

GOVERNMENT NOTICE No. 52

TRINIDAD AND TOBAGO

THE FOOD AND DRUGS ORDINANCE, 1960

REGULATIONS

MADE BY THE GOVERNOR-GENERAL UNDER SECTION 25 OF THE  
FOOD AND DRUGS ORDINANCE, 1960

THE FOOD AND DRUGS (AMENDMENT) REGULATIONS, 1974

1. These Regulations may be cited as the Food and Drugs (Amendment) Citation Regulations, 1974.

2. The Food and Drugs Regulations, 1965, are amended—

(a) in Part II—

by revoking regulations 14 to 23 and replacing them as follows:—

Food and  
Drugs  
Regulations,  
1965,  
amended.  
G.N.  
No. 130 of  
1964

"14. In this Part—

"alcoholic beverage" means a liquid food containing ethyl alcohol in such amount so as to make it liable to excise duty and includes spirits, liqueurs, wines, malt liquors, cider, perry, champagne and spirit compounds used as foods, but does not include a flavouring preparation or a liquid food in which ethyl alcohol is used as a preservative;

"baked confectionery" means any solid or semi-solid food ready for human consumption without any further preparation except heating, and which is principally composed of ground cereal (not including a filling) whether or not flavoured, coated or containing sweetening agents, chocolate or cocoa and includes cakes, pastries, sponges and meringues but does not include bread, biscuits, rusks or any product containing meat, fish, fruit or fruit pulp as a filling;

"batch number" or "lot number" means any letters or figures or a combination of both used for marking, identifying or tracing a batch or lot of pre-packaged food when manufactured, distributed or sold, and includes a date mark;

"biscuits" includes crisp bread, wafers, rusks, oatcakes and biscuits which have been coated, filled or flavoured with chocolate or cocoa;

"bulk container" means a container in which more than one duly labelled package of a food and its contents are placed for purposes of wholesale, but in which the packages and their contents are not intended to be retained for retail sale;

“chocolate confectionery” means any solid or semi-solid food principally composed of chocolate or cocoa with or without the addition of fruits or nuts, and includes food made by covering, coating or embodying sugar confectionery in chocolate but does not include biscuits which have been cooked, filled or flavoured with chocolate or chocolate ice cream, or baked confectionery flavoured with chocolate;

“common name” means the name printed in bold type in these Regulations or—

- (i) where the name is not so printed, the name by which the food is generally known and which is sufficient in each particular case to indicate to the purchaser the true nature of the food; or
- (ii) where the name of the food consists of the common names of two or more of its principal ingredients, the common names of these ingredients arranged in descending order of proportion by weight;

“component” means any substance which forms part of an ingredient;

“confectionery” includes baked confectionery, chocolate confectionery and sugar confectionery;

“date mark” means any declaration by letters or figures, whether declared expressly or in code, of any date indicative of the age of a food;

“expiry date” means any date after which the manufacturer or packager of a food does not guarantee the quality or any other property of the food;

“flavouring preparation” includes any food for which a standard is prescribed or which is defined in Division 5 of the First Schedule;

“food additive” means any substance the use of which would result or is likely to result in the substance or any of its by-products becoming a part of or affecting the characteristics of a food and includes a preservative and a food colour, but does not include—

- (i) a nutritive material used, recognised or commonly sold as an article of food;
- (ii) vitamins, mineral nutrients or amino-acids;
- (iii) spices, seasonings, essential oils, oleoresins or extractives from plants;
- (iv) veterinary drugs that may be used on animals that may subsequently be consumed as food or be used to produce food;

(v) pesticides or their by-products;

(vi) materials used for packing or any substance from such materials that may have entered food packed therein;

“food colour” means those colours permitted for use in or upon food by Division 2 of the First Schedule;

“ingredient” means any substance including a food additive used in the preparation of a food and which is present in the final product;

“instant” means in relation to a food so described, that the food has been processed to such a degree that it may be converted into a state similar to that in which it is usually consumed, merely by the addition of one or more substances with which it may be easily and readily mixed;

