characteristics of the identified records according to evidence type, enforcement pathway, violation category, legislation invoked, enforcement authority, and reported outcome. In addition, a thematic analysis was conducted using a hybrid deductive–inductive approach to identify recurring patterns in the enforcement and adjudication of food safety offences. Deductive themes were informed by the Food and Food Standards Act [Chapter 15:04], Public Health Act [Chapter 15:17], Consumer Protection Act [Chapter 14:44], Customs and Excise Act [Chapter 23:02], and relevant food safety governance literature. Additional themes emerging from the reviewed records were incorporated inductively during analysis. Cases were coded and compared to identify recurring patterns, which were subsequently grouped into broader themes. Coding and theme refinement were reviewed by the research team and discussed until consensus was reached. Given the small exploratory dataset and qualitative nature of the study, formal inter-coder reliability testing was not undertaken. The thematic analysis identified six recurring themes: (i) civil litigation as an indirect enforcement pathway; (ii) inspection-based retail enforcement; (iii) procedural legality and statutory authority; (iv) labelling, trade and border-linked enforcement; (v) police-led enforcement of illicit food and beverage production; and (vi) transparency and documentation gaps.

To enhance transparency and reproducibility, a case-level extraction matrix containing the extracted variables, evidence type, enforcement pathway, legislation invoked, enforcement authority, evidentiary basis, outcome, and thematic codes assigned to each record is provided in Supplementary Table S1. The operational definitions, coding indicators, and statutory and literature sources used in the development of the thematic framework are presented in Supplementary Table S2. Findings were interpreted as indicators of enforcement visibility and legal interpretation rather than measures of enforcement prevalence, intensity, or effectiveness.

3. Results

3.1 Scope and distribution of identified enforcement actions

The records analysed represent publicly visible enforcement events and should not be interpreted as a comprehensive measure of enforcement activity. The desk study identified 11 food safety-related enforcement records that met the inclusion criteria. These comprised four published judicial decisions (Table 1A) and seven publicly documented enforcement records,

including magistrates' court prosecutions and administrative enforcement actions (Table 1B). The distinction between these evidence types is important because judicial decisions provide detailed legal reasoning and documented outcomes, whereas prosecutions and administrative enforcement actions reported in public sources primarily capture enforcement events and may not provide complete procedural information or final judicial outcomes. Accordingly, the two evidence categories were analysed separately while being interpreted collectively as indicators of food safety enforcement visibility. At least 14 unique judgments were identified. During title and summary screening, 2 records were excluded because references to food were incidental or unrelated to food safety enforcement. The remaining 12 records underwent full-text assessment for eligibility. Following full-text review, 11 cases met all inclusion criteria and were included in the qualitative and descriptive synthesis. These comprised a small number of published High Court (3) and Supreme Court (1) judgments and a larger body (6) of magistrates' court prosecutions and administrative enforcement actions (1) documented through credible national media reporting.

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246 **Table 1A.** Judicial decisions considered in the study (1990–2025)

Case	Year	Province	Court	Source	Legal instrument(s)	Enforcement Pathway	Core issue	Outcome
1 Onismo Rutsito vs Delta Beverages	2011	Harare	High Court (HH194-11)	ZimLII	Consumer protection/com mon law liability	Civil litigation	Alleged contaminated Coca-Cola	Claim allowed to proceed
2 Delta Beverages vs Onismo Rutsito	2013	Harare	Supreme Court (SC42-13)	ZimLII	Civil duty of care	Appeal	Proof of compensable harm	Burden of proof clarified
3 KDB Holdings (Pvt) Ltd v MCAZ	2016	Harare	High Court	ZimLII	Statutory destruction powers	Administrative review	Authority to destroy products	Court emphasised statutory authority
4 ZIMRA & Others v Masamvu & Chibati	2020	Harare	High Court (HHMT37-20)	ZimLII	Food and Food Standards Act	Judicial review	False description of sugar packaging	Procedural legality issues considered

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248 **Table 1B.** Publicly reported magistrates’ court prosecutions and administrative food-safety enforcement actions in Zimbabwe, with article-level source
249 details.

