

REPRINT

PURE FOOD ACT 1996

As in force at: 1 October 2009

STATUS: HISTORICAL

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

AN ACT TO MAKE PROVISION FOR SECURING THE SAFETY AND WHOLESOMENESS OF FOOD FOR SALE AND FOR HUMAN CONSUMPTION.

PURE FOOD ACT 1996

Table of provisions

PART I	PRELIMINARY.....	1
1	Short title and commencement	1
2	Interpretation	1
PART II	OFFENCES IN THE PREPARATION FOR SALE OF ADULTERATED OR FALSELY DESCRIBED FOOD.....	6
3	Adulteration or false description	6
4	Preparation for sale of adulterated or substandard food	7
PART III	OFFENCES RELATING TO APPARATUS, PACKAGING AND LABELLING.....	7
5	Protection against improper packaging and apparatus	7
6	False labelling and advertisement	8
7	Labelling, advertising and date marking	8
PART IV	INSPECTION AND ANALYSIS.....	8
8	Qualifications of health inspector and analyst	8
9	Powers of entry and inspection	9
10	Frequency of inspection and fee for service for prescribed businesses	10
11	Seizure and condemnation of food, articles and records	10
12	Sampling food	12
13	Sampling articles	13
14	Tender of payment for samples	13
PART V	GENERAL ENFORCEMENT PROCEDURES	13
15	Cleanliness and sanitation	13
16	Closure of unclean and insanitary premises	14
17	Prohibition of affected persons	15

18	Notification of food-borne disease	15
19	Power of Minister to declare an area closed to food production	16
20	Irradiated food	16
21	Trade secrets	17
PART VI IMPORTING AND EXPORTING FOOD.....		17
22	Importing food	17
23	Exporting food	19
PART VII LEGAL PROCEEDINGS.....		20
24	Presumptions	20
25	Time for prosecution in certain cases	21
26	Interference with official marks	22
27	Interference with official duties	22
28	Warranties as a defence	22
29	Offences in relation to warranties	23
30	Defences without warranty	24
31	Conviction, forfeiture and costs	24
32	General Penalty	25
33	Protection for official Act	25
PART VIII ADMINISTRATION.....		25
34	Establishment, composition and functions of a Pure Food Advisory Board	25
35	Slaughter places and dairy farms	26
36	Relationship to other laws	27
37	Regulations	27

FIRST SCHEDULE	29
SECOND SCHEDULE	31
THIRD SCHEDULE	33
FOURTH SCHEDULE	35
FIFTH SCHEDULE	37
SIXTH SCHEDULE	38
SEVENTH SCHEDULE	39
EIGHTH SCHEDULE	41
NINTH SCHEDULE	43
TENTH SCHEDULE	44

PURE FOOD ACT 1996

As in force at: 1 October 2009

PART I PRELIMINARY

1 Short title and commencement

This Act may be cited as the *Pure Food Act, 1996*, and shall come into operation on such date as the Minister may appoint by notice published in the *Gazette*.

2 Interpretation

In this Act, unless the context otherwise requires:

“advertisement” includes any notice, words, whether written or spoken, any pictorial representation or design, circular, label, wrapper, invoice or other document and any public announcement made orally or by any means of producing or transmitting light or sound, used or apparently used to promote directly or indirectly the sale or disposal of any food;

“analysis” means any examination carried out by an analyst;

“analyst” means a person authorised under this Act to carry out analysis for the purposes of this Act and regulations;

“animal” includes cattle, sheep, goat, pig, poultry, bird, fish, a crustacean, mollusc and reptile or other animal;

“appliance” means the whole or any part of any utensil, machinery, instrument, apparatus or other thing used or capable of being used in or for preparing, packing, storing, handling, conveying, serving, selling or supplying of any food and includes any utensil, machinery, instrument, apparatus or other thing used or capable of being used in the cleaning of any other appliance;

“article” means any appliance, apparatus, package, label, advertisement or other material related to the sale of food;

“building” includes any structure whatsoever for whatever purposes used;

“business” means any undertaking and includes the undertaking of a canteen, club, school, restaurant, hotel, hospital, or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public, provincial or local body;

“clean” means the removal of soil or any matter, food residues, dirt, grease or other objectionable matter from any place;

“container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

“court” means the Magistrate’s Court;

“dairy farm” includes any farm, cowshed, milking house or other premises from which milk is obtained and stored in its raw state, from which processed milk is supplied on or for sale, or in which milk is kept or used for purposes of sale, or in which vessels or containers used for the sale of milk are kept and does not include a shop from which milk is supplied only in properly closed and unopened vessels or containers in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

“Director” means the Head of the Environmental Health Department or Division;

“food” means food of any nature and includes water, ice, beverages, alcoholic drinks, chewing gum, food additives, food preservatives and substances used as ingredients in the preparation of food or drink or of such products, but does not include:

- (a) live animals as defined in the Act;
- (b) fodder or feeding stuff for animals, birds or fish; or
- (c) substances used only as drugs;

“handling” in relation to food means harvesting, preparing, processing, preserving, packing, storing, decorating, serving, conveying or delivering;