“main panel” means that part of a label normally intended to be presented to the consumer or intended to be most conspicuous to the consumer at the time when the food to which the label relates is offered or exposed for sale;

“package” means anything in which a food is wholly or partly contained, placed, packed or enclosed for sale;

“prepackaged” means packaged or made up in advance in a package for retail sale;

“preservative” means a substance classified as such in Division 7;

“proof spirit” means proof spirit as defined in the Customs and Excise Ordinance;

“registration number” means any letters or figures or a combination of letters and figures assigned to a food factory in accordance with the provisions of these Regulations so as to identify its products;

“storage instructions” means information on the manner in which a prepackaged food should be handled and stored so that its quality, safety or properties may be retained until the expiry date, or in the event that there is no such date such information that is necessary to ensure the retention of the quality, safety or properties of the food;

“sugar confectionery” means any solid or semi-solid food, ready for human consumption, which is composed principally of sugar with or without the addition of edible oil or fats, milk products, gelatine, edible gums, nuts, fruits, natural or synthetic flavours, food additives, food colours or

preserved fruit and includes sugar-cake, sweetened liquorice and chewing gum, but does not include chocolate confectionery, sugared baked marzipan, meringues or sweetened flavoured powders which may be used in the preparation of soft drinks;

“sweetening agent” means a sugar, molasses, honey or any other carbohydrate which may be used as a sweetener;

“vending machine” means a machine one of the purposes of which is to dispense or supply a food automatically when money or money’s worth is inserted into it whether or not any further operation is required prior to its dispensing or supplying the food.

15. Any person who sells a food that is not labelled in accordance with the provisions of this Part is guilty of an offence.

16. (1) Except as otherwise provided by this Part the label of a package of food shall carry—

(a) on the main panel of the label—

- (i) the brand or trade name of the food;
- (ii) the common name of the food; and
- (iii) a correct declaration of the net contents of the package in terms of weight, volume or number in accordance with the usual practice in describing the food;

(b) on any panel except the bottom of the package—

- (i) in the case of a food which consists of more than one ingredient, a complete list of ingredients in descending order of proportion by weight or a complete list of ingredients in which the proportion or quantity of each ingredient is stated in terms of percentage;
- (ii) the name and address of the manufacturer or the person preparing the food and its country of preparation or origin as required by regulation 16(4);
- (iii) a declaration by name of any added Class II, Class III or Class IV preservative;
- (iv) a declaration of any added food colour;
- (v) a declaration of any added flavouring preparation;
- (vi) any expiry date or date mark required by these Regulations;
- (vii) any storage instructions required by these Regulations;
- (viii) any other statement which may be required to be declared or made by these Regulations;

(c) on any panel, including the panel at the bottom of the package—

any batch number, lot number or registration number as may be required by these Regulations.

(2)(a) The declaration of net contents specified in regulation 16(1)(a)(iii) shall be made in terms of metric (Système Internationale) units or imperial (Avoirdupois) units, or any accepted abbreviations thereof until such terms are varied with respect to any class of food by notice made by the Minister and published in the *Gazette*; the notice shall state specifically the date on or after which the variation becomes effective.

(b) Where a food is packed in a liquid medium which is usually not consumed with the food, a declaration of the drained weight of the food shall be made.

(3)(a) The list of ingredients required by regulation 16(1)(b)(i) shall include the components of any ingredient which is not exempted by these Regulations from being labelled with a list of its ingredients.

(b) In the case of a dehydrated food the ingredients shall be listed in descending proportion by weight in the food when it is reconstituted and the list shall begin with a statement such as "ingredients when reconstituted."

(c) Except when it is present as a usual component of an ingredient (such as gravy, broth, brine, milk or syrup), or when it is used in usual manufacturing processes, added water shall be declared as an ingredient.