Case	Year	Province	Court	Source	Legal instrument(s)	Enforcement Pathway	Core issue	Outcome
1. Plumtree Bakery Supermarket and Lucky 7 Supermarket	2014	Matabeleland South	Magistrates’ court prosecution	Bulawayo24, “Supermarkets fined for selling expired goods,” 29 Aug 2014	Food and Food Standards Act	Police detectives; magistrates’ court	Expired foodstuffs	Plumtree Bakery fined US\$100; Lucky 7 fined US\$250; goods confiscated. (Bulawayo24 News)

2. Savemore Supermarket, Plumtree	2015	Matabeleland South	Magistrates' court prosecution	The Herald , "Supermarket fined for selling expired food," 23 Mar 2015	Food and Food Standards Act	Police; Plumtree magistrates' court	Expired dairy products displayed for sale	Shop manager fined US\$100 after guilty plea. (Herald Online)
3. Bakers Inn, Masvingo Branch	2018	Masvingo	Magistrates' court prosecution	The Herald , "Rotten pies land Bakers Inn in court," 19 Jul 2018; also NewZimbabwe , "Innskor dragged to court for selling stale pies," 18 Jul 2018	Public Health Act; food durability-date requirements	Masvingo City Council; Government Analyst Laboratory; magistrates' court	Unwholesome pies; missing minimum durability dates	Trial/prosecution reported; final judgment not publicly traced. (Herald Online)
4. Tembeya Africa (Pvt) Ltd	2025	Harare	Magistrates' court prosecution	Zimbabwe Situation / NewsDay , "Popular Tembeya drink manufacturer in court," 6 Mar 2025	Food Standards / labelling provisions	Prosecuting authority; Government Analyst Laboratory	Improper labelling of Tembeya beverages	Company dragged to court; final judgment not publicly traced. (Zimbabwe Situation)
5. Mauya Ginger Drink / Waterfalls beverage operation	2025	Harare	Police-led enforcement / prosecution investigation	The Herald , "Police bust an illegal beverages company," 25 Feb 2025	Licensing and food-safety regulatory requirements	Zimbabwe Republic Police	Operating beverage company without licence; public-health risk	Two suspects arrested; investigation ongoing; final court outcome not publicly traced. (Herald Online)

6. Mambo Manufacturing / Mambo Beverages, Southerton	2025	Harare	Police-led enforcement / prosecution investigation	The Herald , “Rogue firm promised to ‘make your life electric’,” 21 Jul 2025; Pindula News, “Police bust illegal alcohol factory in Harare, over 30 arrested,” 18 Jul 2025	Alcohol/food manufacturing licensing and safety requirements	Zimbabwe Republic Police	Manufacturing /distributing alcoholic beverages without proper documents; unhealthy operating conditions	More than 30 suspects arrested; beverages worth over US\$165,000 reportedly seized; final court outcome not publicly traced. (Herald Online)
7. Gutai Foods Supermarket, Mucheke	2025	Masvingo	Magistrates’ court prosecution	Masvingo Mirror , “Mucheke shops fined US\$200 for selling expired beverages,” 7 Aug 2025; also Bulawayo24 , “Supermarket selling expired soft drinks,” 7 Aug 2025	Consumer Protection Act; Food and Food Standards Act	Consumer Protection Commission; magistrates’ court	Expired soft drinks/beverages	Gutai Foods fined US\$200; expired goods reportedly destroyed. (masvingomirror.com)
8. Smuggled chicken meat interdiction, Masvingo-Harare Road	2025	Masvingo	Administrative enforcement action	City of Masvingo , “Council confiscates and destroys smuggled meat,” 23 Jun 2025; The	Public Health Act; veterinary clearance/import controls	City of Masvingo Department of Health and Environmental Services; anti-smuggling unit;	1.6 tonnes of smuggled chicken meat without veterinary clearance/documentation	Meat seized and destroyed at Cambria Landfill; no court prosecution reported. (Masvingo City Council)

				Zimbabwean, 29–30 Jun 2025		veterinary team		
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Five records were identified from 2025; however, this likely reflects differences in reporting and record accessibility rather than changes in actual enforcement activity. Enforcement events were mostly identified in Harare Province (7), with the rest identified in Masvingo Province (3), and Matabeleland South Province (1), indicating that food safety regulation is operational beyond the capital (Harare), although documentation and visibility were uneven. Decisions from higher courts are easy to access and well documented, while most routine enforcement takes place in lower courts or through administrative actions, where outcomes are rarely recorded in publicly searchable legal sources.

Reported outcome/status” reflects the outcome available in the cited public source. Where the source reported an arrest, investigation, or trial but no final judgment, the record was coded as “final judicial outcome not publicly traced” rather than as a completed enforcement outcome. The 2025 Harare beverage cases were retained as distinct records because they involved different entities, locations, dates, and factual allegations: Tembeya Africa concerned labelling; Mauya Ginger Drink concerned unlicensed beverage operations in Waterfalls; and Mambo Beverages concerned large-scale alleged illegal alcohol manufacture in Southerton.

