



Food Regulations 2014

His Excellency Tom Marsters

Queen's Representative

Order in Executive Council

At Avarua, Rarotonga this

day of

2014

Present:

His Excellency the Queen's Representative in Executive Council

Pursuant to section 38 of the Food Act 1992-1993, His Excellency the Queen's Representative, acting on the advice and with the consent of the Executive Council, makes the following regulations:

Contents

- 1 Title
- 2 Commencement
- 3 Interpretation
- 4 Objectives of these regulations
- 5 Application of these regulations

Part 1

General food standards

- 6 Application of Codex Standards
- 7 General limits on contaminants
- 8 Specific limits on chemical contaminants
- 9 Pesticide residues
- 10 Veterinary drug residues
- 11 Microbiological criteria
- 12 Food additives
- 13 Nutrient supplements

Part 2

High risk food and food of regulatory interest

- 14 High risk food
- 15 Food of regulatory interest
- 16 Notification of intention to import listed food

17 Notification of intention to produce or manufacture food

Part 3

Importation of food and food products

18 Personal importation of food

19 General requirements applying to imported food

20 Re-labelling of rejected imported food

21 Selling non-complying food

22 Power to exempt imported food

23 Product identity

24 Health or sanitary certification for imported food

25 Analytical certificates

26 Food subject to physical checks

27 Release of food after physical checks

28 Rejection and destruction

Part 4

Labelling, packaging and claims

29 Labelling requirements for pre-packaged foods

30 Requirements for products shipped to outer islands

31 Requirements relating to labelling of nutrient content

32 Prohibited claims in relation to food products

33 Claims of nutrient and health benefits

34 Packaging

Part 5

Food product standards

35 Commodity standards

Part 6

Food safety and hygiene obligations of food businesses

36 Application of this Part (no application to fish processing premises)

37 Good hygienic practices

38 Food safety and hygiene standards

Part 7

Marketing of food and non-alcoholic beverages to children and infants

39 Criteria to determine whether marketing and sales restrictions are to apply

40 Controls on advertising and promotion of designated products

Part 8

Offences against these regulations

41 Offences and penalties

42 Additional penalty if injury, harm or damage arises from a breach

43 Offences by corporations

Schedule 1

Maximum permitted levels of chemical contaminants

Schedule 2

Maximum limits on microbiological contaminants in foods

Schedule 3

Table of conditions for nutrient content claims

Regulations

1 Title

These regulations are the Food Regulations 2014.

2 Commencement

These regulations come into force on the day after the date on which these regulations are made in accordance with Article 13 of the Constitution.

3 Interpretation

In these regulations, unless the context otherwise requires

the Act means the Food Act 1992-1993 (as amended), and includes any Act which may replace that law from time to time

advertisement means

- (a) any written or spoken word:
- (b) any symbolic, pictorial representation or design:
- (c) any other form of representation or expression published which is used or apparently used to directly or indirectly promote the sale, consumption or disposal of any food

authorised officer means any authorised officer appointed under the Act or the Ministry of Health Act 2013

approved standard means any standard, guideline, operating procedures or code of practice applied to food from time to time in accordance with section 16 of the Ministry of Health Act 2013

broadcast means any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public

child means a person below the age of 18 years

child care facility means any premises, whether operated by the public or private sector, used to provide care for children

children's activity means any cultural, educational, sporting or recreational activity, where children are likely to make up 30 % or more of the audience

clean means clean to touch and free of extraneous visible matter and objectionable odour

Codex Alimentarius means the standards, codes of practice, guidelines and other texts developed and maintained by the Codex Alimentarius Commission from time to time

Commission means the Codex Alimentarius Commission established in 1963 by the Food and Agriculture Organization of the United Nations, and the World Health Organisation

Competent Authority means either

- (a) the Ministry where the reference is to the competent authority of the Cook Islands; or
- (b) the official authority of any other country lawfully empowered to act in that capacity where the reference is to the competent authority of any country other than the Cook Islands

contaminant means any biological or chemical agent, foreign matter or other substances that may compromise food safety or suitability

contamination means the introduction or occurrence of a contaminant in food
date of minimum durability (“best before”) means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made

designated products means any foods (including non-alcoholic beverages) that are designated by written Order made by the Minister as being a product the consumption of which might be detrimental to a healthy and balanced nutritious diet

designated product brand name means

- (a) the name of a designated product, or a range of products that includes one or more designated products:
- (b) any brand name of a designated product, or a range of products that includes one or more designated products:
- (c) any name, word or mark that so resembles any brand name of any designated product, that it is likely to be taken as, or confused with, that brand name:
- (d) any name of a manufacturer or distributor of one or more designated products:
- (e) any emblem, picture or symbol by which a designated product or a range of products that includes one or more designated products, or a manufacturer, importer or distributor of a designated product is identified:
- (f) any other words or images, including the whole or a part of a brand name, or combination of words and images, that are closely associated with a designated product or a range of products that includes one or more designated products

Director means the Director of Public Health (including any person acting with the delegated authority of the Director), and where no person is currently in the office of Director, or if the Director is unable to perform the roles of that office, it includes the Secretary of Health

equipment includes any machine, appliance, utensil or instrument used in relation to the handling of food and includes equipment used for the cleaning of food premises

food has the meaning given to it in the Act, and includes all of the following

- (a) any confectionary or chewing substance, including ice and ice-cream:
- (b) salt and spices, whether used as ingredients or otherwise:
- (c) water which is bottled for human consumption or which is added to food:
- (d) any other substance declared to be a food under an approved standard

food business means any premises

- (a) in or at which food is manufactured, prepared, packed, stored, or handled, for sale; or
- (b) in or from which food is sold; or
- (c) that is used in connection with any other food business

food business proprietor means any person who is the legal or equitable owner of the business or any person having an interest in the business

food handler means any person who handles packaged or unpackaged food, food equipment and utensils, or who handles surfaces likely to come into contact with food, for any food business

food handling operation means any activity involving the handling of food

food safety means assurance that food will not cause harm to the consumer when it is prepared or eaten according to its intended use

food safety programme means a programme, prepared in accordance with the Recommended International Code of Practice - General Principles of Food Hygiene published by the Codex Alimentarius Commission

