ANTIGUA AND BARBUDA

THE STANDARDS (TECHNICAL REGULATIONS) (LABELLING OF PRE-PACKAGED FOODS) REGULATIONS, 2021

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No. 33 of 2021

THE STANDARDS (TECHNICAL REGULATIONS) (LABELLING OF PRE-PACKAGED FOODS) REGULATIONS issued by the Antigua and Barbuda Bureau of Standards under section 64 of the Standards Act, 2017.

1. Short title.

This Order may be cited as the Standards (Technical Regulations) (Labelling of Pre-Packaged Foods) Regulations, 2021.

2. Declaration Schedule.

The specification contained in the Schedule is declared a technical regulation.

3. Repeal of S.I. 38 of 2019

The Standards (Technical Regulations) (Labelling of Pre-Packaged Foods) Regulations, 2019 S.I. 38 of 2019 is hereby repealed.

SCHEDULE

1. FOREWORD

(1) This CARICOM Regional Standard is a modified adoption of the CODEX Alimentarius Standard for Labelling of Pre-packaged Foods.

(2) This technical regulation has been prepared and issued by the CARICOM Regional Organisation for Standards and Quality (CROSQ).

(3) It was approved by the Thirtieth Meeting of the Council for Trade and Economic Development (COTED) on 3-4 May 2010.

(4) All manufacturers, importers, distributors and other entities engaged in the production and or trade of Pre-packaged Food within any Member State of the Caribbean Community shall comply with the requirements of this technical regulation.

(5) The following documents have been used in the preparation of this technical regulation—

(a.) Barbados National Standard, BNSI 5: Part 2: 2004, Specification for Labelling of Pre-packaged Foods (Second Revision);

(b.) Codex Alimentarius Commission, ALINORM 03/22A, Report of the 31st Session of the Codex Committee on Food Labelling;

(c.) Codex Alimentarius Food Labelling Fifth Edition - Food & Agricultural Organization of the United Nations, World Health Organization; and

(d.) Jamaican Standard, JS 1: Part 20: 1988, Specification for the Labelling of Commodities Part 20: Labelling of Pre-packaged goods.

2. Scope

1.1 This technical regulation applies to the labelling of all pre-packaged foods to be offered to the consumer or for catering purposes.

1.2 This technical regulation is not applicable to—

(a.) foods sold unpackaged, or in an open or uncovered package;

(b.) foods weighed or measured in or counted into the package in the presence of the purchaser;

(c.) foods intended for export only, which comply with the requirements of standards or laws on labelling of the country to which they are being exported;

(d.) where any CARICOM Regional Standard for any class of food makes differing or supplementary provisions for labelling; and

NOTE In such cases, the provisions of that CARICOM Regional Standard shall prevail over the provisions of this technical regulation.

(e.) foods which are gift-wrapped.

3. Terms and definitions

(1) For the purposes of this technical regulation, the following terms and definitions shall apply—

2.1 "address" means the identifiable or registered place of the business of—

(a.) the manufacturer or packager of the goods; or

(b.) the entity for whom the goods are manufactured or packaged;

2.2 "alcoholic beverage" means liquid food containing 0.5 % or more ethyl alcohol by volume;

[NOTE This includes spirits, liqueurs, wines, malt liquors, cider, perry, champagne, beer, stout and spirit compounds used as food, but does not include flavouring preparations.]

2.3 "claim" means any representation which states, suggests or implies that a food has particular qualities relating to its origin, nutritional properties, nature, processing, composition or any other quality;

2.4 "comparative claim" means claim that compares the nutrient levels and or energy value of two or more foods;

[EXAMPLE ..... "reduced", "less than", "fewer", "more than"]

2.5 "competent authority" means a Minister, Ministry, department of government or statutory body in a territory of the Caribbean Community administering any law regulating the labelling of goods or foods;

2.6 "consumer" means any entity purchasing and receiving food;

2.7 "container" means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food, and includes wrappers;

[NOTE: A container may enclose several units or types of packages when such is offered to the consumer]

2.8 "contaminant" means any substance not intentionally added to food, which is present in such food as a result of the production, transport or storage or as a result of environmental conditions;

2.9 "country of origin" means—

(a) subject to paragraph *(b)*, the country where the goods were wholly manufactured; or

(b) in cases where the composition or quality of the goods was changed to a significant extent elsewhere (other than by packaging), the last country where such significant change occurred;

[NOTE A significant change in the product refers to where there is a change in the product that has resulted in a change of the BTN (Brussels Tariff Nomenclature) number or where there is no change in the BTN number but the product has gone through a significant process.]

2.10"date of manufacture" means the date on which the food becomes the product as described;

2.11"date of minimum durability" or "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 expressed claims have been made;

[NOTE .....Beyond this date the food may still be perfectly satisfactory.]

2.12"dietary fibre" means edible plant and animal material not hydrolysed by the endogenous enzymes of the human digestive tract;

[NOTE Hydrolysis is determined by a method approved by the national and, where applicable, regional competent authority.]

2.13"expiration date" includes recommended last consumption date and use-by-date;

2.14"food" includes—

(a.) drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of food but does not include cosmetics, tobacco or substances used only as drugs; and

(b.) any other substance, whether processed, semi-processed or raw, which is intended for human consumption;

2.15"food additive" means a substance not consumed as a food by itself and not normally used as a typical ingredient of food, whether or not it has nutritive value intended to affect the characteristics of such foods including, but not limited to improving the durability, flavour, colour, texture, appearance, or stability of the foods; but does not include contaminants or substances added to food for maintaining or improving nutritional qualities;

2.16"foods for catering purposes" means foods for use in restaurants, canteens, schools, hospitals and similar institutions where food is offered for immediate consumption;

2.17"foods for special dietary uses" means foods which are specially processed or formulated to satisfy particular dietary requirements, which exist because of a particular physical or physiological condition and or specific diseases and disorders;

[NOTEThe composition of these foodstuffs must differ significantly from the composition of ordinary foods of comparable nature, if such ordinary foods exist.]