“health inspector” means any person appointed under Part IV to be a health inspector and includes an assistant health inspector, the Principal Health Inspector (Food Safety) and the Director;

“label” includes any tag, brand, mark or statement in writing or any representation accompanying any food or any package of food, and **“to label”** has a corresponding meaning;

“Minister” means the Minister for the time being charged with responsibility for public health matters;

“occupier” includes any person in actual occupation of land or premises subdivided and sublet, the person receiving the rent on his own account or as an agent for any person entitled thereto or interested therein;

“perishable and hazardous food” includes or consists of milk, milk products, cooked shelled eggs, egg products, meat, fish, shellfish, poultry or cooked rice;

“Permanent Secretary” means the Permanent Secretary of the Ministry for the time being charged with responsibility for public health matters;

“premises” includes any land (whether or not belonging to, attached to or associated with a building), and part of a building and any stall, tent or other structure, whether public or private, and whether maintained or not under statutory authority;

“preparation”, in relation to food, includes manufacture and any form of treatment and;

“preparation for sale” shall be construed accordingly;

“proprietor” means the owner (or where the owner is not the occupier, the occupier) and includes any person in charge or apparently in charge of the premises;

“provincial authority” means respective provincial authorities appointed under the *Provincial Government Act*;

“publish” means to insert in a newspaper or other publication or to

send to any person by post or otherwise or to deliver to any person or leave upon the premises in the occupation of any person or to disseminate by broadcast, telecast or any projected image whether moving or still or to bring to the notice of the public in any other manner whatsoever;

“sell” includes barter and also to offer or attempt to sell or deliver for sale or cause to suffer or allow to be sold, offered or exposed for sale, but refers only to selling for human consumption or use;

“slaughterplace” means a place of slaughtering animals, birds or poultry, the flesh of which is intended for sale for human consumption and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there, or for keeping or subjecting to any treatment or process products of the slaughtering of animals in such place;

“substance” includes any chemical, compound, solid, gas or liquid;

“transport” includes all stages of transit of food from place of production, place of manufacture or other source of origin to the consumer;

“Under Secretary” means the Under Secretary (Health Improvement) in the Ministry of Health and Medical Services;

“vehicle” means any device which is usually a means of conveyance by land, water or air whether or not such device is operational and includes cart, caravan, bicycle, ship, boat, barge, airplane or aeroplane; and

“vermin” means organisms considered undesirable in or on a premises and includes birds, rodents, spiders and insects and their eggs, larvae and pupae.

(2) For the purposes of this Act:

- (a) any food, or any food included in, or supplied with, a meal:
 - (i) for which payment is made or required to be made; and
 - (ii) which is supplied for consumption in any shop, factory,

canteen, hotel, motel, boarding-house, cafe, kitchen, fast-food premises, bottle-shop, restaurant, eating house or licensed premises, or at any stall or temporary stall, or in any vehicle, or any other premises;

- (b) any food included in, or supplied with, a meal which is supplied by an employer to an employee, in accordance with terms of the employee's contract of service, for consumption by the employee at his or her place of work; and
- (c) any food supplied pursuant to a contract, together with accommodation, service or entertainment, in consideration of an inclusive charge for the article supplied and the accommodation, service or entertainment,

shall for all purposes be deemed to have been sold.

(3) This Act and the regulations apply:

- (a) in relation to any food or appliance offered as a prize or reward, whether:
 - (i) in connection with entertainment; or
 - (ii) for the purpose of advertisement or in furtherance of trade or business, or otherwise, as if the food or appliance were, or had been, exposed for sale by such person offering the prize or reward;
- (b) in relation to any food or appliance given away for the purpose of advertisement or in furtherance of trade or business, as if the food or appliance were, or had been, sold by the person giving away the food or appliance; and
- (c) in relation to any food or appliance which is exposed or deposited in any premises for the purpose of being so offered as a prize or reward or given away, as if the food or appliance were, or had been, exposed for sale by the occupier of the premises.

(4) For the purposes of this Act, any vessel lying in any port, harbour, river or other water within or adjoining the area of a local or provincial

authority shall be subject to the jurisdiction of that authority in the same manner as if it were a premises or building within such area.

PART II OFFENCES IN THE PREPARATION FOR SALE OF ADULTERATED OR FALSELY DESCRIBED FOOD

3 Adulteration or false description

For the purposes of this Act and the regulations, an article of food is adulterated or falsely described:

- (a) when it contains, or is mixed or diluted with, any substance in any quantity or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same article in a pure or normal state and in an undeteriorated or sound condition;
- (b) when it contains, or is mixed or diluted with, any substance of lower commercial value than the same article in a pure or normal state and in an undeteriorated or sound condition;
- (c) when, either wholly or partly, it does not comply with a standard prescribed for the article by the regulations;
- (d) when it contains any substance prohibited by the regulations or any prescribed standard;
- (e) when it contains any substance in excess of any maximum quantity or proportion permitted by the regulations;
- (f) when it is mixed, coloured, powdered, coated, stained, prepared or treated in a manner so as to conceal, damage or of an inferior standard;
- (g) when it is mixed, powdered, coated, prepared or treated in order to fraudulently increase weight, bulk or measure;
- (h) whether manufactured or not, when it consists, wholly or partly of a filthy, decomposed or putrid animal or vegetable substance or of any portion of an animal substance unfit for consumption;

- (i) when it is the product of a diseased animal, or of one which had died otherwise than by slaughter;
- (j) when it is damaged, deteriorated or perished;
- (k) when its handling renders it unfit for human consumption or use;
- (l) when it has any constituent wholly or partly extracted or removed so that its properties as compared with the food in a pure state are diminished; or
- (m) when it contains any matter foreign to the nature of the food; or
- (n) where in the case of packeted food the date of expiry has lapsed.