3.2 Nature of violations reaching formal enforcement

The findings in Table 1A and Table 1B show that among the identified records, cases clustered around three dominant categories. First, product contamination and consumer safety concerns were most visible through civil litigation rather than criminal prosecution. The Rutsito vs Delta Beverages cases illustrate how allegations of contaminated food products can enter the judicial system through private claims grounded in delicts. These cases required courts to engage with questions of product integrity, causation, and proof of harm, rather than with the mechanics of inspection or regulatory compliance. The trajectory from High Court to Supreme Court highlighted the difficulty of sustaining food safety claims in civil law where harm is short-lived, psychological, or not clinically substantiated. Second, labelling, description, and presentation of food products emerged as a recurrent enforcement trigger, particularly where food regulation intersects with trade and market controls. The High Court matter involving seizure of sugar for false description demonstrated how the Food and Food Standards Act is operationalised in practice through offences related to packaging and description, rather than direct assessment of microbiological or chemical risk. In such cases, judicial scrutiny focused heavily on procedural legality and jurisdiction, underscoring the importance of correct statutory grounding for enforcement actions.

Third, a substantial proportion of enforcement activity related to expired, unwholesome, or illegally manufactured food and beverages, particularly at retail and small industrial scales. Magistrates' court prosecutions and administrative actions reported in Plumtree and Masvingo involved expired dairy products, soft drinks, and meat products lacking durability dates or deemed unfit following laboratory analysis. In 2025, multiple enforcement actions targeted illegal manufacture of alcoholic and non-alcoholic beverages, including large-scale operations in Harare's industrial areas. These cases typically involved police raids, seizure of products, arrest of company executives or workers, and closure of premises.

3.3 Arresting and enforcing authorities in food safety cases

The records analysed in this study (Table 1A and Table 1B) suggest that food safety enforcement involves multiple institutions, including police, environmental health authorities, consumer protection agencies, veterinary services, customs officials, and public laboratories. Among the publicly documented cases identified, police were frequently involved in arrests and prosecutions, particularly in cases involving illegal beverage manufacture and criminal enforcement action. The involvement of multiple enforcement actors may contribute to differences in how enforcement activities are documented and become publicly visible.

Enforcement pathways commonly followed a sequence of inspection or interception, seizure of products, and either prosecution or destruction, depending on the perceived public health risk. Laboratory analysis was explicitly referenced in a limited number of reported prosecutions, notably in the Masvingo Bakers Inn and the Tembeya beverage cases, where samples were reportedly sent to the Government Analyst Laboratory, a key public food control laboratory. However, in most retail-level prosecutions for expired foods, available reports suggest that enforcement may have relied largely on visual inspection and expiry-date verification. The underlying evidentiary procedures were not consistently documented, and sanctions were often applied immediately, including fines and product destruction orders.

3.3.1 Higher-court cases

In the cases that reached the High Court and Supreme Court, food safety enforcement did not involve arrests by regulatory authorities (**Table 1**). One matter entered the courts through a private civil claim by a consumer, while another arose from customs and trade controls. In both situations, food safety legislation was applied indirectly, either through civil liability or border enforcement, rather than through routine public health inspection and prosecution.

3.3.2 *Magistrates' court prosecutions*

The Zimbabwe Republic Police handled most of the regular food safety prosecutions. This was evident in cases involving expired foods, illegal manufacture of alcoholic and non-alcoholic beverages, and labelling non-compliance. In these matters, arrests were carried out by the police, while environmental health officers, consumer protection officials, or laboratory personnel provided technical evidence and inspections. This reflects the legal structure in which food safety offences become criminal matters once prosecution is pursued.

3.3.3 *Administrative enforcement*

Some food safety actions did not involve arrests or court proceedings. An example was the seizure and destruction of unwholesome or uninspected foods, such as smuggled meat, which were handled administratively by local authority environmental health services and veterinary officers. These actions prioritised immediate public health protection rather than criminal sanction.