2.18"health claim" means a representation which states, suggests or implies that a relationship exists between a food, or a constituent of that food, and health;

[NOTE .....See Annex E for types of health claims and examples.]

2.19"ingredient" means a substance, including a food additive, used in the manufacture or preparation of a food and present in the final product although possibly in a modified form;

2.20"label" means—

(a.) tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food; or

(b.) any legend, word or mark, attached to, included on, belonging to or accompanying the [commodity or its container] [any goods or package containing goods];

2.21"labelling" means 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;

2.22"lot" means a definitive quantity of a commodity produced essentially under the same conditions;

2.23"main panel" means 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;

2.24"nutrient means" a substance normally consumed as a constituent of food, which provides energy, is needed for growth, development and maintenance of life or a deficit of which will cause characteristic bio-chemical or physiological changes to occur;

2.25"nutrient content claim" means a nutrition claim that describes the level of a nutrient contained in a food such a claim as "source of calcium", "high in fibre" and "low in fat";

2.26"nutrition claim" means a representation which states, suggests or implies that a food has particular nutritional properties including, but not limited to, the energy value, the content of protein, fat and carbohydrates, as well as vitamins and minerals;

2.27"nutrition declaration" means a standardized statement or listing of the nutrient content of a food;

2.28"nutrition labelling" means a description intended to inform the consumer of the nutritional properties of a food and which consists of nutrient declaration and supplementary nutrition information;

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

2.30"processing aid" means a substance or material (not including apparatus or utensils, and not consumed as a food ingredient by itself) intentionally used in the processing of raw materials, food or its ingredients, to fulfil a certain technological purpose during treatment or processing and which may result in the non-intentional but unavoidable presence of residues or derivatives in the final product;

2.31"sugars" includes all mono-saccharides and disaccharides present in food;

2.32"use-by-date" means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers.

[NOTE .....After this date, the food should not be regarded as marketable.]

4. General Principles

3.1 Pre-packaged food shall not be described or presented on any label or in any labelling in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character in any respect.

3.2 Pre-packaged food shall not be described or presented on any label or in any labelling by words, pictorial or other devices which refer to or are suggestive, either 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.

3.3 Claims made for a food shall comply with the requirements for the use of claims as set out in Annex A.

LABELLING REQUIREMENTS

5. General

The following information shall appear on the label of pre-packaged foods as applicable to the food being labelled, unless otherwise stipulated in a national or regional standard for a specific food product.

6. Name of the food

4.2.1 The name shall indicate the true nature of the food and normally be specific and not generic.

4.2.1.1 Where a name or names have been established for a food in a national or regional standard, at least one of these names shall be used.

4.2.1.2 In other cases, the name prescribed by the national competent authority shall be used.

4.2.1.3 In the absence of any such name, either a common or usual name that has been approved by the national standards body shall be used.

4.2.1.4 A coined, fanciful, brand name or trade mark may be used, provided it accompanies one of the names provided in paragraphs 4.2.1.1 to 4.2.1.3.

4.2.2 The label shall state, additional words or phrases as necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food. This shall be done either in conjunction with, or in close proximity to the name of the food.

NOTE ..... Additional words or phrases may include the type of packing medium, style, and the condition or type of treatment it has undergone such as dried, concentrated, reconstituted or smoked.

7. List of ingredients

4.3.1 A list of ingredients shall be declared on the label, except for—

(a.) single ingredient foods;

(b.) alcoholic beverages for which there exist regional standards (see 4.3.4); and

(c.) any other products permitted by the national standards body for exemption.

8. 4.3.1.1 The list of ingredients shall be headed or preceded by an appropriate title

[EXAMPLE: Ingredients, Contents, Prepared from.]

4.3.1.2 All ingredients shall be listed in descending order of weight (m/m) at the time of the manufacture of the food.

4.3.1.3 Where an ingredient is itself the product of two or more ingredients, such a compound ingredient may be declared as such in the list of ingredients, provided that it is immediately accompanied by a list, in brackets, of its ingredients in descending order of proportion (m/m). Where a compound ingredient, for which a name has been established in a national or regional standard or in national legislation, constitutes less than 5 % of the food, the ingredients need not be declared except in the following instances—

(a.) food additives which serve a technological function in the finished product or are present in such amounts that their declaration is required by the national and, where applicable, regional competent authority;

(b.) the ingredients listed in 4.3.1.4; and

(c.) the substances listed in 4.3.2.4.

(d.) 4.3.1.4 The following foods and ingredients are known to cause hypersensitivity and shall always be declared—

(a.) cereals containing gluten such as, wheat, rye, barley, oats, spelt or their hybridized strains and their related products;

(b.) crustacea and crustacean products;

(c.) eggs and egg products;

(d.) fish and fish products;

(e.) peanuts, soybeans and their related products;

(f.) milk and milk products (lactose included);

(g.) tree nuts and nut products; and

(h.) sulphite in concentrations of 10 mg/kg or more.

4.3.1.5 Water added to a food shall be declared in the list of ingredients except when the water forms part of an ingredient such as brine, syrup or broth, used in a compound food and declared as such in the list of ingredients. Water or other volatile ingredients evaporated in the course of manufacture need not be declared.

4.3.1.6 Dehydrated or condensed foods which are intended to be reconstituted by the addition of water only, the ingredients may be listed in descending order of proportion (m/m) in the reconstituted product provided that a statement such as "ingredients of the product when prepared in accordance with the directions on the label" is included.