4 Preparation for sale of adulterated or substandard food

- (1) A person who handles, prepares, processes, manufactures, imports, exports, stores, displays for sale any food or sells any food for which there is a standard prescribed is guilty of an offence unless the food complies with the prescribed standard.
- (2) A person who handles, prepares, processes, manufactures, imports, exports, stores, displays for sale or sells any food which bears or has attached to it, or is contained in a package which bears or has attached to it, a name prescribed for a food for which there is a standard prescribed or which is otherwise designated or represented as being food for which a standard is prescribed is guilty of an offence unless the food complies with the prescribed standard.
- (3) A person who handles, prepares, processes, manufactures, imports, exports, stores, displays for sale or sells any article of food which is adulterated or falsely described is guilty of an offence.

PART III OFFENCES RELATING TO APPARATUS, PACKAGING AND LABELLING

5 Protection against improper packaging and apparatus

For the purposes of this Act and the regulations a person who packs,

stores, displays, imports, exports or sells food which is packed or enclosed for sale:

- (a) in any manner contrary to any prescribed standard for the food or any provision of the regulations;
- (b) in any unclean or insanitary apparatus or package; or
- (c) in any apparatus or package that is suspected of being injurious to health or rendering food injurious to health because of its imposition or because of materials attached, absorbed to, coated on, staining or in contact with the package,

is guilty of an offence.

6 False labelling and advertisement

A person shall not label or advertise false, misleading, deceptive or exaggerative representation relating to the character, nature, value, substance, quality, composition, merit or safety of food, apparatus or a package.

7 Labelling, advertising and date marking

- (1) Where food is sold in a closed package or container, the statement or label attached to the package or container shall be in the form prescribed by regulations.
- (2) A person who manufactures, handles, processes, imports, exports, stores, displays for sale or sells food in a closed package or container contrary to subsection (1) is guilty of an offence.
- (3) Any person advertising food for sale, who contravenes or does not comply with requirements prescribed in subsection (1) is guilty of an offence.

PART IV INSPECTION AND ANALYSIS

8 Qualifications of health inspector and analyst

- (1) The Minister may, by notice in the *Gazette*, appoint persons to be health inspectors and analysts for the purpose of this Act.

- (2) The qualifications required for the posts of health inspectors and analysts shall be as prescribed by regulations.

9 Powers of entry and inspection

- (1) A health inspector may:

- (a) enter and inspect at any reasonable time, any premises, place, vehicle, vessel or aircraft in which the health inspector reasonably believes:

(i) any article used in the handling, manufacture, preparation, processing, preserving, packaging, storing, displaying, serving of food for sale;

(ii) any food for sale; or

(iii) any record which relates to articles or food described in paragraphs (i) and (ii) of this subsection,

is being held, handled, prepared, processed, preserved, packed, stored, filled, displayed, offered for sale or sold;

- (b) examine any food intended for export for sale or any food imported, manufactured, held, handled, prepared, processed, preserved, packed, stored, displayed, or offered for sale or sold;

- (c) open and examine any container or package that the health inspector reasonably believes contains any article, food or record described in paragraphs (a) or (b);

- (d) open and examine any such article or record;

- (e) demand, select and obtain samples of such food and articles in accordance with procedures prescribed in this Act and regulations;

- (f) examine any labelling or advertising material which appears to the health inspector to be intended for use in connection with the sale of any such food or article or to have been used for such purpose;

- (g) stop and detain any vehicle which the health inspector is

authorised in paragraph (a) to enter;

- (h) take such photographs or recordings as the health inspector considers necessary; or
 - (i) generally make such investigations and enquiries as may be necessary to ascertain whether an offence against this Act or regulations is being or has been committed.
- (2) When exercising his powers under this Part, a health inspector shall have on his person a certificate of authority in the form prescribed in the regulations and, if requested to do so by any person in charge or apparently in charge of that premises, place or vehicle produce his certificate of authority.

10 Frequency of inspection and fee for service for prescribed businesses

- (1) The Director or provincial authority as the case may be, shall cause inspections of premises of prescribed businesses to be performed in the manner prescribed by regulations.
- (2) A fee to recover the cost of an inspection service shall be charged at the rate prescribed in the regulations.

11 Seizure and condemnation of food, articles and records

- (1) In the performance of an inspection under section 9, a health inspector may seize any food or article or record that is, or appears to him to be:
- (a) dangerous;
 - (b) injurious to health;
 - (c) unfit for use;
 - (d) unwholesome; or
 - (e) otherwise adulterated or falsely described,
- as evidence that an offence against the Act or regulations is being or has been committed.