3.4 **Outcomes and sanctions**

Among the publicly reported cases, penalties were generally modest and focused on removal of potentially unsafe products from the market. However, the limited dataset does not permit broader conclusions regarding the overall sanctioning practices of the food safety system. Retailers selling expired products were fined and had goods confiscated or destroyed. Administrative enforcement actions, such as interception of smuggled meat, prioritised immediate removal of hazardous products from the market through supervised destruction, without visible court proceedings. In contrast, prosecutions for illegal beverage manufacturing involved more coercive enforcement measures, including arrest of multiple suspects, seizure of vehicles and stock, and shutdown of production facilities. Despite the scale of these operations, final judicial outcomes were not publicly traceable, limiting assessment of conviction rates or sentencing consistency.

3.5 **Transparency and evidentiary gaps**

A key finding of this study is that most food safety enforcement in Zimbabwe is difficult to trace through publicly available legal records. While enforcement actions are occurring regularly and across different regions, the absence of published magistrates' court judgments

and administrative records constrains systematic analysis of enforcement effectiveness. This opacity is not merely a documentation issue; it shapes the evidentiary base upon which policy and regulatory reforms can be assessed.

In summary, the results suggest that Zimbabwe's food safety system is active within the limits of publicly documented enforcement records, particularly to visible risks such as expired foods and illicit beverage production. However, enforcement outcomes are unevenly documented, and judicial engagement with food safety issues is largely confined to cases that are procedurally complex, have been appealed, or are privately litigated. As such, reported case law provides insight into the legal robustness and procedural limits of enforcement, rather than a comprehensive picture of enforcement intensity or coverage.

4. Discussion

4.1. Civil litigation as an indirect food safety enforcement pathway

One of the key findings from this study is that some food safety concerns in Zimbabwe become visible to the courts not through regulatory prosecution, but through private civil litigation. The *Rutsito v Delta Beverages* cases illustrate how alleged food contamination can enter the legal system through delict, with courts focusing on proof of damage and causation rather than regulatory non-compliance. This pattern is not unique to Zimbabwe. In many low- and middle-income countries, weak documentation of routine enforcement means that consumers occasionally resort to civil claims to seek redress for unsafe food, even though such claims place a heavy evidentiary burden on plaintiffs Boatemaa et al., 2019; Grace, 2015.

From a governance perspective, the visibility of food safety concerns through civil litigation may reflect limitations in the visibility of public documentation of routine regulatory enforcement activities. Mugadza *et al.* (2025) note that Zimbabwe's food safety governance framework is characterised by overlapping mandates, outdated statutes, and limited coordination, which can weaken the visibility and consistency of statutory enforcement. In such a context, civil litigation becomes a secondary accountability mechanism rather than a complement to preventive regulation. However, civil litigation is a poor substitute for preventive food safety regulation. Evidence from South Africa following the 2017 listeriosis outbreak shows that civil claims and class actions can play an important role in corporate accountability, but usually after significant harm has already occurred Boatemaa et al., 2019;

Karim & Kruger, 2021. In both Zimbabwe and South Africa, these cases reveal a gap between public expectations of food safety protection and the legal standards required to prove liability in court, particularly where regulatory oversight is perceived as insufficient or reactive.

4.2. Routine retail enforcement: practical, local, and lightly sanctioned

The magistrates' court prosecutions identified in Plumtree and Masvingo suggest a different enforcement reality, one that is local, inspection-driven, and focused on visible breaches such as expired products or poor hygiene. This form of enforcement is consistent with observations across much of sub-Saharan Africa, where food safety control is largely exercised by local authorities with limited resources, leading to an emphasis on observable non-compliance rather than complex hazard analysis Botha et al., 2023; Grace, 2015. In Zimbabwe, this pattern aligns closely with governance arrangements, where local authorities and environmental health officers play a frontline role in enforcement, often with constrained laboratory access and limited prosecutorial follow-through (Mugadza *et al.*, 2025). The reliance on expiry dates and visible defects reflects a pragmatic strength of the system, namely, the ability to act quickly at market level, but also highlights a systemic limitation in moving beyond basic compliance checks toward risk-based food safety control. Studies from Ghana and other African countries similarly report that enforcement often prioritises expiry dates, storage conditions, and obvious contamination, while laboratory-intensive controls are applied less consistently due to cost and capacity constraints Botha et al., 2023; Havelaar et al., 2015. The modest fines and confiscation orders reported in Zimbabwe mirror sanctions commonly observed in comparable settings and reflect the preventive, rather than punitive, orientation of food safety enforcement at this level. Similar challenges have been reported in other African food control systems, where routine enforcement is constrained by fragmented mandates, limited inspection capacity, and uneven coordination among local and national authorities. Kimanya (2024) argues that many African food safety systems are characterised by multiple sectoral authorities with overlapping mandates, which can weaken coordination, inspection, and enforcement. Evidence from South Africa similarly shows that fragmented governance structures contribute to inconsistent interpretation and implementation of food safety standards, poor coordination between departments, and uneven enforcement capacity (Mkhwanazi et al., 2024). These comparative findings support the interpretation that the Zimbabwean cases analysed in this study reflect broader governance challenges in African food safety control systems, although the present dataset remains limited to publicly visible enforcement records.