4.3.2 A specific name shall be used for ingredients in the list of ingredients in accordance with the provisions stated in section 4.2 with the exception of provisions stated in subsection 4.3.2.1.

4.3.2.1 With the exception of those ingredients listed in 4.3.1.4, and unless a general class name would be more informative, the class names specified in Table 1 may be used for the ingredients falling within these classes.

Table 1 — Class names for ingredients

Ingredients	**Class names**
All spices and spice extracts not exceeding 2% (m/m) either singly or in combination in the food	Spice, spices or mixed spices as appropriate
All herbs or parts of herbs not exceeding 2% (m/m) either singly or in combination in the food	Herbs, or mixed herbs as appropriate
All types of accepted gum preparations used in the manufacture of gum base for chewing gum	Gum base
All types of sucrose	Sugar
Anhydrous dextrose and dextrose monohydrate	Dextrose or glucose
All types of caseinates	Caseinates
Press, expeller or refined cocoa butter	Cocoa butter
All crystallized fruit not exceeding 10 % of the weight of the food	Crystallized fruit

4.3.2.2 Notwithstanding the provision in 4.3.2.1, pork fat, lard and beef fat shall always be declared by their specific names.

4.3.2.3 For food additives falling in the respective classes and permitted for use in foods by the national competent authority and, where applicable, regional competent authority, the following class titles shall be used together with the specific name and or International Numbering System (INS) numerical identification—

(a.) acid;

(b.) acidity regulator;

(c.) anti-caking agent;

(d.) anti-foaming agent;

(e.) antioxidant;

(f.) artificial colour;

(g.) bulking agent;

(h.) colour retention agent;

(i.) emulsifier;

(j.) emulsifying salt;

(k.) firming agent;

(l.) flavour enhancer;

(m.) flour treatment agent;

(n.) foaming agent;

(o.) gelling agent;

(p.) glazing agent;

(q.) humectants;

(r.) leavening agent;

(s.) natural colour;

(t.) preservative;

(u.) propellant;

(v.) stabilizer;

(w.) sweetener; and

(x.) thickener.

4.3.2.4 In addition to the provisions in 4.3.2.3, the following substances shall always be declared by name:

(a.) Aspartame;

(b.) Monosodium Glutamate;

(c.) Potassium Sorbate;

(d.) Sodium Benzoate; and

(e.) Sodium Nitrite.

4.3.2.5 The following class titles shall be used for food additives falling in the respective classes and permitted for use in foods by the national, and where applicable, regional competent authority—

(a.) flavour and flavouring; and

(b.) modified starch.

4.3.2.6 The expression flavours shall be qualified by natural, natural identical, artificial or a combination of these words as appropriate.

9. 4.3.3 Processing aids and carry-over of food additives

4.3.3.1 A food additive which has been carried over into a food through the use of raw materials or ingredients in which the additive was present, shall be included in the list of ingredients only if the resultant level of concentration is such that the additive performs a technological function in the food or if the national standards body requires its declaration.

4.3.3.2 Materials which are used for the purpose of functioning as processing aids are exempted from declaration in the list of ingredients. This exemption does not apply to food additives and processing aids listed in 4.3.1.4 and 4.3.2.4.

4.3.3.3 In addition to the provisions of 4.3.3.1 and 4.3.3.2, the ingredients or substances listed in 4.3.1.4 and 4.3.2.4 shall always be declared when present in a food.

10. 4.3.4 Alcoholic beverages

4.3.4.1 The percentage by volume of alcohol present in the alcoholic beverage shall be shown on the main panel, followed by the words "alcohol by volume" or the abbreviation alc./vol. or % v/v. The percentage alcohol shall be determined by a method approved by a national standards body.

4.3.4.2 Alcoholic beverages, for which there are no individual regional standards, are deemed to be pre-packaged foods and shall comply with the requirements of this technical regulation.

11. 4.4 Net content and drained weight

4.4.1 The net content shall be declared in the metric system (Système International d'Unités). If the imperial system is used to declare the net content, it shall be stated in conjunction with the metric system.

4.4.2 The net content shall be declared in the following manner—

(a.) by volume, for liquid foods;

(b.) by weight, for solid food; and

(c.) by weight or volume, for semi-solid or viscous foods.

4.4.3 In addition to the declaration of net contents, a food packed in a liquid medium shall carry a declaration in the metric system of the drained weight of the food. If the imperial system is used to declare the drained weight, it shall be stated in conjunction with the metric system.

NOTE Liquid medium includes water, oil, aqueous solutions of sugar and salt, fruit and vegetable juices in canned fruits and vegetables only, or vinegar, either singly or in combination.

4.4.4 Where the contents of a package of food are expressed in terms of weight or volume, any variation below the quantity declared shall be in accordance with the requirements of national legislation.

12. 4.5 Name and address

4.5.1 The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the food shall be declared.

13. 4.6 Country of origin

4.6.1 The country of origin of the food shall be declared.

4.6.2 When a food undergoes processing in a country which changes its nature, the country in which the processing is performed shall be the country of origin for the purposes of labelling.

14. Lot identification

4.7.1 Each container shall be embossed or otherwise permanently coded or un-coded to identify the producing factory and the lot. Where a code is used, the key to the code shall be provided to the national standards body in the country in which the product is to be sold.

15. Date marking and storage instructions

4.8.1 One of the following date marking requirements shall apply, as appropriate—

(a.) the date of minimum durability shall be declared; or

(b.) the use-by-date shall be declared where the safety and or quality of the food cannot be assured beyond a specified period.

4.8.1.1 These dates shall consist at least of—

(a.) the day, month and the year for products produced for consumption within a period of not more than three months; and

(b.) the month and the year for products produced for consumption within a period longer than three months.

4.8.1.2 The month shall be declared as follows—

(a.) the first three letters of the word (see, for example JAN, FEB); or

(b.) the two digit numerical format (see, for example 01, 02).