HACCP means Hazard Analysis and Critical Control Point which identifies, evaluates, and controls hazards which are significant for food safety; as defined by the Codex Alimentarius

handling in relation to food, includes the making, manufacturing, producing, harvesting, slaughtering, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food

hazard means a biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans, and includes any effect of radiation on food

incidental constituent means any extraneous substance, toxic substance, pesticide, or animal remedy that is contained or present in or on any food; but does not include any preservative, antioxidant, colouring substance, artificial sweetener, flavouring, food conditioner, anti-caking agent, gaseous packing agent, propellant, or vitamin, or any mineral other than copper, zinc, selenium, and fluorine

infant means a person not more than 12 months of age

infant formula means a breast-milk substitute specially manufactured to satisfy, by itself, the nutritional requirements of infants during the first months of life up to the introduction of appropriate complementary feeding

label means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food

labelling includes any written, printed or graphic matter that is present on the label, accompanies the food, or is displayed near the food, including that for the purpose of promoting its sale or disposal

listed food means any food that is either on the High Risk Food List or Food of Regulatory Interest List under Part 2

nutrient means any substance normally consumed as a constituent of food, and includes proteins, carbohydrates, fats, fibre, sodium, vitamins and minerals

Nutrition Claim means any representation which states, suggests or implies that a food has particular nutritional properties (including its energy value, the content of protein, fat and carbohydrates, and the content of vitamins and minerals)

pests include birds, rodents, insects and arachnids

premises includes

- (a) any building or tent or other structure (permanent or temporary), the land on which it is situated, and any adjoining land used in connection with it;
- (b) any vehicle or vessel;
- (c) any place, including a street, open space, or place of public resort, used in the production, preparation, preservation, packaging or storage of any food; and
- (d) any other place or area declared in writing by the Director to be premises under the Act

premium means a good, service, prize, gift, voucher, competition entry, product give-away or product sample offered or supplied without charge and includes a discount or the use of a loyalty card or scheme

pre-packaged food means packaged or made up in advance in a container, ready for offer to the consumer or for catering purposes

promote means to use any form of communication to the public or a section of the public in relation to any

- (a) goods or services;
- (b) brand of goods or services; or
- (c) person who provides goods or services

publish means

- (a) insert in any newspaper or other periodical publication;
- (b) send to any person, by post, by way of the internet or otherwise;
- (c) deliver to any person or leave upon premises in the occupation of any person;
- (d) broadcast;
- (e) include in any film or video recording;
- (f) include in any disk for use with a computer;
- (g) disseminate by means of any electronic medium;
- (h) distribute by any means;
- (i) display by way of a sign, notice, poster, or other means; or
- (j) bring to the notice of the public, whether in the Cook Islands or outside of the Cook Islands, in any other manner

school premises means premises that are

- (a) used to operate a school; or
- (b) facilities, grounds, structures or other premises, controlled and managed by the school, and used principally for
 - (i) the enjoyment, recreation or relaxation of the children attending the school; or
 - (ii) cultural or sporting activities, or both, involving or undertaken for the benefit of the children attending the school

street foods and take-away meals means ready-to-eat foods (raw or cooked) prepared or sold by vendors, and by hawkers in streets, markets and other similar public places

street food stall means a place where street food is prepared, displayed, served or sold to the public (and includes carts, tables, tents, benches, baskets, chairs, vehicles with or without wheels and any other structure where any street foods and take-away meals are displayed for sale)

use-by date (recommended last consumption date, expiration date) means the date which signifies the end of the estimated period under any specific storage conditions, after which the product is not likely to have the quality attributes normally expected by the consumers, and after this date the food shall not be regarded as marketable.

- (2) The definitions referred to in sub-regulation (1) apply to any approved standards, rules, operating procedures, guidelines or codes of practice applied under the authority of section 16 of the Ministry of Health Act 2013 in support of these regulations.

4 Objectives of these regulations

The objectives of these regulations include all of the following

- (a) to protect the health of the public from unsafe food:
- (b) to provide food that is fit for purpose:
- (c) to protect consumers from deception and food of unacceptable and poor quality, by establishing minimum standards for food products.

5 Application of these regulations

- (1) These regulations apply to all of the following food products
 - (a) food products which are imported into the Cook Islands:
 - (b) food products which are produced, sold or prepared for sale in the Cook Islands; and
 - (c) food products which are exported from the Cook Islands.
- (2) These regulations do not apply to fish prepared for export pursuant to the Food (Fish Export Processing) Regulations 2006.

**Part 1
General food standards**

6 Application of Codex Standards

- (1) The Codex Alimentarius is adopted and forms part of these regulations, together with any future amendments made to the Codex Alimentarius from time to time by the Commission.
- (2) If there is a conflict between these regulations and any provision of the Codex Alimentarius, these regulations prevail.
- (3) If the provisions of the Codex Alimentarius refer to national laws or customs, a standard may be made under section 16 of the Ministry Act 2013 to apply any such requirement.
- (4) If no standard has been applied to any product, the relevant Codex Standard is deemed to be the relevant Standard which must be complied with.

7 General limits on contaminants

- (1) Food must not contain incidental constituents at levels that make the food potentially unsafe for human consumption.
- (2) Despite the generality of sub-regulation (1), the maximum levels of contaminants that are permitted in food are those limits specified by the Codex Alimentarius, unless a different limit is specified by these regulations, or any applicable standard.

8 Specific limits on chemical contaminants

- (1) Without affecting to the general requirement relating to contaminants outlined in regulation 7, the limits on chemical contaminants specified in Schedule 1 apply to all food products imported into and produced and processed in Cook Islands for consumption.
- (2) A food product is deemed to be non-compliant with these regulations if any one sample unit contains a chemical contaminant that exceeds the level applied under sub-regulation (1).

9 Pesticide residues

- (1) The maximum levels of pesticide residues in food must not exceed the limits specified by the Codex Alimentarius.

- (2) A food product is deemed to be non-compliant with these Regulations if any one sample unit contains a residue that exceeds the relevant level specified by the Codex Alimentarius.

10 Veterinary drug residues

- (1) The maximum levels of veterinary drug residues in food must not exceed the limits specified by the Codex Alimentarius.
- (2) A food product is deemed to be non-compliant with these regulations if any one sample unit contains a residue that exceeds the relevant level specified by the Codex Alimentarius.

11 Microbiological criteria

- (1) All food products for sale must comply with the microbiological criteria established by the Codex Alimentarius and as specified in Schedule 2 of these regulations.
- (2) The requirements of sub-regulation (1) apply to food products at all the following times^o
 - (a) prior to import:
 - (b) at the point of import:
 - (c) at the end of processing and at the point of sale.
- (3) Food importers are responsible for ensuring that food imported into Cook Islands complies with the microbiological criteria applied under sub-regulation (1) prior to importation, and if required by an authorised officer, at the point of import.
- (4) Food businesses processing food are responsible for ensuring that food produced complies with the microbiological criteria applied under sub-regulation (1).