- (2) A health inspector who seizes any food or article or record under subsection (1) shall provide the person in whose possession such food, article or record was found, a certificate of seizure as prescribed in the First Schedule.
- (3) A health inspector who seizes any food under subsection (1) shall condemn and destroy any such food if it appears to him to be:
 - (a) putrid or likely to putrefy before the health inspector can have it dealt with by a Magistrate; or
 - (b) an immediate risk to human health, so however, that in such instances, the health inspector shall issue the person in whose possession the food was found a certificate of condemnation as prescribed in the First Schedule.
- (4) An inspector who seizes any food under subsection 11(1) shall condemn and stamp the food as not fit for human consumption or destroy such food if it appears to him to be unfit for human consumption. In such instances, the inspector shall issue the person in whose possession the food was found a certificate of condemnation as prescribed in the First Schedule.
- (5) With the exception of a seizure described under subsection (3), a health inspector who seizes any food or article or record under subsection (1) shall inform the person in whose possession the food, article or record was found:
 - (a) that, if the person does not consent to the destruction of any food or article so seized, it is his intention to have it dealt with by a Magistrate; and
 - (b) that any person who, under the Act or regulations, may be liable to prosecution shall, if he attends before the Magistrate upon application for the condemnation of the aforementioned food or article, be entitled to be heard and call witnesses.
- (6) A health inspector shall label or mark, seal or fasten up the seized article, food or record as its nature allows. Upon seizing an article, food or record, the health inspector may require the seized article, food or record to remain in, at or on the premises, place, or vehicle where it was found at the time of seizure.

(7) If it appears to any Magistrate that any food or article brought before him, whether seized under the provisions of this section or not, is:

- (a) dangerous;
- (b) injurious to health;
- (c) unfit for use;
- (d) unwholesome; or
- (e) otherwise adulterated or falsely described,

he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for, or in conjunction with human consumption or use.

(8) If a Magistrate refuses to condemn any food or article seized under the provisions of this section, such food or article shall be returned forthwith to the person in whose possession it was found at the time of seizure.

(9) If a Magistrate condemns the food or article under subsection (7), the costs incurred by the local or provincial authority in connection with the lawful destruction or disposal of the item is a debt due to that authority from the person in whose possession the food or article was found at the time of seizure.

(10) Any such debt as described in subsection (9) is recoverable in a court of competent jurisdiction and, in any such proceedings, a certificate signed by the Permanent Secretary, Provincial Secretary or Town Clerk stating the amount of any costs and the manner in which they were incurred is evidence of matters certified therein.

12 Sampling food

(1) Any health inspector who takes a sample of food offered for sale under the provisions of section 9, shall divide, mark, seal and fasten such sample in such manner as its nature permits and deal with it in the manner prescribed by regulations.

(2) The health inspector who obtains a sample under the provisions of subsection (1) shall:

- (a) inform the person appearing to be the person having lawful custody of the article, that the sample was taken for the purposes of analysis; and
- (b) tender payment as prescribed by regulations to the person from whom the sample was taken.

13 Sampling articles

On obtaining the samples, the health inspector shall cause the samples to be labelled as prescribed in the Second Schedule and forward to an analyst with a Request Form for Analysis as prescribed in the Third Schedule.

14 Tender of payment for samples

- (1) The analyst to whom a sample is forwarded in accordance with the provisions of section 13, shall cause an analysis to be carried out in the manner prescribed by regulations and submit a certificate in the form provided in the Fourth Schedule.
- (2) In any proceedings under this Act, the production by any of the parties of the certificate of the analyst shall be *prima facie*, evidence of the facts stated therein.

PART V GENERAL ENFORCEMENT PROCEDURES

15 Cleanliness and sanitation

A person who fails:

- (a) to obtain, manufacture, process, preserve, handle, use, prepare, store, transport, deliver, display or serve food for sale or sell food in clean and sanitary conditions as prescribed by the regulations; or
- (b) to use hygienic practices as prescribed by the regulations, to obtain, manufacture, process, preserve, handle, use, prepare, store, transport, deliver, display, serve food for sale or sell food, is guilty of an offence.

16 Closure of unclean and insanitary premises

- (1) When a health inspector, during an inspection under section 10, identifies a premises as unclean and insanitary, he shall, prior to initiating court proceedings under this Act or regulations, serve a clean-up notice on the proprietor of the premises.
- (2) The clean-up notice described in subsection (1) shall take the form of an order that the premises be put into a clean and sanitary condition, as prescribed in the notice and to the satisfaction of the health inspector, within a period of twenty-four hours after the service of the notice on the proprietor.
- (3) If, after the expiration of the requisite period, the health inspector is not satisfied that the premises complies with the requirements of the clean-up notice and this Act or the regulations, the Director or provincial authority as the case may be, shall upon the advice of the health inspector serve or cause to be served on the proprietor, an order for temporary closure of the premises for seventy-two hours after the service of the notice, or until the premises complies with the prior clean-up notice, whichever occurs first.
- (4) An order for temporary closure described in subsection (3) shall take the form of an order that no food be sold, transported for sale (if the premises is a vessel or vehicle), prepared for sale, processed or handled for sale until the health inspector has given the proprietor a certificate of clearance as prescribed in the Fifth Schedule certifying that the premises, at the time of inspection, is in a clean and sanitary condition.
- (5) A proprietor who does not comply with the order for temporary closure within twenty-four hours of the order being served is guilty of an offence.
- (6) The proprietor of the premises may, at any time after being served with the temporary closure order, deliver to the health inspector, a request in writing for the health inspector to re-inspect the premises.
- (7) If such a written request is made and the health inspector does not inspect the premises within twenty-four hours or the Town Council or Provincial Council, as the case may be, may on receipt of a request cause such inspection to be carried out.