4.8.1.3 The year shall be declared as follows—

(a.) a two digit numerical representation is adequate when accompanied by the first three letters of the month (see, for example JAN 08); or

(b.) a four digit numerical representation, such as 2008, when the two digit numerical representation of the month is used (see, for example01 2008).

4.8.1.4 The date of minimum durability shall be declared by the words "best before" or words expressing similar intent.

4.8.1.5 The words used to express date of minimum durability shall be accompanied by—

(a.) the date itself; or

(b.) a reference to where the date is given.

4.8.1.6 An indication of the date of minimum durability shall not be required for—

(a.) fresh fruits, vegetables and ground provisions which have not been peeled, cut or similarly treated;

(b.) wines, liqueur wines, sparkling wines, aromatized wines, fruit wines, sparkling fruit wines and stout;

(c.) beverages containing 10 % or more by volume of alcohol;

(d.) bakers' or pastry-cooks' wares which, given the nature of their content, are normally consumed within 48 hours of their manufacture;

(e.) vinegar;

(f.) food grade salt;

(g.) solid sugars;

(h.) confectionery products consisting of flavoured and or coloured sugars;

(i.) chewing gum;

(j.) spices; or

(k.) any other products permitted by the national standards body for exemption.

4.8.2 In addition to the date set out in section 4.8.1, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends on the applicable storage conditions.

16. Instructions for use

Instructions for use, including reconstitution, where applicable, shall be included on the label, to ensure correct utilization of the food.

ADDITIONAL REQUIREMENTS

17. Quantitative labelling of ingredients

5.1.1 Where the labelling of a food places special emphasis on the presence of one or more valuable and or characterizing ingredients, or where the description of the food has the same effect, the percentage of the ingredient *(m/m)* at the time of manufacture shall be declared.

5.1.2 Where the labelling of a food places special emphasis on the low content of one or more ingredients, the percentage of the ingredient *(m/m)* in the final product shall be declared.

5.1.3 A reference in the name of a food to a particular ingredient shall not constitute the placing of special emphasis.

5.1.4 A reference in the labelling of a food to an ingredient used in a small quantity and only as flavouring shall not constitute the placing of special emphasis.

18. 5.2 Artificial foods

5.2.1 On any label or in any advertisement of artificial, imitation, substitute or synthetic food, the words “artificial”, “imitation”, “substitute”, “synthetic” or other appropriate words shall be stated in full, and shall be—

(a.) an integral part of the name of the food; and

(b.) in identical type and be identically displayed with such name.

19. Irradiated foods

5.3.1 Food which has been treated with ionizing radiation shall carry a written statement on its label indicating that treatment, in close proximity to the name of the food.

5.3.2 When an irradiated product is used as an ingredient in another food, this shall be declared in the list of ingredients.

5.3.3 When a single ingredient product is prepared from a raw material which has been irradiated the label of the product shall contain a statement indicating the treatment.

20. Organically produced foods

5.4.1 Where product or its ingredients are described by the terms "organic", "biological", "ecological", "bio-dynamic" or words of similar intent, they shall be regarded as having an indication referring to organic production methods.

5.4.2 Organically produced foods shall be certified by a competent authority, as complying with the requirements specified by the national standards body for products bearing the designation.

21. Foods for special dietary uses

5.1 Labelling requirements for foods for special dietary uses shall be in accordance with Annex B.

22. Food additives

5.2 Labelling requirements for foods for food additives shall be in accordance with Annex C.

23. Optional labelling

6.1 If used, any information or pictorial device, which is written, printed or presented as graphic material, shall be displayed in labelling provided that it is not in conflict with the requirements of this technical regulation.

6.2 If grade designations are used, they shall be readily understandable and not be misleading or deceptive in any way.

6.3 Where nutrition information is presented, it shall comply with the requirements for nutrition labelling and the use of nutrition claims stated in Annex D.

PRESENTATION OF LABELLING INFORMATION

24. General

7.1.1 Labels in pre-packaged foods shall be applied in such a manner that they shall not become separated from the container.

7.1.2 Statements required to appear on the label by virtue of this technical regulation shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use.

7.1.3 The information appearing on the label shall be in letters and / or numbers of not less than 1.5 mm in height based on lower case "o".

7.1.4 Where the container is covered by a wrapper, the wrapper shall carry the necessary information or the label on the container shall be readily legible through the outer wrapper or not be obscured by it.

7.1.5 The name and net content of the food shall appear on the main panel of the label.

25. Language

7.2.1 The labelling requirements specified in this technical regulation shall be in the official language of the country in which the product is being sold.

7.2.2 All numbers relating to net content and drained weight stated on the label shall be given in Arabic numerals.

26. Registration of labels programme

Labels shall be registered with the national standards body or competent authority, if applicable.

ANNEX A

(NORMATIVE)

CLAIMS

Prohibited claims

A.1.1 The following claims are prohibited—

(a.) claims stating that any given food will provide an adequate source of all essential nutrients, except in the case of well-defined products for which the national and, where applicable, regional competent authority permits this claim, or where

appropriate International scientific consensus exists that the product is an adequate source of all essential nutrients;

(b.) claims implying that a balanced diet cannot supply adequate amounts of all nutrients;

(c.) claims which cannot be substantiated;

(d.) claims as to the suitability of a food for use in the prevention, alleviation, treatment or cure of a disease, disorder or particular physiological condition, unless specifically permitted by the national and, where applicable, regional competent authority; and

(e.) claims which could give rise to doubt about the safety of similar foods or which could arouse or exploit fear in the consumer.

A.1.2 Potentially misleading claims are not allowed.

[EXAMPLE 1 Meaningless claims, including incomplete comparatives and superlatives.]