(d) A distinct and specific name shall be used in the list of ingredients for each ingredient (other than a food additive sold as such) except that the class titles may be used—

(i) in the case of ingredients falling into the following classes—

animal fats (except pork and beef fats and tallow);  
animal oils (except pork and beef oils and tallow);  
animal shortening (except pork and beef shortening);

herbs;

marine oils (that is to say oils from marine animals);

spices;

starches (except modified starches);

vegetable fats;

vegetable oils;

vegetable shortening;

- (ii) for food additives falling into the following classes—
- acidifiers;
  - anticaking agents (or free-flowing agents);
  - antifoaming agents;
  - antioxidants (or Class IV preservatives);
  - bleaching agents;
  - carbohydrate binder;
  - cereal binder;
  - food colours;
  - emulsifiers;
  - emulsifying salts;
  - enzymes;
  - firming agents;
  - maturing agents;
  - modified starches;
  - natural or synthetic flavours;
  - neutralisers;
  - preservatives (except Class II preservatives);
  - stabilisers;
  - thickening agents;
  - vegetable or edible gums.

(4)(a) Where the food is prepared by a person in Trinidad and Tobago who is not the manufacturer within the meaning of section 2 of the Ordinance, the name and postal address in Trinidad and Tobago of the person by whom the food was prepared shall be legibly stated next to the name and address of the manufacturer.

(b) Where the food is prepared in a country other than the country of the manufacturer, a declaration of the country of preparation or origin shall be made on the label.

(5)(a) The declarations specified in regulation 16(1) shall be made in English.

(b) Where a label is applied to a food in a country the official language of which is not English the declarations specified in regulation 16(1) shall appear in English on any panel except the bottom of the package.

17. Notwithstanding the provisions of regulation 16(1)(a) (iii) a declaration of net contents in terms of weight, volume or number is not required on the label of—

- (a) any package of food, the weight of which including the package is less than two ounces (56 grams) or the volume of net contents is less than two fluid ounces (56 millilitres);

- (b) milk, sterilised milk, flavoured sterilised milk, skim milk or U.H.T. milk sold in glass, plastic or laminated plastic containers the capacity of which is ten fluid ounces (half pint), twenty fluid ounces (one pint), one quart or half gallon;
  - (c) eggs, fresh fruit or fresh vegetables packaged in transparent, colourless and flexible materials where the fruit or vegetable is customarily sold by number, or if sold by weight by multiples of one pound or of half a kilogram: Provided that a true statement of the number or the weight per package is prominently displayed adjacent to the place, shelf or bin where the packages are displayed;
  - (d) eggs packed in cartons which may be easily opened so that their contents may be checked.
18. (1) Notwithstanding the provisions of regulation 16(1)
- (b)(i) a list of ingredients is not required on the labels of—
    - (a) preparations of synthetic food colours for household use containing less than fifteen per cent, of pure dye and sold in containers of two fluid ounces (56 millilitres) or less;
    - (b) dairy products, except ice cream, dairy ice cream, milk ices and water ices;
    - (c) flavouring preparations;
    - (d) carbonated beverages, soft drinks and flavouring syrups;
    - (e) bread, cakes and plain biscuits;
    - (f) sugar confectionery and baked confectionery;
    - (g) blood pudding;
    - (h) gelatin desserts;
    - (i) alcoholic beverages;
    - (j) packages less than fifty millimetres in size and with a capacity of less than two ounces (56 grams) or two fluid ounces (56 millilitres);
    - (k) foods for which a compositional standard is provided in these Regulations, unless the standard requires a list of ingredients to be declared;
    - (l) Angostura aromatic bitters.

(2) The provisions of regulation 18(1) do not apply to any food exempted from the provisions of regulation 16(1)(b)(i) if that food is labelled with any statement of an ingredient other than its brand, trade or common name, or any other statement required by the regulations.

(3) Notwithstanding the provisions of regulation 16(1) (b)(iv) no declaration is required to indicate the presence of added food colour in the following:—

- (a) bakery products, except brown bread;
- (b) butter, margarine, shortening;

- (c) cheese or processed cheese;
- (d) sugar confectionery or baked confectionery;
- (e) gelatin desserts;
- (f) ice cream, water ices or milk ices;
- (g) icing sugar;
- (h) liqueurs, alcoholic cordials or Angostura aromatic bitters;
- (i) sherbets;
- (j) carbonated beverages.