- (8) If upon re-inspection within twenty-four hours of receiving a request for re-inspection or at the end of the seventy-two hours temporary closure, the health inspector believes the premises does not comply with the requirement of this section, the health inspector shall initiate legal proceedings against the proprietor, unless that proprietor voluntarily maintains the closure of the premises. If the premises do comply the health inspector shall immediately provide a certificate of clearance.

17 Prohibition of affected persons

- (1) A person who prepares, packs, stores, processes, handles or serves food for sale, or who enters a premises in, on or at which such person is normally employed in the preparation, packing, storage, processing, handling or serving of food for sale, and:
- (a) is suffering from a disease prescribed in the Sixth Schedule or any other disease specified by the Minister;
 - (b) is a carrier of a disease causing agent for those diseases prescribed in Sixth Schedule or any other disease specified by the Minister;
 - (c) has on any part of his body, any boil, infected wound or sore that is uncovered, partially covered or covered with a bandage or dressing other than one that is waterproof; of
 - (d) has on any part of his body any other disease specified by order published by the Minister,

is guilty of an offence.

- (2) A person who permits a person, to whom subsection (1) applies, to enter a premises in, on or at which food for sale is normally prepared, packed, stored, processed, handled or served is guilty of an offence.

18 Notification of food-borne disease

- (1) A medical practitioner or health worker shall within twenty-four hours of diagnosis notify the Director of:
- (a) any possible case of foodborne disease (including both

poisoning and intoxication); or

- (b) any clustering of diarrhoeal disease at an incidence rate above that considered normal for the given population for which no other causal factor can be established.
- (2) The notifications required in subsection (1) shall be in the form prescribed in the regulations.
- (3) The Director shall cause an investigation to be held for all notifications under subsection (1) within twenty four hours of receipt.
- (4) The Director shall communicate any notification under subsection (1) to the Principal Health Inspector (Food Safety) within seventy-two hours.
- (5) The Principal Health Inspector (Food Safety) shall collate the data obtained and distribute the national data on food-borne disease to the Director on a quarterly basis.

19 Power of Minister to declare an area closed to food production

The Minister may prohibit by order the cultivation, taking, harvesting, or otherwise obtaining of any food from any area if, in the opinion of the Minister upon the advice of the Board, that food may be dangerous or injurious to persons who consume that food.

20 Irradiated food

- (1) For the purposes of the Act “***ionizing radiation***” shall mean all radiation, of a wave length not greater than 100 nanometres, capable of producing ions directly or indirectly in passage through matter.
- (2) No person shall manufacture, sell, import, process, use, prepare, store or display for sale food:
 - (a) that has been intentionally exposed to ionising radiation without the prior approval of the Minister to irradiate the food; or
 - (b) that has been accidentally exposed to ionising radiation.

21 Trade secrets

- (1) A health inspector who has, in the course of his duties under the Act, obtained confidential information relating to manufacturing or commercial secrets, shall not disclose that information without:
 - (a) the consent of the person who has proprietary interest in the information;
 - (b) being ordered to do so by a court;
 - (c) receiving prior permission of the Minister; or
 - (d) doing so for the purposes of executing his duties under this Act and the regulations.

PART VI IMPORTING AND EXPORTING FOOD

22 Importing food

- (1) An agriculture, quarantine or health inspector shall, immediately upon receipt of documentation addressing the importation of food for sale, inform the health inspector responsible for inspection of imported food.
- (2) A person intending to import food for sale shall also notify the Director in writing of his intention to import food. The Director shall, in such cases, direct and cause an appropriate health inspector to carry out any inspection and sampling required.
- (3) The health inspector identified in subsections (1) and (2) shall review relevant documents including export certifications provided by competent overseas authorities and carry out any inspection and sampling required, as soon as possible and in a manner so as not to unnecessarily delay the release of the food from customs and quarantine.
- (4) Where a sample is collected under subsection (3) for further inspection or analysis, a collection report shall be completed by the responsible health inspector. The collection report shall be in the form prescribed in the Seventh Schedule. The sample shall be sealed, labelled and delivered to the analyst as required under Part

IV.