[EXAMPLE 2 Claims as to good hygiene practice, such as wholesome, healthful and sound.]

Conditional claims

The following claims are permitted, subject to the particular condition attached to each—

(a.) an indication 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, shall be given if such an addition has been made on the basis of nutritional considerations elaborated by the national competent authority and are consistent with the relevant legislation;

(b.) an indication that the food has special nutritional qualities as a result of the reduction or omission of a nutrient shall be on the basis of nutritional considerations elaborated by national competent authority and are consistent with the relevant legislation;

(c.) terms such as “natural”, “pure”, “fresh”, “homemade”, “organically grown” shall only be used when the product satisfies the definitions for these terms, as defined by the national competent authority and, where applicable, regional competent authority;

(d.) religious or ritual preparation of a food, such as halal or kosher, is permitted provided that the food conforms to the requirements of the appropriate religious or ritual authorities;

(e.) an indication that a food has special characteristics when all such foods have the same characteristics;

(f.) an indication of the absence or non-addition of particular substances to food is permitted provided that it is not misleading and provided that the substance—

(i) is not subject to specific requirements in any national or regional standard;

(ii) is one which consumers would normally expect to find in the food;

(iii) has not been substituted by another, giving the food equivalent characteristics, unless the nature of the substitution is clearly stated with equal prominence; and

(iii) is one whose presence or addition is permitted in the food; and

(g.) an indication of the absence or non-addition of one or more nutrients are regarded as a nutrition claim and requires that the product provides nutrition labelling in accordance with the specifications stated in Annex D.

ANNEX B

(NORMATIVE)

PRE-PACKAGED FOODS FOR SPECIAL DIETARY USES

B.1 General principle

The labelling and advertising of foods for special dietary uses shall not imply that advice from a competent authority is not needed.

B.2 Labelling of pre-packaged foods for special dietary uses

The labels of all pre-packaged foods for special dietary uses shall bear the information required by sections 4.1 to 4.4 of this technical regulation as applicable to the food being labelled, except as stated in a specific national or regional standard.

B.2.1The name of the food

In addition to the declaration of the name of the food in accordance with section 4.1, the following provisions apply—

(a.) the designation "special dietary", "special dietetic" or an appropriate equivalent term, is permitted when used in conjunction with the name only where the product corresponds to the definition of foods for special dietary uses; and

(b.) the characterizing feature, but not the condition for which the food is intended, shall be stated in appropriate descriptive terms in close proximity to the name of the food.

B.2.2 ..... Nutrition labelling

Nutrition labelling shall include the following—

(a.) the total quantity of the specific nutrients or other components, which provide the characterizing feature for the special dietary use for which the food is intended per 100g or 100ml, and where appropriate, per specified quantity of the food as suggested for consumption; and

(b.) the specifications stated in Annex D.5.

B.2.3Date marking and storage

B.2.3.1In addition to the declaration of date marking and storage instructions in accordance with 4.8, storage instructions of opened packages of a food for special dietary uses shall be included on the label to ensure that the opened product maintains its wholesomeness and nutritive value.

B.2.3.2A warning shall be included on the label if the food is not capable of being stored after opening, or is not capable of being stored in the container after opening.

B.3 Additional requirements for specific foods

B.3.1Claims

B.3.1.1Any claims made for the foods covered by this technical regulation shall be in accordance with the specifications for Claims stated in Annex A.

B.3.1.2Where a claim is made that the food is suitable for special dietary use, that food shall comply with all provisions of this technical regulation except as otherwise provided in a specific national or regional standard for foods for special dietary uses.

B.3.1.3A food, which has not been modified in accordance with the definition of foods for special dietary uses but is suitable for use in a particular dietary regimen because of its natural composition, shall not be designated "special dietary" or "special dietetic" or any other equivalent term. Such a food is permitted to carry a statement on the label e.g. "this food is by its nature "X"

where "X" refers to the essential distinguishing characteristic, provided that such statement does not mislead the consumer.

ANNEX C

(NORMATIVE)

FOOD ADDITIVES

C.1 General

The term "x flavour" is permitted to be used to describe a flavour which is not derived from, but reproduces the flavour of "x".

NOTE Sodium chloride is not included as an additive to which these specifications apply.

C.2 Labelling of pre-packaged food additives sold by retail

The labels of all food additives sold by retail shall carry the information required by [C.2.1.4 to C.2.1.4], as applicable to the food additive being labelled.

C.2.1 Details of the food additive

C.2.1.1The name of each food additive present shall be given. The name shall be specific and not generic and shall indicate the true nature of the food additive. Where a name has been established for a food additive in a CODEX Alimentarius list of additives, that name shall be used. In other cases, the common or usual name shall be listed or, where none exists, an appropriate descriptive name shall be used.

C.2.1.2If two or more food additives are present, their names shall be given in the form of a list in the order of proportion by weight which each food additive bears to the total contents of the container. The food additive present in the greatest proportion by weight shall be listed first. Where one or more of the food additives is subject to a quantitative limitation in a food covered by a national standard, the quantity or proportion of that additive shall be stated. If food ingredients are part of the preparation, they shall be declared in the list of ingredients in descending order of proportion.

C.2.1.3In the case of mixtures of flavourings, the name of each flavouring contained in the mixture is not required. The generic expression "flavour" or "flavouring" is permitted together with a true indication of the nature of the flavour. The expression "flavour" or "flavouring" may be qualified by the words "natural", "natural–identical", "artificial", or a combination of these words as appropriate.

NOTE.....This provision applies to herbs and spices, but not to flavour modifiers.

C.2.1.4Food additives with a shelf-life not exceeding 18 months shall carry the date of minimum durability.

C.2.1.5The words "For Food Use" or a similar statement shall appear in a prominent position on the label.

C.3.2 Instructions on storage and use

Adequate information shall be given about the manner in which the food additive is to be stored and used in food.

