

THE PROCESSED FOOD ACT

REGULATIONS
(under section 13)

THE PROCESSED FOOD (INSPECTION AND SAMPLING) REGULATIONS, 1959

(Made by the Governor in Council on the 18th day of September, 1959)

L.N. 233/59
Amd: 83/64
L.N. 263/72
95/76

[15th October, 1959.]

- 1. These Regulations may be cited as the Processed Food (Inspection and Sampling) Regulations, 1959.
- 2. In these Regulations the expression "the Act" shall be deemed to include regulations made under the Act.

Inspection

- 3. An inspector or analyst or any other person authorized in writing by the Director of the Bureau of Standards may take photographs of any part of an establishment and of any articles to which the Act applies.
- 4. An inspector or analyst at any reasonable time—
 - (a) may enter any vehicle which he reasonably believes to be used for the purpose of transporting any article to which this Act applies and may examine such vehicle; or
 - (b) may in an establishment examine anything that he reasonably believes is used or is capable of being used for the transporting of such article.

5.—(1) Where an inspector has seized in an establishment and detained any article by means of or in relation to which he reasonably believes any provision of the Act has been contravened, he shall attach to such article or to at least one package thereof a numbered detention tag in the form prescribed in Form A of the First Schedule.

(2) Within twelve hours after attaching such detention tag the inspector shall deliver or post to the owner or person in possession of

First
Schedule.
Form A.

First
Schedule.
Form B.

the article a notice of detention in the form prescribed in Form B of the First Schedule.

(3) No person shall alter, deface or destroy any such detention tag and no person shall remove such detention tag unless first authorized by an inspector.

(4) No person shall tamper with, sell or offer for sale or move, allow or cause to be moved from such establishment any detained food or processed food unless first authorized in writing by an inspector.

(5) Upon the release of an article seized by him, the inspector shall deliver or post to the owner or person in possession thereof a notice of release in the form prescribed in Form C of the First Schedule.

Form C.

Sampling

6. An analyst may at any reasonable time—

- (a) enter any place where he reasonably believes any article to which this Act applies is manufactured, prepared, processed, packed, stored or kept for export or for sale, examine such article and take samples thereof free of charge and examine anything that he reasonably believes is used or is capable of being used for the manufacture, preparation, processing, packing, storing or keeping of such article;
- (b) open and examine any container that he reasonably believes contains any article to which this Act applies;
- (c) take such tests as he may deem necessary for ensuring that the provisions of the Act are being complied with.

7. When taking a sample for analysis an inspector or analyst shall, after procuring a suitable quantity of the article in question forthwith notify the owner thereof or the person from whom the sample was obtained of his intention to have a sample thereof analysed or examined and—

- (a) where, in the opinion of the inspector or analyst, division of the procured quantity would not interfere with analysis or examination—
 - (i) divide the quantity into three parts;
 - (ii) identify the three parts as the owner's portion, the sample, and the duplicate sample and in the case where only one part bears a label, that part shall be identified as the sample;

- (iii) seal each part in such a manner that it cannot be opened without breaking the seal; and
 - (iv) deliver the part identified as the owner's portion to the owner or the person from whom the sample was obtained, retain the duplicate sample and have the sample analysed or examined; or
- (b) where in the opinion of the inspector or analyst, division of the procured quantity would interfere with analysis or examination—
- (i) identify the entire quantity as the sample;
 - (ii) seal the sample in such a manner that it cannot be opened without breaking the seal; and
 - (iii) have the sample analysed or examined and the owner or his representative shall be permitted to be present during such analysis or examination.
- (c) where the owner or the person from whom the sample was obtained objects to the procedure followed by an inspector or analyst pursuant to paragraph (a) or (b) at the time the sample was obtained, the inspector or analyst shall follow both procedures set out in those paragraphs if the owner or the person from whom the sample was obtained supplies him with a sufficient quantity of the article.

8. For the purpose of ascertaining the grade of a product during the production of the product at an establishment an inspector may take such samples for examination as he deems necessary.

9. For the purpose of ascertaining the grade of a designated consignment or lot, of prescribed food the following procedure shall apply—

- (a) the designated consignment, or lot, of prescribed food shall be so placed as to permit thorough and proper sampling in accordance with these Regulations;
- (b) the inspector shall select samples of such prescribed food at random and from positions in the consignment, or lot, in such manner and number, as to secure representative samples of the consignment or lot;

Second
Schedule.

- (c) the inspector shall select from each consignment, or lot, not less than the number of samples indicated in the Second Schedule;
- (d) the inspector shall mark the samples so that they may be properly identified for inspection.