12 Food additives

- (1) Food additives must not be used in any food imported or sold in Cook Islands, unless permitted by these regulations or any applicable standard.
- (2) Unless otherwise prescribed in these regulations or any applicable standard, the additives permitted for use in a food product are those additives permitted for use under the *Codex General Standard on Food Additives*, and the maximum level of each permitted additive in the final product is the maximum level that is permitted for use in the applicable standard.
- (3) If no Codex Standard or other applicable standard exists for additives to be used in a food, the processor or importer must be able to demonstrate to the satisfaction of the Director, the safety of the additives to be used for a particular product, prior to the importation or processing of the product.
- (4) Food business operators (including processors and importers) must ensure that additives present in their food comply with the requirements of the Codex Alimentarius, unless otherwise prescribed in these regulations or an applicable standard.

13 Nutrient supplements

- (1) Nutrient supplements must not be imported, manufactured, advertised for sale or sold by any person unless it is a permitted nutrient supplement under the Codex Alimentarius, or otherwise prescribed by these regulations or any applicable standard.

- (2) A person must not import, manufacture, advertise for sale or sell any food in which
 - (a) any nutrient supplement other than a permitted nutrient supplement is present; or
 - (b) any permitted nutrient supplement at a concentration above the maximum permitted by the Codex Alimentarius (or by these regulations or any other applicable standard) is present.

Part 2

High risk food and food of regulatory interest

14 High risk food

- (1) The Director has authority to specify any food or category of food as being of high risk by the publication of a High Risk Food List from time to time.
- (2) A list approved under sub-regulation (1), and any amendment to the List, takes effect upon its approval by the Director.
- (3) A list approved under sub-regulation (1), and any amendment to the List, is to be published or circulated in any manner approved by the Director.

15 Food of regulatory interest

- (1) The Director has authority to specify any food or category of food as being of regulatory interest by the publication of a List of such foods from time to time.
- (2) Action may be taken under sub-regulation (1) on any of the following grounds
 - (a) the food has a history of non-compliance:
 - (b) that is required to be fortified:
 - (c) the food is being targeted to reduce the population's exposure to fat, sugar or sodium in priority foods:
 - (d) the Director reasonably suspects that the food could otherwise pose a public health risk.

16 Notification of intention to import listed food

- (1) A person who intends to import food for sale that is either on the High Risk Food List or Food of Regulatory Interest List must give prior notification to the Ministry of his or her intention to import food at least 30 days prior to the food being imported into Cook Islands.
- (2) A notification under this regulation must be given in writing and can be sent by email, fax or other documented means, but it is the responsibility of the notifier to ensure that the notification is received by the Ministry, and that it contains all of the information that the Ministry requires.
- (3) Along with the notice of intent to import specified in sub-regulation (1), the importer must provide copies of the invoices, manifestoes and other documentation associated with the product to be imported.
- (4) An authorised officer has authority to carry out any inspection and sampling that the officer requires.
- (5) After inspecting and sampling, and reviewing relevant documentation (including export certifications provided by competent authorities overseas), the authorised officer has authority to permit the proposed importation, or decline it and make appropriate arrangements for the disposal of the food.

- (6) Information related to the proposed importation of food is to be shared with the Customs Service and other relevant government Ministries and agencies.

17 Notification of intention to produce or manufacture food

- (1) A person who intends to produce or manufacture food for sale must notify the Ministry of his or her intention to do so.
- (2) A notification under this regulation must be given in writing and can be sent by email, fax or other documented means, but it is the responsibility of the notifier to ensure that the notification is received by the Ministry, and that it contains all of the information that the Ministry requires.
- (3) An authorised officer has authority to carry out any inspection and sampling that the officer requires to determine if the Act or Regulations is being complied with and to identify and assess whether there is any potential impact to the public from the consumption of such food.

Part 3

Importation of food and food products

18 Personal importation of food

- (1) Subject to the specific requirements and restrictions under this regulation, foods imported into Cook Islands for personal consumption by the person who brings the food into Cook Islands, or the person's family, are exempt from regulatory control.
- (2) Personal imports of chilled and frozen meat and chilled and frozen fish must not exceed 10 kg in total per person.
- (3) Personal imports of meat products, dairy products, fishery products (including processed dried, cooked, cured or smoked fish, and any lobsters and prawns) must not exceed 10kg in total per person and must comply with all of the following:
 - (a) the product does not require refrigeration before consumption, or is otherwise appropriately packaged for transport;
 - (b) the product is in commercially branded packaging; and
 - (c) the packaging is unbroken unless in current use.
- (4) Personal imports of powdered infant formula and infant food must not exceed 5 kg in total per person.
- (5) Personal imports of all other foods must not exceed 5 kg in total per person.
- (6) If the food will be personally consumed by the importer or consumed by family members of the importer, and if it complies with the quantities outlined in sub-regulations (2)-(5), an authorised officer must not hold the product for further assessment.
- (7) A person who intends to import food for personal or family use in greater quantities than is permitted by this regulation, may apply to the Director for approval to do so.
- (8) When considering whether to approve an application under sub-regulation (7) the Director is authorised to consider any or all of the following matters:
 - (a) the type and nature of food to be imported;
 - (b) the proposed quantity of food to be imported and whether this seems a reasonable quantity for its intended use;
 - (c) any potential health risk to the public from the importation and consumption of the food;

- (d) the suitability of the controls and safeguards that the importer will implement to ensure there is no harm to public health from the importation and consumption of the food:
 - (e) any other factors the Director considers relevant.
- (9) The Director has authority to impose any conditions that the Director considers to be necessary or desirable to safeguard public health when granting an application under sub-regulation (7).

19 General requirements applying to imported food

- (1) Subject to regulation 18 and to sub-regulation (3) of this regulation, no person may import any food or food ingredient that does not comply with the requirements of the Act, and with these regulations and any applicable standards.
- (2) The importer has the onus of demonstrating compliance under sub-regulation (1).
- (3) Subject to sub-regulation (4), if any food that is imported is a raw or semi-processed food that requires further processing, and the original packaging is required to be removed for processing before the food is sold in the Cook Islands, the food may be repacked, reprocessed, re-constituted or reconditioned after importation to ensure compliance with this regulation.
- (4) A person who intends to import food with the intention to repackage, reprocess or recondition food must first obtain a permit from the Director, and such a permit is valid for a period determined by the Director, and is subject to any conditions imposed by the Director in relation to the importation or reprocessing of the food.
- (5) Without limiting the power of the Director to impose any condition in relation to a permit issued under sub-regulation (4), the Director may direct an importer to
 - (a) perform re-labelling or reprocessing operations in a designated area or under the supervision of an authorised officer, or in a manner approved by the Director:
 - (b) pay a fee or deposit a security or any other guarantee determined by the Director:
 - (c) include any other information on the label of the food that the Director considers necessary to protect public health and safety.
- (6) A person who fails to comply with this regulation or any conditions applying to a permit issued under this regulation breaches these regulations.