C.3.3 Net content

The net content shall be declared in the metric system of measurement in the following manner—

(a.) by volume or weight, for liquid food additives;

(b.) by weight for solid food additives, other than those sold in tablet form;

(c.) either by weight or volume for semi-solid or viscous food additives; and

(d.) by weight together with the number of tablets in the package for food additives sold in tablet form.

C.3.4 Lot identification

Each container shall be coded or un-coded to identify the producing factory and the lot.

C.4 Labelling of pre-packaged food additives sold other than by retail

The labels of all food additives sold other than by retail shall carry the information stated in [C.2.1.1 to C.2.1.4] except that—

(a.) where the food additives in non-retail containers are intended for further industrial processing, the required information, other than that described in [C.2.1.1 and C.2.1.4], is allowed on the documents relating to the sale; or

(b.) where one or more food additives is subject to a quantitative limitation in a food to be sold, the quantity or proportion of that additive and or adequate instruction to enable compliance with the limitation, shall be given.

C.5 Presentation of information

Statements required to appear on the label are not permitted to be obscured by designs or by other written, printed or graphic matter and shall be on contrasting background. The letters in the name of the food additive shall be in a size equivalent to the most prominent printed matter on the label. The name and net content shall appear on the main panel of the label.

ANNEX D

(NORMATIVE)

PRINCIPLES OF NUTRITION LABELLING

D.1 Nutrient declaration

Information supplied shall be for the purpose of providing consumers with a suitable profile of nutrients contained in the food and considered to be of nutritional importance. The information shall provide to consumers an understanding of the quantity of nutrients contained in the product and shall not mislead them with respect to the exact quantitative knowledge of nutrients required to maintain good health.

D.2 Nutrition labelling

Nutrition labelling shall not imply that a food which carries such labelling has necessarily any nutritional advantage over a food which is not so labelled.

D.3 Nutrient declaration

D.3.1Application of nutrient declaration

D.3.1.1 .....Nutrient declaration is required whenever a nutrition or health claim is made for a food.

D.3.1.2 Nutrient declaration is voluntary for all other foods.

D.3.2. Listing of nutrients

D.3.2.1 Where nutrient declaration is applied, the following is mandatory—

(a.) energy value;

(b.) the amounts of protein, available carbohydrate such as carbohydrate excluding dietary fibre, fat, saturated fat and total sugars;

(c.) the amount of any other nutrient for which a nutrition claim is made; and

(d.) the amount of any other nutrient considered relevant for maintaining a good nutritional status, as determined by the national competent authority.

D.3.2.2 In addition to the requirements of D.3.2.1, the nutrient labelling shall consist of information on the sugars, dietary fibre, saturated and trans-fatty acids and sodium, where these are declared.

D.3.2.3 Where a claim is made regarding the amount and or type of fatty acids or cholesterol, the amounts of saturated fatty acids or cholesterol and of polyunsaturated and trans-fatty acids shall be declared in accordance with D.3.4.7.

D.3.2.4In addition to the mandatory declaration under D.3.2.1, D.3.2.2, and D.3.2.3, only vitamins and minerals for which recommended intakes have been established, and or which are declared to be of nutritional importance, by the national competent authority, shall be declared.

D.3.2.5 When nutrient declaration is applied, vitamins and minerals which are present in amounts less than 5 % of the Nutrient Reference Value (NRV) or of the guidelines of the national competent authority, per 100 g or 100 ml or per serving (as quantified on the label) are not required to be declared.

D.3.2.6 In the case where a product is subject to labelling requirements of a national or regional standard, the provisions for nutrient declaration stated in that standard shall take precedence over the provisions of D.3.2.1 to D.3.2.5.

D.3.3 Calculation of nutrients

D.3.3.1 Calculation of energy

The amount of energy to be listed shall be calculated using the conversion factors provided in Table D.1.

Table D.1 — Conversion factors for calculation of energy

Nutrient	**Unit**	**Value**
Calcium	mg	800
Copper	Value established by the competent national authority	
Folic Acid	µg	200
Iodine	µg	150
Iron	mg	14
Magnesium	mg	300

Niacin	mg	18
Protein	g	50
Riboflavin	mg	1.6
Selenium	Value established by the competent national authority	
Thiamin	mg	1.4
Vitamin A	µg	800
Vitamin B_6	mg	2
Vitamin B_{12}	µg	1
Vitamin C	mg	60
Vitamin D	µg	5
Zinc	mg	15

D.3.3.2 Calculation of protein

The amount of protein to be listed shall be calculated using the formula—

Protein = Total Kjeldahl Nitrogen x 6.25

D.3.4 Presentation of nutrient content

D.3.4.1The declaration of nutrient content shall be numerical. The use of additional means of presentation is permitted.

D.3.4.2Information on energy value should be expressed in kilojules (kJ) and kilocalories (kcal), or calories per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label, or per portion, provided that the number of portions contained in the package is stated.

D.3.4.3Information on the amounts of protein, carbohydrate and fat in the food shall be expressed in g per 100 ml or per package if the package contains only a single portion. Alternatively, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated. Information on protein content may also be expressed as percentages of the Nutrient Reference Value.

D.3.4.4.1Numerical information on vitamins and minerals shall be expressed in metric units and or as a percentage of the Nutrient Reference Value per 100 g or per 100 ml or per package if the package contains only a single portion. In addition, this information may be given per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated.

D.3.4.4.2 ...The Nutrient Reference Values given in Table D.2 shall be used for labelling purposes.

NOTENutrient Reference Values originating from countries or regions outside of the Caribbean region may be used once the country or region of origin is declared.