10.—(1) For the purpose of determining the grade to be awarded to a consignment or lot of prescribed food from the examination of samples taken therefrom the following rules shall apply where such food is intended for export—

- (a) the grade claimed for or declared on the labels of any consignment or lot of prescribed food (hereafter in this regulation referred to as the designated grade) shall not be awarded unless at least 84% of the samples are within the designated grade;
- (b) where 84% of the samples are within the designated grade, but—
 - (i) there is one prescribed grade below the designated grade, if more than 8% of the samples are below such lower prescribed grade, the grade awarded shall be such lower prescribed grade;
 - (ii) there are two prescribed grades below the designated grade—
 - (A) if more than 8% of the samples are two grades below the designated grade, the grade awarded shall be one grade below the designated grade;
 - (B) if 8% or less of the samples are below the lowest of the prescribed grades, the grade awarded shall be one grade below the designated grade;
 - (C) if more than 8% of the samples are below the lowest of the prescribed grades, the grade awarded shall be two grades below the designated grade.

(2) The provisions of paragraph (1) shall apply in relation to prescribed food intended for sale in the Island as they apply in relation to prescribed food intended for export with the modification that wherever the figures and symbols “84%” and “8%” appear in the

aforesaid paragraph there shall be substituted therefor respectively the figures and symbols "75%" and "12½%".

11. Any person who contravenes any of the provisions of these Regulations shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or to imprisonment with or without hard labour for a term not exceeding twelve months.

FIRST SCHEDULE

FORM A

(Regulation 5)

H E L D	
HELD UNDER THE AUTHORITY OF THE PROCESSED FOOD ACT AND THE REGULATIONS MADE THEREUNDER.	
Date.....	
Establishment.....	
Inspector.....	
Form PF.....	

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1959

FIRST SCHEDULE, *contd.*

FORM B

(Regulation 5)

Ministry of Marketing and Commerce

PROCESSED FOODS DIVISION

NOTICE OF DETENTION

Place.....Date.....

To.....Address.....

You are hereby notified that the.....
cases of.....
marked.....Brand and said to have
originated at.....
and now located at.....
are hereby held under HELD TAG NOS.....
Reason for detention.....

Remarks.....

You are hereby forbidden to move or cause or allow the same to be moved
until you have the written authority of a duly authorized inspector.

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Acknowledged

.....
*Inspector under the Processed
Food Act*

Form PF.....

FIRST SCHEDULE, *contd.*

FORM C

(Regulation 5)

Ministry of Marketing and Commerce

PROCESSED FOODS DIVISION

NOTICE OF RELEASE

Place..... Date.....

To..... Address.....

With reference to the.....

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which were placed under detention on.....by inspector

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the following have been satisfactorily dealt with and are released :

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Held Tag No.....

.....
Inspector

MINIMUM RATE OF OFFICIAL SAMPLING OF PROCESSED FRUITS AND VEGETABLES

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Size and Type of Container	Minimum rate of sampling from lots containing—					
	1 to 600 dozen	601 to 2,000 dozen	2,001 to 4,000 dozen	4,001 to 8,000 dozen	Exceeding 8,000 dozen	
Any type of container of less volume than a No. 300 size can (300 x 407)	1 container for each 100 dozen containers or fraction thereof but not less than 2	1 container for each 200 dozen containers or fraction thereof but not less than 6	1 container for each 400 dozen containers or fraction thereof but not less than 10	1 container for each 600 dozen containers or fraction thereof but not less than 12	1 container for each 800 dozen containers or fraction thereof but not less than 20	
Any type of container of a volume equal to that of a No. 300 size can (300 x 407) or greater, but not exceeding that of a No. 3 cylinder size can (404 x 700) Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700) but not exceeding that of a No. 12 size can (603 x 812)	1 to 100 cases	101 to 200 cases	201 to 500 cases	501 to 2,000 cases	2,001 to 5,000 cases	Exceeding 5,000 cases
	2	4	6	1 container for each 100 cases or fraction thereof but not less than 6 1 container for each 200 cases or fraction thereof but not less than 6	1 container for each 200 cases or fraction thereof 1 container for each 400 cases or fraction thereof	1 container for each 300 cases or fraction thereof 1 container for each 500 cases or fraction thereof
Any type of container of a volume exceeding that of a No. 12 size can (603 x 812)	1 to 100 containers	101 to 200 containers	201 to 500 containers	Exceeding 500 containers		
	1 sample from each of 10 percent of the containers but in no case less than 2 samples	1 sample from each of 5 percent of the containers but in no case less than 4	1 sample from each of 3 percent of the containers but in no case less than 6	1 sample from each of 2 percent of the containers but in no case less than 10		
Any type of container containing more than 5 gallons of the product	1 to 20 containers	21 to 100 containers	101 to 200 containers	Exceeding 200 containers		
	1 sample from each of 35 percent of the containers but in no case less than 2 samples	1 sample from each of 25 percent of the containers but in no case less than 4	1 sample from each of 10 percent of the containers but in no case less than 6	1 sample from each of 5 percent of the containers but in no case less than 10		

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