4.3.The importance of legal authority and procedure in enforcement outcomes

Across the Zimbabwe cases, enforcement outcomes were shaped as much by procedure and statutory authority as by the underlying food safety risk. The High Court’s emphasis on jurisdiction, seizure powers, and procedural correctness in trade-linked cases reflects a broader legal reality: food safety enforcement must be legally precise to withstand judicial scrutiny. This procedural emphasis is particularly relevant in Zimbabwe’s governance context. Mugadza et al. (2025) and Pswarayi et al. (2014) highlight that many food safety-related statutes remain outdated and dispersed across multiple legal instruments, increasing the likelihood of ambiguity around enforcement powers. As a result, cases that reach higher courts tend to focus on whether authorities acted within their legal mandate, rather than on substantive food safety risk. The EU experience illustrates the importance of clear statutory mandates, documented procedures, and transparent enforcement processes, all of which strengthen the defensibility of food safety actions when challenged. Under the European Union’s General Food Law and Official Controls Regulation, enforcement authorities are required to operate within clearly defined powers, follow documented procedures, and base decisions on risk-based inspections (European Parliament & Council of the European Union, 2017; European Parliament & Council of the European Union, 2002).

4.4.Labelling, trade controls, and border-linked enforcement

The prominence of labelling and “false description” offences in the Zimbabwe dataset reflects a broader global pattern in which administratively simple controls become key enforcement entry points. Labelling violations are easier to detect and prosecute than microbiological hazards, particularly in resource-constrained environments (Henson & Humphrey, 2010; Luthringer et al., 2015). In Zimbabwe, this enforcement pattern also reflects a relative strength of the governance system: food safety legislation is more readily operationalised when it intersects with customs, trade, and standards enforcement institutions. Mugadza *et al.* (2025) notes that agencies and standards bodies often have stronger operational capacity and clearer procedures than health-sector regulators, making them more effective entry points for enforcement. Zimbabwe’s reliance on customs and police-supported enforcement in such cases therefore reflects an adaptive use of existing institutional strengths, even though it may leave gaps in domestic hazard surveillance and routine inspection.

4.5.Illicit food and beverage production and the role of policing

The identified 2025 prosecutions suggest a prominent role for police-led enforcement in the publicly documented cases involving illegal beverage manufacturing. These observations are derived from publicly documented records and should not be interpreted as representative of all food safety enforcement activities in Zimbabwe. Similar challenges are widely reported across African cities, where informal and semi-formal food and alcohol markets pose significant public health risks but fall outside conventional regulatory oversight (Kuboka et al., 2024; Mphaga et al., 2024). Within Zimbabwe's governance framework, this policing role reflects both necessity and limitation. Mugadza et al. (2025) observe that the absence of a single, well-resourced national food safety authority often pushes enforcement of severe violations toward law enforcement agencies, especially where activities are perceived as criminal rather than regulatory infractions. While this approach enables rapid intervention, it does not always strengthen preventive food safety governance. The literature increasingly argues that enforcement alone is insufficient in such contexts. Risk-based approaches that combine targeted enforcement with incentives, education, and pathways to formalisation are more likely to achieve sustained improvements in food safety Grace, 2015; Mwacalimba, 2016.

4.6. Transparency as a structural constraint on enforcement evaluation

A key contribution of this study is its demonstration that food safety enforcement in Zimbabwe is active but poorly documented in the public domain. This mirrors findings from broader African governance reviews, which note that fragmented mandates and limited publication of enforcement data undermine accountability and learning, even where laws are in place Mkhwanazi et al., 2024; Njiru et al., 2025. Mugadza *et al.* (2025) similarly identify the lack of a centralised enforcement database and weak inter-agency data sharing as critical governance gaps. From a methodological perspective, this reinforces the need to treat reported judgments as indicators of legal reasoning and procedural robustness, rather than as measures of enforcement intensity. Findings in this study are therefore consistent with broader African food safety governance literature, which highlights weak enforcement documentation, fragmented data systems, and limited inter-agency information sharing as constraints to regulatory learning. Kimanya (2024) emphasises that coordination across food chain actors and competent authorities is central to strengthening African national food control systems, while Mkhwanazi et al. (2024) similarly identify poor communication and weak coordination among government departments as barriers to effective enforcement in South Africa. Combining case law with credible prosecution reporting provides additional insight into publicly visible enforcement priorities while recognising that the underlying record remains incomplete.