Table B.2 — Nutrient reference values

Nutrient	**Unit**	**Value**
Calcium	mg	800
Copper	Value established by the competent national authority	
Folic Acid	µg	200
Iodine	µg	150
Iron	mg	14
Magnesium	mg	300
Niacin	mg	18
Protein	g	50
Riboflavin	mg	1.6
Selenium	Value established by the competent national authority	
Thiamin	mg	1.4
Vitamin A	µg	800
Vitamin B_6	mg	2
Vitamin B_{12}	µg	1
Vitamin C	mg	60

Vitamin D	µg	5
Zinc	mg	15

D.3.4.5The information required by D.3.4.2, D.3.4.3 and D.3.4.4 may be given per serving only, as quantified on the label, or per portion provided that the number of portions contained in the package is stated.

D.3.4.6The presence of carbohydrates shall be declared on the label as "carbohydrates". Where the type of carbohydrate is declared, this declaration shall follow immediately after the declaration of the total carbohydrate content in the following format—

"Carbohydrate … g, of which sugars … g"

This may be followed by—

"x" g

where x represents the specific name of any other carbohydrate constituent.

D.3.4.7 ..... Where the amount and or type of fatty acids or cholesterol is declared, this declaration shall follow immediately the declaration of the total fat in accordance with D.3.4.3.

The following format shall be used—

Total Fat of which

saturated fatty acids

trans fatty acids

monounsaturated fatty acids

polyunsaturated fatty acids

Cholesterol

D.3.5 Tolerances and compliance

D.3.5.1Tolerance limits for compliance with these requirements shall be those established by the national standards body.

D.3.5.2The values used in nutrient declaration shall be weighted average values derived from data specifically obtained from analyses of products which are representative of the product being labelled.

D.3.5.3In those cases where a product is subjected to a national or regional standard, requirements for tolerances for nutrient declaration established by the standard shall take precedence over these specifications.

D.4 Supplementary nutrition information

The use of supplementary nutrition information on food labels is optional and shall only be given in addition to, and not in place of, the nutrient declaration.

NOTE 1Supplementary nutrition information is intended to increase the consumer's understanding of the nutritional value of food and to assist in interpreting the nutrient declaration. There are a number of ways of presenting such information, which may be suitable for use on food labels.

NOTE 2Supplementary nutrition information, on labels shall be accompanied by consumer education programmes, which are designed to increase consumer understanding and use of the information.

D.5 Nutrient content claims

D.5.1When a nutrient content claim that is listed in Table D.3 or a synonymous claim is made, the conditions specified in the table for that claim shall apply.

D.5.2Where a food is by its nature low in, or free of, the nutrient that is the subject of the claim, the term describing the level of the nutrient shall immediately precede the name of the food and be in the form "a low (naming the nutrient) food" or "a (naming the nutrient)-free food".

Table B.3 — Nutrient content claim

Component	**Claim**	**Conditions (not more than)**
Energy	Low	40 kcal (170 kJ) per 100 g (solids) 20 kcal (80 kJ) per 100 ml (liquids)
	Free	4 kcal (17 kJ) 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	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)
Trans fat	Free	0.5 g per reference amount and serving of stated size
Cholesterol	Low	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 (solids) 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)

Component	Claim	Conditions (not more than)
		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 100 g
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"

D.6 Comparative claims

D.6.1Comparative claims are permitted, subject to the following conditions and based on the food as sold, taking into account further preparation required for consumption according to the instructions for use on the label—

(a.) the foods being compared shall be different versions of the same food or similar foods (The foods being compared shall be clearly identified);

(b.) a statement of the amount of difference in the energy value or nutrient content shall be given;

(c.) the following information shall appear in close proximity to the comparative claim—

(i) the amount of difference related to the same quantity, expressed as a percentage, fraction, or an absolute amount (full details of the comparison shall be given), and

(ii) the identity of the food to which the food is being compared (the food shall be described in such a manner that it can be readily identified by consumers).

(d.) the comparison shall be based on a relative difference of at least 25 % in the energy value or nutrient content, except for micronutrients where a 10 % difference in the NRV would be acceptable, between the compared foods; and a minimum absolute difference in energy value or nutrient content equivalent to the figure defined as "low" or as a "source" in Table D.3; and

(e.) the use of the words "light" or "lite" shall follow the same criteria as for "reduced" and include an indication of the characteristics which make the food "light" or "lite".

D.7 Health claims

D.7.1 Health claims are permitted provided the following conditions are fulfilled—

(a.) health claims shall be based on current relevant scientific substantiation and the level of proof shall be sufficient to validate the type of claimed effect, as recognized by generally accepted scientific review of the data (This substantiation shall be reviewed as new information becomes available);

(b.) for any health claim to be permitted on a label, it shall first have the approval of the national and, where applicable, regional competent authority (Only health claims which support national health policy and goals shall be permitted);

(c.) the claim about a food or food constituent shall be stated within the context of the total diet;

(d.) the claimed benefit shall arise from the consumption of a reasonable quantity of the food or food constituent, in the context of a normal diet;

(e.) if the claimed benefit is attributed to a constituent in the food, the food shall be:

(i) a significant or high source of the constituent in the case where increased consumption is recommended; or

(ii) low in, reduced in or free of the constituent in the case where reduced consumption is recommended; or

NOTEWhere appropriate, the conditions for nutrient content claims and comparative claims may be used to determine the levels for "high", "low", "reduced" and "free".

(f.) only those essential nutrients for which a NRV has been established, or those nutrients which are mentioned in officially recognized dietary guidelines elaborated by the national competent authority, shall be the subject of a nutrient function claim.

D.7.2A national competent authority shall reserve the right to prohibit claims made for food that contains nutrients or constituents in amounts that increase the risk of disease or an adverse health-related condition. The health claim is not permitted if it encourages or condones excessive consumption of any food or disparages good dietary practice.