20 Re-labelling of rejected imported food

- (1) If food is rejected under this Part but an authorised officer considers it suitable for re-labelling, the importer must re-label the food in accordance with the requirements of these regulations if the importation is to be permitted.
- (2) If authority is given under sub-regulation (1) to re-label food, the authorised officer must advise the importer of the need to detain the product until the re-labelling has been completed, and provide the importer with a copy of the detention report.
- (3) It is the responsibility of the importer to ensure that the food is detained in compliance with any requirements imposed by the authorised officer.

- (4) Detention of a product to which this regulation applies may take place in an agreed location pending the receiving of proof that the product has been re-labelled appropriately.
- (5) If food to which regulation applies is not re-labelled within 1 month from the date of its detention, the food must be re-exported by the importer, or destroyed in accordance with any requirements imposed by the authorised officer.
- (6) If food to which this regulation applies is to be re-exported, the importer or other person in charge of the food must inform the Competent Authority of the proposed importing country of the reason for re-export, and must secure approval from the relevant Competent Authority for such action to be taken.
- (7) If food to which this regulation applies is to be re-exported, the importer must ensure the food is not exported without all necessary documentary evidence that the Competent Authority of the proposed importing country has approved the re-import.
- (8) If food to which this regulation applies is not re-exported as directed by the authorised officer, it must be sent for destruction by crushing and burial; or by incineration; or by other suitable means determined by the authorised officer.
- (9) All costs associated with the storage or disposal of food to which this regulation applies are the responsibility of the importer, and the importer is liable for any loss or damage suffered by any person as a result of the failure to properly store or dispose of any food to which this regulation applies.

21 Selling non-complying food

A person who attempts to sell any food before making necessary changes to comply with the Act or these regulations breaches these regulations.

22 Power to exempt imported food

The Director may by written order, exempt any food or any class of food from any or all of the provisions of this Part.

23 Product identity

- (1) Upon arrival of imported food into Cook Islands, authorised officers have authority to inspect the documents accompanying the food to confirm the specific product identity.
- (2) The importer of food must ensure that complete documentation is made available to an authorised officer to confirm all of the following matters^o
 - (a) the name of the importer:
 - (b) a clear and accurate description of the food:
 - (c) details of quantity and weight:
 - (c) the serial number of the container:
 - (d) the exporting country and the name or registration number of the relevant processing factory in that country:
 - (e) any other information or details which the Director requires from time to time, or which the authorised officer requires in any particular case.
- (3) An authorised officer also authority to verify by any appropriate means, that the product, health marks, stamps and other necessary product and or package information conforms to the declaration on the health certificates for the products, and with any accompanying documentation.

24 Health or sanitary certification for imported food

- (1) Authorised officers have authority to subsequently inspect any health or sanitary certification that accompanies imported food to determine all or any of the following
 - (a) that it is from a recognised competent authority and is signed:
 - (b) that it is relevant to the specific product being imported:
 - (c) that the certification is in English and in the required format:
 - (d) that the certification contains a statement of the controls in place at the food business ó for example, good hygienic practice; good manufacturing practice; and a HACCP programme (or equivalent programme) is implemented and audited:
 - (e) that the certification confirms that an audit or inspection has been undertaken in a reasonable timeframe prior to product being distributed from the premises.
- (2) If a certificate does not meet the requirements of sub-regulation (1) an authorised officer is empowered to take all necessary action to ensure that the food is detained until the importer can provide satisfactory documentation.
- (3) If no satisfactory documentation can be provided by the importer in a timely manner the product must be re-exported, or rejected and destroyed, by or at the cost of the importer.
- (4) If the product is likely to deteriorate while being detained, it must be rejected and destroyed in a manner approved by an authorised officer.

25 Analytical certificates

- (1) Authorised officers have authority to inspect food analysis certificates to determine all or any of the following
 - (a) that the certification covers the microbiological, chemical or physical parameters required by these regulations:
 - (b) that the certification is in English and in the required format:
 - (c) that testing was conducted by an accredited or approved laboratory:
 - (d) that the test methodology is defined on the certificate and approved by the Ministry.
- (2) If the certificate does not meet the requirements of sub-regulation (1) an authorised officer is empowered to take all necessary action to ensure that the food is detained until the importer can provide satisfactory documentation, or until the food is analysed.
- (3) If no satisfactory documentation can be provided by the importer in a timely manner the product must be re-exported, or rejected and destroyed, by or at the cost of the importer.
- (4) If the product is likely to deteriorate while being detained, it must be rejected and destroyed in a manner approved by an authorised officer.

26 Food subject to physical checks

- (1) If, after documentary and identity checks, there is a need to hold the products for physical checks, the authorised officer has authority to notify the importer and Customs in writing of the intent to physically examine the product.

- (2) If it is necessary to conduct a physical check and it is not possible to do so in a timely manner while in the Customs controlled area, the authorised officer has authority to require the importer to move the product to another location within Cook Islands, and for it to be held without further distribution until a permit for the importation has been issued.
- (3) The authorised officer has authority to apply any appropriate device or thing to the container or product to ensure that it is not further distributed before examination.
- (4) When physical checks are carried out they may include any physical observation or test appropriate to assess compliance with the Act, and with these regulations or any applicable standard.

27 Release of food after physical checks

Products which have been detained and subjected to physical checks may only be released from detention and permitted to be sold if an authorised officer issues an importation permit.

28 Rejection and destruction

- (1) If an authorised officer is of the opinion that a food product which is being imported does not meet the requirements of the Act, or of these Regulations or any applicable standard, the officer has authority to prohibit the importation.
- (2) The relevant invoice and manifest in respect of that article must be marked **REJECTED**, and an authorised officer will issue a notice of rejection of article for import.
- (3) The rejection notice will be delivered to a Customs officer who must take all necessary action to prevent the importation of the food product.
- (4) If food is rejected in accordance with this regulation, the authorised officer has all necessary authority to ensure that the product is destroyed by crushing and burial, or by other suitable means.
- (5) All costs incurred or associated with the destruction of rejected food products are to be met by the importer.

Part 4

Labelling, packaging and claims

29 Labelling requirements for pre-packaged foods

- (1) A pre-packaged food offered for sale in, or imported into, Cook Islands must comply with all applicable standards applied in accordance with section 16 of the Act in relation to the content of the labels of such products, and the type presentation of such labelling.
- (2) All labelling required under these regulations and any approved standards must be in the English language.
- (3) Pre-packaged food must not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive, or which is likely to create an erroneous impression regarding its character in any respect.
- (4) Pre-packaged food must not be described or presented on any label or in any labelling by words, or by pictorial or other devices, which refer to or are suggestive (directly or indirectly), of any other product with which such food might be confused, or in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.