- (5) If, in the opinion of the health inspector, as a result of document review, inspection and analysis, and the imported food satisfies the requirements of the Act, its regulations and standards, the health inspector may either:
 - (a) provide written clearance to an appropriate quarantine inspector; or
 - (b) issue an import permit as prescribed in the Eighth Schedule for food not included under the *Agricultural Quarantine Act 1982* or the *Agricultural Quarantine Order 1986*.
- (6) For those importers who have notified the Director of their intention to import at least seventy-two hours prior to the food's arrival in the country, the Director may, upon the risk assessment advice from the health inspector who has reviewed all the necessary documentation, issue a permit prior to the arrival of the food in the country.
- (7) If, in the opinion of the health inspector, as a result of document review, inspection or analysis were required of the imported food and the imported food does not satisfy the requirements of this Act, the regulations or standards, the health inspector may reject any or all food found deficient. In all cases, if the food is rejected, the invoice and manifest shall be marked "REJECTED" and returned to the Customs together with a copy to the Director of Agricultural Quarantine in the form set out in the Ninth Schedule.
- (8) Where the food is rejected but the health inspector considers it suitable for relabelling, the importer may relabel the food in accordance with the requirements of this Act and the regulations. Where the food is not relabelled within this period, the food shall be exported by the importer within a period of three months or such other period as the Minister may determine.
- (9) If the food is rejected under this Part and the importer fails to satisfy the requirements of subsection (8), the food shall be forfeited and disposed of as the Director may direct at the expense of the importer or his agent.
- (10) A permit to import food whether of animal or of plant origin provided

for under the *Agricultural Quarantine Act 1982* and the *Agricultural Quarantine Order 1986*, shall not be issued without written clearance from the health inspector referred to in subsection (1) or a health inspector acting on his behalf or from the Director.

- (11) Food for sale shall not be removed from Customs and Quarantine without a permit to import provided under either subsection (3) or subsection (6).
- (12) A person who imports food for sale in contravention of, or who fails to comply with the requirements of this section is guilty of an offence.

23 Exporting food

- (1) Any person who intends to export food for sale shall notify the Director or his representative of his intention to do so. This notice shall be delivered to the Director or the Principal Health Inspector (Food Safety) not less than twelve hours before the food is exported from the country.
- (2) Any food harvest, handled, processed, prepared, stored, transported or distributed for export or sale shall satisfy all the requirements of food for sale under this Act and the regulations.
- (3) Any person who intends to export food for sale may on application to the Director have a plant registered as a quality assurance plant approved under the quality assurance programme that the food produced therein meets the standard prescribed for export. Such certification shall be in the form prescribed in the Tenth Schedule which shall further state that:
 - (a) the food products have been inspected by officers of the Department of Environmental Health and analysed by an analyst authorised under this Act and were found to be in accordance with the Act and the regulations; or
 - (b) the food products have been inspected by officers of the Department of Environment Health and analysed by a laboratory certified by an approved laboratory certification scheme and were found to be in accordance with the Act and the regulations; or

- (c) the food products have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis control point system (HACCP) or their equivalent to assure the safety of the food produced. The production of the described products has been supervised by an authorised inspector of the Department of Environmental Health to assure compliance with GMP and HACCP; or
- (d) have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point system (HACCP) or their equivalent to assure the safety of the food produced. The company is part of an approved quality assurance programme and the described products were produced in accordance with this programme in a processing plant registered as part of the programme. The programme is routinely evaluated by authorised inspectors of the Department of Environmental Health.

(4) A certificate of safety shall only be provided under subsection (3).

PART VII LEGAL PROCEEDINGS

24 Presumptions

- (1) For the purposes of this Act or the regulations:
 - (a) any food commonly used for human consumption, shall, if sold or offered, exposed or kept for sale be presumed, until the contrary is proved, to have been sold, or as the case may be, to have been intended for sale for human consumption;
 - (b) any food commonly used for human consumption which is found on any premises or in any vehicle used for the handling, preparation, processing, storage, importation transportation, distribution, display or the sale of that food shall be presumed, until the contrary is proved, to be intended for human consumption;
 - (c) any article commonly used in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale that food shall be presumed until

the contrary is proved to be used for food intended for human consumption.

- (2) Where any food for human consumption is sold or deposited with or consigned to any person for the purpose of sale for human consumption, contained in an unopened package, any person who appears from any statement on the package or on a label attached to the package, to have imported, manufactured or prepared such food or to have enclosed it in such package, shall, until the contrary is proved, be deemed to have so imported, manufactured, prepared or enclosed the food.
- (3) Where any article used in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale of food for human consumption is sold or deposited with or consigned to any person for the purpose of sale or for use in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale of food for human consumption, contained in an unopened package, any person who appears from any statement on the package or on a label attached to the package, to have imported manufactured or prepared such article or to have enclosed it in such package, shall, until the contrary is proved, be deemed to have been so imported, manufactured, prepared or enclosed these articles, as the case may be.
- (4) If a health inspector:
 - (a) has made a copy of any record or part of a record pursuant to this Act or regulations; and
 - (b) has certified the copy to be a true and correct copy of that record or part of a record,

the copy is admissible in evidence in any proceedings under this Act and regulations as evidence of the matters contained in the copy and, unless the contrary is proved, may be taken to be a true and correct copy.