(4) Notwithstanding the provisions of regulation 16(1)(b)(iv), no declaration is required to indicate the presence of caramel as a food colour in the following—

- (a) non-excisable fermented beverages;
- (b) sauces;
- (c) spirits (except gin);
- (d) vinegar;
- (e) wine; or
- (f) dilute acetic (food grade).

19. (1) Notwithstanding the provisions of regulation 16(1)(b)(v), no declaration is required—

- (a) to indicate the presence of sulphur dioxide, sulphurous acid or its salts, in or upon—
  - (i) glucose or glucose syrup;
  - (ii) molasses, fancy molasses, table molasses or refined molasses;
  - (iii) white sugar, granulated sugar, yellow crystal sugar, washed grey sugar;
  - (iv) confectionery;
  - (v) malt liquors;
  - (vi) wines;
  - (vii) syrups;

- (b) to indicate the presence of Class III preservatives in—

- (i) bread;
- (ii) bakery products;
- (iii) wines;
- (iv) cheese, processed cheese, processed cheese products.

(2) Class I preservatives shall be declared by name as if they were ingredients of a food.

20. Notwithstanding the provisions of regulation 16(1)(b)(iv), no declaration is required to indicate the presence of added artificial or imitation flavouring preparation in or upon—

- (a) bakery products;
- (b) confectionery;
- (c) ice cream or water ices;
- (d) sherbets;

- (e) soft drinks, including flavouring syrups unless they are labelled as "fruit drink" or "juice";
- (f) carbonated beverages;
- (g) flavoured sterilized milk, flavoured skim milk, flavoured malted milk, or flavoured malted milk products;
- (h) sugar confectionery.

21. (1) Where a food is commonly sold both in its normal state and as a dried or dehydrated product, the latter shall be labelled with the words "dried", "dehydrated" or "desiccated" as part of its common name.

(2) Paragraph (1) of this regulation does not apply to a food prepared by drying or dehydration if—

- (a) the regulations prescribe a standard for the food so prepared; or
- (b) a common name is customarily and exclusively applied to such food; or
- (c) the word "instant" is used with the name of the food so prepared.

(3) Where a food is prepared by adding water to concentrated or dehydrated ingredients the word "reconstituted" shall appear clearly on the label in close proximity to the common name if—

- (a) the food resembles another food commonly sold under a common name or for which a standard is prescribed by regulations; and
- (b) the food is packaged and sold as a reconstituted food and its composition is similar to that of the other food.

(4) Where a food is sold prepackaged by retail as a mixture of ingredients, dry or otherwise, and is intended to be made into other food for human consumption by the addition of any food or substance other than water—

- (a) the name of the substance required to be added shall appear on the label preceded by such words as "Add", "Needs", or "Mixed With"; and
- (b) the words required by paragraph (a) shall appear in close proximity to the common name of the mixture of the ingredients sold.

(5) A food which contains saccharin, or cyclohexylsulphamic acid (cyclamate) or the salts of either of them shall state clearly on the label the name of the artificial sweetener it contains, and a statement that it is a non-nutritive sweetener.

(6) Every person is guilty of an offence who—

- (a) makes on a label or in any advertisement of a food a reference, direct or otherwise to the Ordinance, the regulations made thereunder, the Ministry of Health or the Food and Drugs Division, unless such reference is a specific requirement of the Ordinance or the regulations made thereunder;

- (b) uses on a label or in any advertisement of a food a name or designation given to any standard, grade or definition prescribed for a food by any law in force in Trinidad and Tobago, unless the food conforms to the prescribed standard, grade or definition;
- (c) uses on a label or in any advertisement of a food any words, mark, device or design generally recognised as certifying or implying conformity with a specification, standard or grade, unless the food conforms with the specification, standard or grade certified or implied by the words, mark, device or design.

(7) Where a food or any of its ingredients is derived from an animal, the common name of the animal or of its meat shall be used in any declaration required by these Regulations.