30 Requirements for products shipped to outer islands

All pre-packaged food products shipped from Rarotonga to any outer island must have at least 6 months shelf-life before the products pass the date mark printed on the product.

31 Requirements relating to labelling of nutrient content

- (1) All pre-packaged food produced, processed, packed, distributed, or imported must comply with all approved standards for nutrient content labelling applied in accordance with section 16 of the Ministry of Health Act 2013.
- (2) The Director may give a written exemption to small scale or home-based food businesses producing pre-packaged food products for sale at markets or road side stalls or through other similar arrangements, from having to comply with the nutrient content labelling requirements.
- (3) Approved standards applied under this regulation may exempt foods produced for immediate consumption by restaurants, school tuckshops, vendors of street foods and take-away meals, or may apply specific standards in relation to such foods.

32 Prohibited claims in relation to food products

All of the following claims made on food labelling or in any other manner which applies to the sale or offering for sale of food are prohibited:

- (a) a claim that a food will provide an adequate source of all essential nutrients, (except in the case of well-defined products for which a Codex Standard permits such a claim to be made);
- (b) a claim which states or implies that a balanced diet or ordinary foods cannot supply adequate amounts of all nutrients;
- (c) a claim which encourages or condones excessive consumption of any food, or which contradicts good dietary practice;
- (d) any claim which cannot be substantiated on the basis of sound scientific evidence;
- (e) nutrition claims and health claims relating to foods for infants and young children except (except if such claims are permissible under standards, rules, guidelines or codes of practice made under section 16 of the Ministry of Health Act);
- (f) a claim as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder or particular physiological condition, (except if the claim is in accordance with the provisions of Codex Standards or guidelines, and complies with any standards, rules, guidelines or codes of practice made under section 16 of the Ministry of Health Act);
- (g) a claim which could give rise to doubt about the safety of similar food, or which could arouse or exploit fear in the consumer;
- (h) a claim that a food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals and amino acids is only permitted if such an addition has been made on the basis of nutritional considerations according to the Codex General Principles for the Addition of Essential Nutrients to Foods;
- (i) a claim of religious or ritual preparation, (including that the food is Halal and Kosher), if the food does not conform to the requirements of the appropriate religious or ritual authorities;

- (j) a claim relating to the absence of beef or pork (or their derivatives), or lard or added alcohol, is prohibited if the food does not normally contain such ingredient:
- (k) a claim which highlights the absence or non-addition of particular substances to food if either of the following apply
 - (i) the substance is one which consumers would not normally expect to find in the food:
 - (ii) the substance has been substituted by another, giving the food equivalent characteristics (unless the nature of the substitution is clearly stated with equal prominence).

33 Claims of nutrient and health benefits

- (1) The only nutrition claims relating to food which are permitted are those relating to energy, protein, carbohydrates, fats (and components of fats), fibre, sodium, and vitamins and minerals for which Nutrient Reference Values have been laid down in the Codex Alimentarius (unless otherwise permitted by standards, rules, guidelines or codes of practice made under section 16 of the Ministry of Health Act).
- (2) If a nutrient content claim that is listed in Schedule 3 is made, the claim must be consistent with the requirements of that Schedule.
- (3) Nutrient comparative claims are only permitted if both of the following apply
 - (a) the comparison is to the same or similar food:
 - (b) a statement of the amount of difference in the energy value or nutrient content is given.
- (4) Claims as to the health benefits of foods are only permitted if all of the following conditions are met
 - (a) proof of the claim must be sufficient to substantiate the type of claimed effect, and supported by appropriate scientific review of the relevant data:
 - (b) claims must consist of information on the physiological role of the nutrient, or relate to an accepted diet-health relationship and associated composition information:
 - (c) the claimed benefit must arise from the consumption of a reasonable quantity of the food or food constituent in the context of a healthy diet:
 - (d) a validated method to quantify the food constituent that forms the basis of the claim must be available:
 - (e) all of the following information must appear on the label or labelling of the food bearing a health claims
 - (i) a nutrient declaration at least complying with the nutrition labelling requirements specified by the Codex Alimentarius:
 - (ii) a statement of the quantity of any nutrient or other constituent of the food that is the subject of the claim:
 - (iii) the target group of consumers, if appropriate:
 - (iv) how to use the food to obtain the claimed benefit, and other lifestyle factors or other dietary sources, if appropriate:
 - (v) advice to vulnerable groups on how to use or to avoid using the food, if appropriate:
 - (vi) the maximum safe intake of the food or constituent, if necessary:

- (vii) how the food or food constituent fits within the context of the total diet:
- (viii) a statement on the importance of maintaining a healthy diet.
- (5) A determination by the Director as to the appropriateness or necessity of any matter referred to in sub-regulation (4)(e) is definitive, and the appropriate requirements must be complied with if the Director so determines.
- (6) A claim which relates to dietary guidelines or 'healthy diets' is only permitted if all of the following apply:
 - (a) if the claim is consistent with any national dietary guidelines applicable to the Cook Islands:
 - (b) if the claim is not based on a selective consideration of one or more aspects of the food:
 - (c) if the food is not described as 'healthy' or represented in a manner that implies that a food in and of itself will impart good or improved health.
- (7) A claim to the effect that a food is a good source of a vitamin or mineral is only permitted if the food contains no less than 25% of the recommended daily intake of that vitamin or mineral.
- (8) A claim regarding a food being fortified is only permitted if the food has been approved by the Director as being suitable for such, and must not include food considered by the Director to be high in sugars, fat or salt, (with the exception of fortified salt itself).

34 Packaging

- (1) Materials and processes used for packaging and wrappings, must not be a source of contamination to the food.
- (2) The guideline levels provided for in the Codex Guideline for vinyl chloride monomer and acrylonitrile permitted in food and packaging in Cook Islands apply to food packaging and wrapping in Cook Islands.
- (3) Packaging and wrapping must be stored in such a manner that they are not exposed to a risk of contamination.
- (4) Packaging used for the protection of food for sale cannot be re-used for food or feed unless the Director approves such re-use after inspecting both the accuracy of the labelling and the cleaning and disinfection processes applied to the second hand packaging.
- (5) Cartons used to package eggs must not be reused.
- (6) When food business operators retail raw meat and poultry direct to consumers, such meat and poultry must be packaged so that the packaging prevents contamination of the meat and poultry and prevents the meat and poultry from contaminating other food.
- (7) Packages referred to in sub-regulation (6) must be labelled in accordance with the mandatory labelling requirements of these regulations, and any applicable standards.
- (8) Butcher shops and retailers need not package meat and poultry for display for sale provided that such meat and poultry are not potentially subject to consumer handling.
- (9) When selling meat and poultry direct to consumers butchers must package the food in packaging that prevents contamination of the meat and poultry, and prevents the meat and poultry from contaminating other food.
- (10) Packaging referred to in sub-regulation (9) is exempt from other mandatory labelling requirements.