25 Time for prosecution in certain cases

Where any food, article or record has been obtained for analysis, or seized under section 11, a prosecution for an offence against this

Act in respect of it shall not be instituted after the expiration of a period of six months from the date when it was taken, seized or obtained.

26 Interference with official marks

- (1) A person who, wilfully removes, erases, alters, breaks or opens a label, mark, seal or fastening placed by a health inspector on any food, article or record without authority is guilty of an offence.
- (2) Subsection (1) does not apply in respect of a part given to that person or his agent by a health inspector under section 11.

27 Interference with official duties

Any person who:

- (a) assaults, intimidates, obstructs or attempts to obstruct in any manner any health inspector in the exercise of his duties under this Act or regulations;
- (b) refuses to allow, retakes or attempts to retake any food, article or record seized, condemned, sold, obtained or sampled under this Act;
- (c) refuses to state, or states falsely, his or her name and place of residence upon demand by a health inspector;
- (d) gives, procures, offers or promises a bribe, recompense or reward to influence any health inspector in the exercise of his duties under the Act; or
- (e) fails to comply with any order or demand given by a health inspector authorised under this Act or regulations,

is guilty of an offence.

28 Warranties as a defence

- (1) In any prosecution for an offence of selling any food or article in contravention of this Act or regulations, it is a sufficient defence for the defendant to prove that:

- (a) he purchased the food or article in reliance on a written warranty, given by or on behalf of the person from whom the purchase was made, to the effect that the food or article was of the same nature and substance and quality as that demanded of him by the purchaser or health inspector;
 - (b) the defendant, with due diligence, had no reason to believe or suspect that the food or article sold by him did not conform to the warranty.
- (2) A warranty is not available as a defence unless, within seven days after service of the summons, the defendant has:
 - (a) sent to the health inspector and the warrantor a copy of the warranty and a statement that he intends to rely on the warranty as a defence; and
 - (b) sent to the health inspector the identification and address of the person from whom the warranty was received.
- (3) Where the defendant is a servant or agent of the person who purchased the food or article under a warranty, he shall be entitled to rely on the provisions of this section in the same way as his employer or principal would have been entitled as if he were the defendant.
- (4) A warranty given by a person resident outside the country is not available as a defence unless the defendant proves that he did in fact believe in the accuracy of the statement contained in the warranty.
- (5) For the purposes of this section, a name and description entered in an invoice is to be taken to be a written warranty that the food or article to which the entry refers can be sold or otherwise dealt with by that name or description by any person without contravening any of the provisions of this Act or the regulations.

29 Offences in relation to warranties

Any person who gives a warranty referred to in section 28 that is false, is guilty of an offence.

30 Defences without warranty

- (1) In any proceedings for an offence under this Act it shall be a defence for the defendant to prove:
 - (a) that he could not with due diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations; and
 - (b) that in relation to an offence relating to the publication of an advertisement, the advertisement was received for publication in the ordinary course of business and he had no reason to believe that an offence would be committed by publishing such an advertisement.
- (2) In any proceedings for an offence under this Act it shall be a defence for the defendant to prove that:
 - (a) he committed the act or default constituting the offence in the course of acting as an agent or employee of another person and without knowledge of one or more of the facts constituting the offence; and
 - (b) the other person or employer is a firm or corporation having a place of business in Solomon Islands.

31 Conviction, forfeiture and costs

- (1) On the conviction of a person for an offence against the Act or regulations, any food or article to which the conviction relates may, by order of the court, be forfeited for destruction or disposal.
- (2) The costs incurred by the State, local or provincial authority in connection with sampling, analysis and the lawful destruction or disposal of the food or article shall be ordered by the court to be a debt due to the state, local or provincial authority by the person against whom the conviction is made.
- (3) For any such debt as described in subsection (2), a certificate signed by the Permanent Secretary, Provincial Secretary or Town Clerk as the case may be stating the amount of any costs and the manner in which they were incurred is evidence of matters certified.

32 General Penalty

A person who is guilty of an offence against this Act for which no other penalty is prescribed is liable to a maximum penalty of one thousand penalty units or imprisonment for a term of six months or both; and in the case of a second or subsequent offence a maximum penalty of one thousand five hundred penalty units or imprisonment for a term of six months or both.

33 Protection for official Act

- (1) No legal proceedings shall be instituted in any court against any person who is authorised by this Act to perform any function or duty for anything done or intended to be done in good faith pursuant to the powers granted to him under this Act.

PART VIII ADMINISTRATION

34 Establishment, composition and functions of a Pure Food Advisory Board

- (1) There shall be established for the purpose of this Act, a Board to be known as the Pure Food Advisory Board.
- (2) The Board shall consist of:
 - (a) the Under Secretary (Health Improvement);
 - (b) the Director of Health;
 - (c) the Principal Health Inspector (Food Safety);
 - (d) the Food Analyst, Ministry of Health and Medical Services; and
 - (e) a representative from the Consumer Affairs Division, Commerce.
- (3) The functions of the Board shall be to deliberate and make recommendations to the Minister:
 - (a) on the administration and implementation of, and any other matters relating to the Act and its regulations and standards;

- (b) on approaches to more effectively secure the safety and wholesomeness of food; and
- (c) on any matters that the Minister may refer to the Board.