(8) The following additional provisions shall apply in the labelling and advertising of alcoholic beverages—

- (a) the common name of an alcoholic beverage associated with a particular country or locality shall not be applied to an alcoholic beverage produced in any country unless that name is generally recognized as being associated with that distinctive type of alcoholic beverage;
- (b) the common name of an alcoholic beverage associated with a particular type of alcoholic beverage produced in a particular country or locality and protected by the law of that country, may only be applied to an alcoholic beverage produced in another country if the common name is preceded by a name or adjective in identical lettering, indicating the true country or locality of origin;
- (c) the word "wine" may only be applied as a common name to—
  - (i) undistilled fermented alcoholic beverages prepared from a fruit ingredient consisting only of fresh or preserved grapes;
  - (ii) undistilled fermented alcoholic beverages prepared from a fruit ingredient consisting of fruit grown in the Caribbean Free Trade Area, if the label carries on a conspicuous part thereof a statement or description which clearly indicates that the wine was prepared from fruit grown in the Caribbean Free Trade Area; the statement or description may be in such form as, "Prepared in Trinidad and Tobago from Fresh Fruit", or "Caribbean Fruit Wine";
- (d) except as provided in subparagraph (c)(ii) where an undistilled fermented alcoholic beverage is prepared wholly or principally from a fruit, the common name to be applied shall be the name of the fruit followed by the word "wine";

- (e) the common name "non-alcoholic wine" shall not be applied to any food, except an unfermented grape juice sold as a sacramental wine for religious use, which, though not an alcoholic beverage resembles it;
- (f) the label of distilled spirits of liqueurs shall carry a statement of the alcoholic strength of the spirits in terms of any of the following—
  - (i) percentage of alcohol by volume;
  - (ii) degrees Gay-Lussac (°G.L.);
  - (iii) degrees proof spirit or per cent proof spirit; or
  - (iv) degrees or per cent U.S. proof;
  - (v) or in any other term authorised by the Minister;
- (g) the common names "brandy", "rum", "gin" or "vodka" shall not be applied to any alcoholic beverage the alcoholic strength of which is below seventy-five degrees proof spirit (except in the case of fruit brandy, and brandy that has been matured in a cask);
- (h) in the case of spirit compounds, a declaration of the minimum alcoholic strength in terms of percentage proof spirit shall be made on the label in a form of words such as "not less than X% proof spirit";
- (i) the word "vintage" shall not be used in connection with any wine or brandy which is not prepared by fermentation of freshly gathered grapes in the district in which they are grown; the word "vintage" may however, be used in connection with cider;
- (j) the common names referred to in subparagraphs (a) and (b) may be in a language other than English, but shall be printed in the English alphabet with accepted accent marks.

22. (1) No person shall sell food in or from a vending machine unless there is on the machine, in a position clearly visible to the purchaser, a label bearing all information regarding the food as prescribed by these Regulations, and in particular the trade name or common name of the food and the quantity thereof to be sold.

(2) Where a food that has been prepackaged is sold in or from a vending machine each package shall be labelled as prescribed by these Regulations.

(3)(a) For the purposes of regulation 16, the outer surface of any crown cork or closure on a glass bottle used for packaging carbonated beverages or liquid dairy products may be accepted as a main panel for a period not exceeding ten years after the coming into operation of the Food and Drugs (Amendment) Regulations, 1974.

(b) Any new glass bottles used for packaging carbonated beverages or liquid dairy products shall, on the expiration of one year from the coming into operation of the Food and

Drugs (Amendment) Regulations, 1974, bear clearly and legibly as a label fixed on the body of the bottle, the name and address of the manufacturer and a statement of net contents as prescribed by regulation 16.

(c) Glass bottles, used for packaging international brands of carbonated beverages, which may be imported by way of a chandler's trade with ships, aircraft or hovercraft or any other means of international transport may be used for packaging such brands in Trinidad and Tobago if the Director is satisfied that the brands are international brands.

(d) A manufacturer of carbonated beverages who has changed his address may continue to use his former address on old glass bottles if the Director is informed of the new address.