Part 5

Food product standards

35 Commodity standards

- (1) A person who produces, processes, harvests, handles, keeps, distributes, displays for sale, sells or imports into or exports from the Cook Islands a food must comply with all applicable standards, operating procedures and codes of conduct approved under section 16 of the Ministry of Health Act 2013.
- (2) Standards, operating procedures and codes of conduct may be applied under sub-regulation (1) to all or any of the following
 - (a) meat and meat products:
 - (b) poultry, poultry products and eggs:
 - (c) fish and fisheries products:
 - (d) cereal and cereal products:
 - (e) salt:
 - (f) canned vegetables:
 - (g) any other type of food or food product.

Part 6

Food safety and hygiene obligations of food businesses

36 Application of this Part (no application to fish processing premises)

This Part applies to all food businesses operating in the Cook Islands with the exception of premises subject to the Food (Fish Export Processing) Regulations 2006.

37 Good hygienic practices

- (1) All food business operators must take all practicable measures to process only safe and suitable food, and must ensure that good hygienic practices as prescribed in this Part are applied at all stages of producing, manufacturing, harvesting, receiving, processing, handling, transporting, storing, displaying, selling, distributing and importing any food under their control.
- (2) When processing food, food business operators must comply with both of the following
 - (a) they must take all necessary steps to prevent the likelihood of food being contaminated:
 - (b) if a process step is needed to reduce any pathogens that may be present in the food to safe levels ó they must use a process step that has been proven to achieve the microbiological safety of the food.
- (3) The following apply to hawkers, vendors of street foods and take-away foods, street and market food stalls and any charity and community food business operations that prepare, handle, harvests, store or display food for sale or sell food
 - (a) they are responsible for ensuring the food provided for sale is safe and has been prepared or harvested under hygienic conditions using good hygienic practices:
 - (b) they can be exempted in writing by the Director, from having to comply with any of the food safety requirements of these regulations, if they can satisfy the Director that
 - ó

- (i) they are using some other approved hygienic practice to safeguard the food; and
 - (ii) there is no risk to the health of the public from being so exempted:
- (c) they must permit an authorised officer to inspect the place or places in which the food was or is being prepared, handled, harvested, displayed or offered for sale, so as to enable the authorised officer to ascertain the hygienic state of the place, (including any domestic places or residential premises where food has been or is being prepared).

38 Food safety and hygiene standards

- (1) A person who operate or work in any food business must comply with all applicable standards, operating procedures and codes of conduct approved under section 16 of the Ministry of Health Act 2013.
- (2) Standards, operating procedures and codes of conduct may be applied under sub-regulation (1) to all or any of the following:
- (a) any health related requirements for places and facilities of food businesses, including the location of places and equipment, matters relating to design and layout, internal structures and fittings, and maintenance of premises and equipment:
 - (b) equipment and containers used in relation to food preparation, processing or packaging:
 - (c) cooking equipment (including associated exhaust systems), including the maintenance and sanitising of specific equipment:
 - (d) water quality (including ice):
 - (e) drainage and waste disposal:
 - (f) cleaning facilities, equipment and processes:
 - (g) personnel hygiene facilities and toilets:
 - (h) air quality and ventilation:
 - (i) lighting:
 - (j) storage:
 - (k) cleaning, disinfection, pest control and the control of animals:
 - (l) vehicles, vessels, conveyances and bulk containers used in relation to food:
 - (m) time and temperature control (including temperature measuring devices):
 - (n) microbiological cross-contamination:
 - (o) physical contamination:
 - (p) restrictions of prohibitions relating to the re-service of food, and to single use items:
 - (q) interference with food packaging:
 - (r) restrictions as to exposure of food:
 - (s) raw materials and ingredients for food:
 - (t) regulation of food workers, including their health status, and matters related to personal cleanliness, hygiene, personal behaviour, mandatory food handler training:
 - (u) recall procedures.

Part 7
Marketing of food and non-alcoholic beverages to children and infants

39 Criteria to determine whether marketing and sales restrictions are to apply

- (1) Subject to the restrictions imposed by this Part, the Director has authority to determine that a food product or non-alcoholic beverage is a "designated product" for the purposes of this Part, if nutritional content (including the presence of saturated fat, trans-fatty acids, free sugar and salt) of the product or beverage makes the consumption of that food or beverage detrimental to the health of children or infants, and that it is only suitable for occasional consumption.
- (2) The Director has authority to publish criteria for deciding whether the content of a designated product is detrimental to the health of children or infants.
- (3) The matters which the Director can take into account in deciding the criteria under sub-regulation (2) include any or all of the following:
 - (a) the nutritional content of products or beverages:
 - (b) the presence of food additives in products or beverages:
 - (c) production techniques used for products or beverages:
 - (d) any other matters that the Secretary or Director considers appropriate.
- (4) The Director may adopt criteria developed by national or international organisations for the purpose of sub-regulation (2).
- (5) In the light of any new evidence, the Director has authority to publish criteria from time to time revised.

40 Controls on advertising and promotion of designated products

- (1) A person commits an offence against these regulations if he or she does any of the following:
 - (a) publishes or arranges for any other person to publish any advertisement:
 - (b) arranges or undertakes any promotion of designated products which undermines the education of children as to the importance of healthy and balanced nutritious diet.
- (2) A person commits an offence against these regulations if he or she does any of the following:
 - (a) publishes or arranges for the publication of an advertisement for a designated product, or a designated product brand name to children:
 - (b) undertakes or arranges for a promotion of a designated product or designated product brand name to children:
 - (c) publishes or arranges for the publication of any advertisement for infant formulas:
 - (d) undertakes or arranges for a promotion of any infant formula.
- (3) For the purposes of this regulation, an advertisement or promotion is deemed to be "to children" if any of the following apply:
 - (a) it is likely to appeal to children:
 - (b) it is organised or published at any time, place, situation or in a medium where the percentage of children in the audience, or as likely recipients of the advertisement or promotion, is likely to exceed 30%.
- (4) To determine whether sub-regulation (3)(a) applies, the factors that may be taken into account include any or all of the following:

- (a) the nature of the designated products:
 - (b) the themes, content, presentation and design of the advertisement or promotion:
 - (c) the age of any people participating in the advertisement or involved in the promotion:
 - (d) any images, graphics, language, sounds, music, objects, animals, personalities, characters, activities, games or sport in the advertisement or promotion.
- (5) A person commits an offence against these regulations if he or she does any of the following:
- (a) arranges for, permits or authorises any child or infant to appear or be used in any advertisement or promotion for any designated product, or in association with a designated product brand name:
 - (b) arranges for, permits, or authorises the use of any person or character well known or likely to appeal to children for the purpose of advertising or promoting a designated product or designated product brand name:
 - (c) arranges for, permits or authorises the use of any game or any internet site or other electronic or communication medium intended to appeal to children for the purpose of advertising a designated product or designated product brand name:
 - (d) broadcasts any advertisement or promotion for a designated product between 6 am and 9 pm on any day of the week:
 - (e) uses, arranges for, permits or authorises the advertising or promotion of any designated product or any designated product brand name, at any settings where children or infants are likely to gather (including schools, playgrounds, day care centres and wellness clinics):
 - (f) uses a designated product brand name in relation to any of the following:
 - (i) on any article or thing intended for sale to or supply or use by children or infants, other than on the package or container of a designated product:
 - (ii) for the purpose of advertising or promoting any article or thing that is not a designated product, any service, activity or event or a scholarship, fellowship or any other educational benefit:
 - (g) uses or permits to be used, any designated product or designated product brand name in association with any children or infants activities:
 - (h) supplies or offers a premium, for the purpose or effect of promoting a designated product, to children or infants:
 - (i) packs a designated product, or causes, permits or authorises the packaging of a designated product, in a manner which is directed to children or infants:
 - (j) displays, or permits, authorises or arranges for the display of any advertisement or promotion for a designated product within 200 metres of the entrance to a school, health facility or child care facility, or any other setting where children or infants are likely to gather.

Part 8

Offences against these regulations

41 Offences and penalties

Subject to regulation 42, a person who commits an offence against these regulations, or who breaches any obligation or requirement applying under these regulations or any approved standard, or under any licence or permit issued under the regulations, is liable upon conviction to a fine not exceeding \$5,000.

42 Additional penalty if injury, harm or damage arises from a breach

If any offence against these regulations, or any breach of any obligation or requirement applying under them, results in any injury or harm to any person, or damage to any property, then upon conviction the person is liable to a fine not exceeding \$50,000.

43 Offences by corporations

If an offence against these regulations, or any breach of an obligation or requirement under them, is committed by a company or corporate body, then in addition to proceedings being taken against the company, any director, manager or person associated with the company may be prosecuted under these regulations if any of the following apply:

- (a) that person knew of the circumstances amounting to the offence or breach:
- (b) that person ought to have known of the circumstances amounting to the offence or breach:
- (c) that person was responsible for any matter within the company or corporate body, which if done properly, would have prevented or avoided the offence or breach, or would have minimised the consequences of it:
- (d) that person acted in any way so as to cover up the circumstances which amounted to the offence or breach.

Schedule 1

Maximum permitted levels of chemical contaminants

- (1) Maximum permitted levels of arsenic in edible fats and oils, named animal fats, named vegetable oils, olive oils and olive pumice oils, and fats spreads and blended spreads shall be 0.1 mg/Kg.
- (2) Maximum permitted levels of arsenic in salt shall be 0.5 mg/Kg.
- (3) Maximum permitted levels of cadmium in salt shall be 0.5 mg/Kg.
- (4) Maximum permitted levels of cadmium in fish and fisheries products shall be as prescribed below:

Product	Max level (mg/Kg)
Muscle meat of fish, excluding those listed below	0.05
Muscle meat of: bonito (<i>Sarda sarda</i>), horse mackerel or scad (<i>Trachurus, trachurus</i>), sardine (<i>Sardina pilcardus</i>), sardinops (<i>Sardinops species</i>), spotted seabass (<i>Dicentrarchus punctatus</i>), tuna (<i>Thunnus species</i> and <i>Euthynnys species</i>)	0.1
Crustaceans, excluding brown meat of crab and excluding head and thorax meat of lobster and similar large crustaceans (<i>Nephropidae</i> and <i>Palinuridae</i>)	0.5
Cephalopods (without viscera)	1.0

- (5) Maximum permitted levels of copper in anhydrous milkfat, milkfat, anhydrous butteroil and butteroil and ghee shall be 0.05 mg/Kg.
- (6) Maximum permitted levels of copper in edible animal fats not elsewhere specified shall be 0.4 mg/Kg.
- (7) Maximum permitted levels of copper in salt shall be 2.0 mg/Kg.
- (8) Maximum permitted levels of iron in anhydrous milkfat, milkfat, anhydrous butteroil and butteroil and ghee shall be 0.2 mg/Kg
- (9) Maximum permitted levels of lead in edible fats and oils shall be 0.2 mg/Kg unless otherwise stated as with the named animal fats and vegetable oils and olive oils and olive pumice oils.
- (10) Maximum permitted levels of lead in named animal fats, named vegetable oils, olive oils and olive pumice oils, and fats spreads and blended spreads shall be 0.1 mg/Kg.
- (11) Maximum permitted levels of lead in canned corned beef, canned luncheon meat and sugars shall be 0.5 mg/Kg;
- (12) Maximum permitted levels of lead in salt shall be 2 mg/Kg.
- (13) Maximum permitted levels of lead in infant formula shall be 0.02mg/Kg.
- (14) Maximum permitted levels of lead in fish and fisheries products shall be as prescribed below:

Product	Max Level (mg/Kg)
Muscle meat of fish, excluding those listed below.	0.2
Muscle meat of: bonito (<i>Sarda sarda</i>), horse mackerel or scad (<i>Trachurus, trachurus</i>), sardine (<i>Sardina pilcardus</i>), sardinops (<i>Sardinops species</i>), spotted seabass (<i>Dicentrarchus punctatus</i>), tuna (<i>Thunnus species</i> and <i>Euthynnys species</i>)	0.4
Crustaceans, excluding brown meat of crab	0.5
Cephalopods (without viscera)	1.0