D.7.3If the claimed effect is attributed to a constituent of the food, there shall be a validated method to quantify the food constituent, which forms the basis for the claim.

D.7.4A statement of the quantity of any nutrient or other constituent of the food, which is the subject of the claim, shall appear on the label or labelling of the food bearing health claims.

D.7.5The following information shall be placed on the label as deemed necessary by the national competent authority—

(a.) information on the identity of the target group;

(b.) information on how to use the food to obtain the claimed benefit;

(c.) advice to groups who might be adversely affected by the food and to any who need to avoid the food completely; and

(d.) the maximum safe intake level of the food.

D.8 ..... Claims related to dietary guidelines or healthy diets

Claims that relate to dietary guidelines or healthy diets are permitted subject to the following conditions:

(a.) claims related to the pattern of eating shall be contained in dietary guidelines officially recognized by the national competent authority;

(b.) flexibility in the wording of claims is acceptable, if the claims remain consistent with the pattern of eating outlined in the dietary guidelines;

(c.) claims related to a healthy diet, or any synonymous term, are considered to be claims about the pattern of eating contained in the dietary guidelines and should be consistent with the guidelines;

(d.) foods, which are described as part of a healthy diet or healthy balance shall not be based on selective consideration of one or more aspects of the food but shall satisfy certain minimum criteria for other major nutrients related to dietary guidelines;

(e.) foods described as healthy, or represented in a manner that implies that a food, in and of itself, will impart health are not permitted; and

(f.) food may be described as part of a healthy diet if the label carries a statement relating the food to the pattern of eating described in the dietary guidelines.

D.9 Examples of health and nutrition claims covered by this technical regulation Health and nutrition claims covered by this technical regulation are stated in Table D.4

Table B.4 — Examples of health and nutrition claims

Component	**Type of claim**	**Claim**
Calcium	Nutrient content claim	Food A is a source of calcium.
	Comparative claim	Food A contains x % more calcium than **[ ].**
	Nutrient function claim	Calcium aids in the development of strong bones and teeth. Food A is a source of (or rich in) calcium.
	Enhanced function claim	Calcium may help to improve bone density. Food A is a source of/rich in calcium.
	Reduction of disease risk claim	Sufficient calcium intake may reduce the risk of osteoporosis in later life. Food A is high in calcium.
	Nutrient content claim	Food B is a source of iron
	Comparative claim	Food B contains an increased content of iron
	Nutrient function claim	Iron is a factor in red blood cell formation. Food B is a source of (or rich in) iron.
	Enhanced function claim	A good iron status may promote physical endurance. Food B is a rich source of (or

		rich in) iron.
	Reduction of disease risk claim	Iron deficiency is common among women. Good dietary habits can reduce the risk of developing iron deficiency. Food B is an important source of the type of iron that is readily absorbed by the body.
Folic Acid	Nutrient content claim	Food C is a source of folic acid.
	Comparative claim	Food C contains x % more folic acid than **[ ]**
	Nutrient function claim	Folic acid contributes to the normal growth of the foetus. Food C contains folic acid
	Reduction of disease risk claim	Folate may help to normalize plasma homocysteine levels. Food C is a source of (or rich in) folate.
General Examples	Nutrient content claim	Food D is high in fibre. Food D is low in fat
	Comparative claim	Component X has been reduced in Food E Food E contains less component X than **[ ]**
	Nutrient function claim	Protein helps build and repair body tissues. Vitamin E protects the fat in body tissues from oxidation. Certain non-digestible oligosaccharides improve the growth of specific bacterial flora in the gut. Food F may assist in increasing alertness
	Reduction of disease risk claim	A diet low in saturated fat may reduce the risk of heart disease. Food G is low in saturated fat.
NOTE The use of these examples does not represent an endorsement of the specific claims listed in the Table.		

ANNEX E

(NORMATIVE)

HEALTH CLAIMS

E.1 Nutrition function claim

Nutrient function claim is a nutrition claim that describes the physiological role of the nutrient in growth, development and normal functions of the body.

EXAMPLE 1Calcium aids in the development of strong bones and teeth

EXAMPLE 2Protein helps build and repair body tissues

EXAMPLE 3 Iron is a factor in red blood cell formation

EXAMPLE 4 Vitamin E protects the fat in body tissues from oxidation

EXAMPLE 5 Contains folic acid which contributes to the normal growth of the foetus

E.2 Enhanced function claims

These claims concern specific beneficial effects of the consumption of foods and their constituents, in the context of the total diet, on physiological or psychological functions or biological activities, but do not include nutrient function claims. Such claims relate to a positive contribution to health or to the improvement of a function or to modifying or preserving health.

EXAMPLE 1 Certain non-digestible oligosaccharides improve the growth of specific bacterial flora in the gut.

EXAMPLE 2 Folate can help reduce plasma homocysteine levels.

EXAMPLE 3 X may assist in increasing alertness.

E.3 Reduction of disease risk claims

Claims relating the consumption of a food or food constituent, in the context of the total diet, to the reduced risk of developing a disease or health-related condition should consist of two parts in the following order—

(a.) information on an accepted diet-health relationship; and

(b.) information on the composition of the product relevant to the relationship, unless the relationship is based on a whole food or foods.

EXAMPLE 1 Iron can help reduce the risk of anaemia. Food A is a rich source of iron.

EXAMPLE 2 A diet low in saturated fat may reduce the risk of heart disease. Food B is low in saturated fat.

EXAMPLE 3 Folate may reduce a woman's risk of having a child with neural tube defects. Food C is high in folate.

EXAMPLE 4Sufficient calcium intake may reduce the risk of osteoporosis in later life. Food D is high in calcium.

Issued the 6th day of May, 2021.

Hon. E. Paul Chet Greene,
Minister of Foreign Affairs, International Trades & Immigration.