23. (1) Regulation 16 does not apply to a food which is—

- (a) sold unpackaged, or in an open or uncovered package;
- (b) weighed or measured in or counted into the package in the presence of the purchaser, or weighed, measured or counted in the presence of the purchaser before being packaged;
- (c) prepackaged from bulk at the place where the food is sold by retail:

Provided that there is placed on every shelf, bin or any other place where the food is displayed in a position clearly visible to an intending purchaser a legible statement in English giving correct details of—

- (i) the common name or trade name of the food;
- (ii) the net contents of the package;
- (iii) the price of the unit quantity of the food as it is customarily measured; and
- (iv) the price of the package;
- (d) a pastelle sold only in the vegetable wrapping in which it was cooked:

Provided that the name and address of the manufacturer are clearly shown on the shelf, bin or any other place where it is displayed for sale if retailed by a person other than the manufacturer.

(2) Notwithstanding regulation 16, a bulk container of a food or a food additive may bear a label containing any or all of the following—

- (a) the common name of the food;
- (b) the brand or trade name of the food;
- (c) the net contents of the bulk container;
- (d) the name and address of the manufacturer, packager, importer or wholesaler;
- (e) any batch or lot number, date mark, expiry date or registration number required by these Regulations; or
- (f) any storage instructions required by these Regulations.

(3) Notwithstanding regulation 16(1), a package containing a food additive or a mixture of food additives (other than a preparation of synthetic food colours for household use) and no other food ingredient may carry a batch number, date mark or expiry date and shall be labelled with —

- (a) the common or chemical name of the food additive and the specification to which it conforms;
- (b) the brand or trade name of the food additive;
- (c) the net contents of the package;
- (d) the name and address of the manufacturer or packager of the food additive;
- (e) any direction in English that the Director may consider necessary to ensure its safe use in accordance with the Ordinance, regulations made thereunder or with good manufacturing practice, or to prevent injury to the consumer or to persons who may use the food additive in the preparation of a food;
- (f) the name, percentage by weight and the specification of each food additive present, where there is a mixture of food additives.”;

(b) in Part III—

(i) by inserting in their appropriate alphabetical order the following new definition—

“ “bulk package” means—

- (a) a package in which one or more duly labelled packages of a drug and its contents intended for retail are placed for the purpose of wholesale;
- (b) a package containing a drug intended to be sold by wholesale; or
- (c) a package containing a drug supplied by a wholesaler to a pharmacist or dispensary and intended to be repackaged by the retailer in smaller quantities for dispensing or retail, but does not include packing cases used in import or export for the protection of drugs.”;

(ii) by adding immediately after regulation 33 the following new regulation 33A—

“33A. The label on the bulk package of any drug shall carry—

- (a) the proper name and standard under which the drug was manufactured; if the standard is contained in any publication listed in the Second Schedule of the Ordinance such standard shall be stated in full or by the abbreviation provided in the publication;
- (b) the common name of the drug if there is no proper name;

- (c) the name and address of the manufacturer or distributor of the drug;
  - (d) the lot number or batch number which shall be preceded by the words "lot number" or "lot", "batch number", or "batch" or by an abbreviation of the words "lot" or "batch" where a drug is intended for internal or parenteral use;
  - (e) a correct declaration of net contents in terms of weight, measure or number; and
  - (f) an expiry date, if applicable or if specified by these Regulations; and may carry—
    - (i) adequate directions for use, in the English language, or a statement of dosages;
    - (ii) directions on the kind of storage required to maintain the potency, efficacy, safety or properties of the drug.”;
- (c) by adding the following subparagraphs to regulation 33(b)—
- “(vi) an expiry date if applicable or if required by these Regulations;
  - (vii) directions as to the type of storage necessary to maintain the potency, efficacy, safety or properties of the drug, if applicable or if required by these Regulations.”;
- (d) by deleting from Regulation 33(b)(v) the words “shipping cases, wrapping materials” appearing in line three;
- (e) by adding immediately after regulation 34 the following new regulation—
- “34A. The provisions of regulations 33 and 33A do not apply to packing cases used for the protection of bulk packages of drugs which are in transit for the purpose of import or export.”.

Made this 28th day of February, 1974.

K. BOSWELL INNISS  
*for Secretary to the Cabinet*