- (15) Maximum permitted levels of total mercury in Sharks (all species), Tuna (*Thunnus spp.*), Little tuna (*Euthynnus spp.*), Bonito (*Sarda spp.*), Plain bonito (*Orcynopsis unicolor*), Swordfish (*Xiphias gladius*), Sailfish (*Istiophorus platypterus*), Marlin (*Makaira spp.*), Bass (*Dicentrarchus labrax*), Portuguese dogfish (*Centroscymnes coelolepis*), Rays, (*Raja spp.*), Anglerfish (*Lophius spp.*), Emperor or Orange roughy (*Hoplostethus atlanticus*), Bonito (*Sarda sarda*), Grenadier (*Coryphaenoides rupestris*), Plain bonito (*Orcynopsis unicolor*), Snake mackerel or Butterfish (*Lepidocybium flavobrunneum*, *Ruvettus pretiosus*, *Gempylus serpens*) shall be 1.0 mg/Kg.
- (16) Maximum permitted levels of total mercury in all other species of fish other than those described in subsection (16) above shall be 0.5 mg/Kg
- (17) Maximum permitted levels of mercury in salt shall be 0.1 mg/Kg.
- (18) Maximum permitted levels of tin in canned corned beef and canned luncheon meat shall be 50 mg/Kg unless it is in tinplate containers when the maximum permitted shall be 200 mg/Kg.
- (19) Maximum permitted levels of 3-chloro-1,2-propanediol in acid hydrolyzed foods such as, but not limited to, soy sauce and fish sauce shall be 0.2mg/Kg.
- (20) Maximum permitted levels of 1,3-dichloro-2-propanol in acid hydrolyzed foods such as, but not limited to, soy sauce and fish sauce shall be 5µg/Kg.
- (21) Smoked fish may contain formaldehyde incidentally absorbed in the processing in a proportion not exceeding 5 mg/Kg.
- (22) While not being permitted to be purposefully added to food, in recognition that some foods may become contaminated accidentally, the maximum permitted levels for melamine in food are 1mg/Kg in food for infants up to 3 years and 2.5mg/Kg for all other food.
- (23) While not being permitted to be purposefully added to animal feed, in recognition that some feed may become contaminated accidentally, the maximum permitted levels for melamine in feed for food animals is 2.5mg/Kg.
- (24) Mycotoxins shall not be at levels above those permitted by the Codex Alimentarius
- (25) Smoked meat may contain formaldehyde incidentally absorbed in the processing in a proportion not exceeding 5 mg/Kg.

Schedule 2
Maximum limits on microbiological contaminants in foods

Food	Where criterion applies	Microorganism or microbial toxin/sample unit size	n	c	m	M
Milk powder, cream powder, and whey powder	Products prior to import, at point of import, and at the point of sale	<i>Salmonella</i> /25 g	5	0	0	
Powdered infant formula products		<i>Bacillus cereus</i> /25g	5	0	10 ² /g	10/g
		Coagulase-positive staphylococci/25g	5	1	0/g	
		<i>Salmonella</i> /25 g	5	0	0	
Egg products		<i>Salmonella</i> /25 g	5	0	0	
Packaged natural mineral water		<i>Escherichia coli</i> /250 ml	2	0	0	
		Total coliforms/100mL	2	0	0	
Packaged water and packaged waters defined by origin other than natural mineral water		<i>Escherichia coli</i> /250 ml	2	0	0	
		Total coliforms/100mL	2	0	0	
Packaged ice for human consumption		<i>Escherichia coli</i> /100 ml	2	0	0	
Ice cream	<i>Escherichia coli</i> /100g	2	0	0		
	<i>Salmonella</i> /25g	5	0	0		
Meat products intended to be eaten cooked sampled prior to cooking, including minced meat and meat preparations made from poultry meat and other species	<i>Salmonella</i> /10 g	5	0	0		
	<i>Salmonella</i> /10 g	5	0	0		
Turkey tails and other poultry tail products , intended to be eaten cooked, sampled prior to cooking						

Food Regulations 2014

Ready-to-eat meat not elsewhere addressed	<i>Salmonella</i> /25 g	5	0	0	
	<i>Escherichia coli</i> /100g	2	0	0	
Ready-to-eat cooked crustaceans including crabs, lobster, shrimp and prawns	Staphylococcal enterotoxins/25g	5	0	0	
	<i>Salmonella</i> /25 g	5	0	0	
Bivalve molluscs intended to be eaten raw	<i>Escherichia coli</i> /100g	1 ¹	0	230 MPN/100g	
	<i>Salmonella</i> /25 g	5	0	0	
Pre-cut fruit and vegetables (ready-to-eat)	<i>Escherichia coli</i> /25g	2	1	0	10
	<i>Salmonella</i> /25 g	5	0	0	
Ready-to-eat spices	<i>Salmonella</i> /25 g	5	0	0	
Battered and otherwise heavily handled food prior to or after cooking	Staphylococcal enterotoxins/25g	5	0	0	
	Coagulase-positive staphylococci/25g	5	1	0/g	10/g
Marine fish (other than bivalve molluscs) to be eaten raw	<i>Vibrio parahaemolyticus</i>	5	0	0	
	<i>Escherichia coli</i> /100g	1 ²	0	230 MPN/100g	

Where ó

ññ means the minimum number of sample units which shall be examined from a lot of food;

ññ means the maximum allowable number of sample units with microbiological levels above m;

ññ means the level that if exceeded in any one sample would cause the lot to be rejected as not meeting these Regulations.

¹ pooled from a minimum of 10 animals

² pooled from a minimum of 10 samples

Schedule 3

Table of conditions for nutrient content claims

COMPONENT	CLAIM	CONDITIONS
NOT MORE THAN		
Energy	Low	40 kcal (170 kJ) per 100 g (solids) or 20 kcal (80 kJ) per 100 ml (liquids)
	Free	4 kcal per 100 ml (liquids)
Fat	Low	3 g per 100 g (solids) 1.5 g per 100 ml (liquids)
	Free	0.5 g per 100 g (solids) or 100 ml (liquids)
Saturated Fat	Low ³	1.5 g per 100 g (solids) 0.75 g per 100 ml (liquids) and 10% of energy
	Free	0.1 g per 100 g (solids) 0.1 g per 100 ml (liquids)
Cholesterol	Low ³	0.02 g per 100 g (solids) 0.01 g per 100 ml (liquids)
	Free	0.005 g per 100 g (solids) 0.005 g per 100 ml (liquids) and, for both claims, less than: 1.5 g saturated fat per 100 g (solids) 0.75 g saturated fat per 100 ml (liquids) and 10% of energy of saturated fat
Sugars	Free	0.5 g per 100 g (solids) 0.5 g per 100 ml (liquids)
Sodium	Low	0.12 g per 100 g
	Very Low	0.04 g per 100 g
	Free	0.005 g per 100g
NOT LESS THAN		
Protein	Source	10% of NRV per 100 g (solids) 5% of NRV per 100 ml (liquids) or 5% of NRV per 100 kcal (12% of NRV per 1 MJ) or 10% of NRV per serving
	High	2 times the values for "source"
Vitamins and Minerals	Source	15% of NRV per 100 g (solids) 7.5% of NRV per 100 ml (liquids) or 5% of NRV per 100 kcal (12% of NRV per 1 MJ) or 15% of NRV per serving
	High	2 times the value for "source"

³ In the case of the claim "low in saturated fat", trans fatty acids should be taken into account where applicable. This provision consequentially applies to foods claimed to be "low in cholesterol" and "cholesterol free".

Clerk of the Executive Council

These regulations are administered by the Ministry of Health.
These regulations were made on the _____ day of _____ 2015.