4.7.Limitations of the study

This study relied on publicly accessible judicial decisions, prosecution reports, and documented administrative enforcement actions. As a result, the findings are constrained by the availability of publicly reported records and may not capture the full spectrum of food safety enforcement activities occurring in Zimbabwe. The identified records should therefore be interpreted as indicators of enforcement visibility rather than representative measures of enforcement prevalence, intensity, effectiveness, or national compliance patterns. The potential for selection and publication bias is particularly relevant for magistrates' court prosecutions and administrative enforcement actions, which are not systematically reported through formal legal reporting systems. Therefore, routine enforcement activities may be underrepresented, while legally significant, unusual, or high-profile cases are more likely to be publicly documented. To address this limitation, supplementary searches were conducted using established national media sources and official public reports. However, media-reported cases may still be subject to reporting bias, incomplete procedural information, or inaccuracies that cannot always be independently verified. The study also incorporated different forms of evidence, including High Court and Supreme Court judgments, media-reported magistrates' court prosecutions, and administrative enforcement actions. These sources differ in evidentiary status, completeness, and level of legal scrutiny and should not be interpreted as directly comparable measures of enforcement activity. Rather, they provide complementary perspectives on how food safety legislation is enforced, contested, and documented across different institutional settings.

Despite these limitations, the risk of underrepresentation is likely lower for superior court decisions because judgments of the High Court and Supreme Court of Zimbabwe are routinely reported through formal law reports and legal repositories such as the Zimbabwe Legal Information Institute (ZimLII). Hence, the study is likely to have captured most publicly available food safety-related cases that progressed to these levels of judicial review. Furthermore, by relying exclusively on verifiable legal records and documented enforcement actions, the study provides a transparent, reproducible, and evidence-based assessment of publicly visible food safety enforcement in Zimbabwe. The findings therefore offer a robust legal baseline that can inform future mixed-methods research incorporating institutional records, stakeholder perspectives, and field-level enforcement practices.

5. Conclusion

This study demonstrated that food safety enforcement in Zimbabwe is evident across the food system but is only partially visible through published legal records. Courts most often engage with food safety where enforcement actions are contested, appealed, or pursued through civil litigation, rather than through routine regulatory prosecution. At retail and industrial levels, enforcement is practical, inspection-driven, and largely preventive, focusing on expired foods, hygiene failures, and illegal manufacture. The findings provide insight into strengths and challenges evident within the publicly documented enforcement record. The reviewed records indicate involvement of multiple institutions and documented responses to visible food safety incidents. On the other hand, the records suggest that fragmented mandates, variable laboratory involvement, and limited public documentation may present challenges for enforcement visibility and coordination. The absence of consolidated reporting on magistrates' court and administrative actions limits the ability to assess deterrence, equity, and effectiveness. Overall, legal case law provides valuable insight into the procedural robustness and justiciability of food safety enforcement, but not its full scale. Improving inter-agency coordination, clarifying enforcement powers, and enhancing transparency of enforcement outcomes would strengthen Zimbabwe's food control system and align it more closely with international best practice.

Declarations

none.

Ethics Statement

Ethics approval was not required for this study because it relied exclusively on publicly available judicial decisions, prosecution reports, and administrative enforcement records and did not involve human participants, personal data collection, or identifiable confidential information.

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CRedit authorship contribution statement

Manditsera Faith: Writing – review & editing, Methodology, Investigation, Formal analysis. **Chiwanza Tafadzwa:** Validation, Methodology, Formal analysis. Victor Ntuli:

Methodology, Investigation, Formal analysis, Data curation. **Lesley Macheka:** Writing – original draft, Methodology, Formal analysis. **Juliet Mubaiwa:** Validation, Methodology, Formal analysis. **Nyarugwe Shingai:** Writing – review & editing, Validation, Formal analysis. **Mugadza Desmond:** Writing – original draft, Validation, Methodology, Conceptualization.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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Appendix A. Supplementary material

Data Availability

The dataset generated during this study, including extracted case information, coding categories, and search strategy, is available from the corresponding author upon reasonable request. All primary records analysed in this study were obtained from publicly accessible legal repositories and publicly available reports.

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