35 Slaughter places and dairy farms

- (1) The Minister shall for the purposes of this Act, appoint the Director of Livestock and Veterinary Services as the senior meat and dairy hygiene inspector and such other meat and dairy hygiene inspectors as may be necessary with all the powers and responsibilities of a health inspector under this Act and regulations in relation to:
 - (a) the slaughtering of animals for human consumption, the processing of meat within slaughterplaces, storage of the products of slaughter within slaughterplaces and transportation and distribution of the products of slaughter; and
 - (b) the obtaining, from animals, of milk for human consumption, the storage of that milk on the dairy farm and its transportation to dairy plants.
- (2) Within an area of a five kilometre radius from a duly licensed and registered slaughterplace, no animal may be slaughtered for sale or for human consumption other than the premises duly licensed and registered, in the manner prescribed, as slaughterplaces for that purpose.
- (3) Any person who, on any premises, within a five kilometre radius around a duly licensed and registered slaughterplace, establishes or carries out the slaughtering of an animal for sale or for human consumption, without the premises being duly licensed and registered is guilty of an offence.
- (4) For locations outside an area of a five kilometre radius from a duly licensed and registered slaughterplace, an animal may be slaughtered for sale or for human consumption other than on a premises duly licensed and registered, subject to the slaughterplace and slaughtering process satisfying all other requirements of this Act and regulations.
- (5) Any person who, on any premises, carries out the slaughtering, for

human consumption, of a diseased animal or an animal that has died other than as a result of the slaughtering process is guilty of an offence.

- (6) Any person who, on any premises establishes or carries out the slaughtering of an animal for sale, or human consumption, in contravention of the provisions of this Act and the regulations is guilty of an offence.
- (7) Any person who, on any premises, establishes or carries out the collection, storage or processing of milk for sale or for human consumption, without the premises being duly licensed and registered is guilty of an offence.
- (8) Any person who, on any premises, establishes or carries out the collection, storage or processing of milk for sale or for human consumption, in contravention of the provisions of this Act and the regulations is guilty of an offence.

36 Relationship to other laws

Where in any other Act, regulation, by-law, rule or Ordinance, any provision relating to food for sale or articles used in the preparation, handling, processing, manufacture, preservation, packing, transportation, storage, display or serving of food for sale, is inconsistent with the provisions of this Act or any related regulation, the provisions of this Act and its regulations shall prevail.

37 Regulations

- (1) The Minister may make regulations, not inconsistent with this Act, for or with respect to any matter required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to any of the following:
 - (a) standards for food, food additives and packaging, including labelling, composition, strength, purity, character and microbiological, chemical and physical quality;

- (b) requiring persons who sell food, to maintain such books and records considered necessary for the proper administration and enforcement of this Act;
- (c) providing for the analysis of food and prescribing methods and fees for such analysis;
- (d) exempting any food or article from any or all of the provisions of the Act and prescribing the conditions of such exemption;
- (e) requiring procedures for the recall and destruction of food;
- (f) providing for the giving, service and enforcement of directions, orders or notices for the rectification of acts or omissions in contravention of this Act or the regulations;
- (g) rates of payment for samples of food obtained for the purposes of this Act;
- (h) rates of payment for inspections carried out for the purposes of this Act;
- (i) the conditions under which food for sale shall be handled, including temperature of the food cooked, stored, displayed for sale and sold; and
- (j) prescribing anything which is to be or which may be prescribed under this Act.

FIRST SCHEDULE

PURE FOOD ACT 1996

Section 11 Sub-sections (2), (3) and (4)

CERTIFICATE OF SEIZURE AND CONDEMNATION

I. Identification of the Person in whose possession the Food/Article/Record was found at the time of Seizure and Owner of the Food/Article/Record.

(1) Name of the Person from whom the Food/Article/Record was collected:

.....

(2) Business or Home Address of the person described in (1):

.....
.....

(3) Name of the Owner of the Food/Article/Record seized.

.....

(4) Address of the Owner:

.....
.....

To: Owner of Food/Article/Record

The below described food/article(s)/record(s) are seized/seized and condemned under Section 11 of the Pure Food Act 1996. Please inform the undersigned inspector of your intention. If you wish the product destroyed the officer will arrange for such at your expense. If reconditioning or relabelling is identified as an option above, you must provide an acceptable written plan and timetable for the reconditioning or relabelling. Please reply no later than 15 days from the date of this notification. If, after elapse of such time, the Department is in possession of an unsatisfactory or no reply, the Department of Environmental Health will have the matter dealt

with by a Magistrate. If this course of action is followed, you may, upon attending before the Magistrate upon application for the condemnation of the aforementioned food or article, be entitled to be heard and call witnesses. If a Magistrate condemns the food or article under Section 11 sub-section (7) of the Pure Food Act, 1996 the costs incurred by the Local or Provincial Authority in connection with the lawful destruction or disposal of the item is a debt due to that authority from the person in whose possession the food or article was found at the time of seizure.

II. Description of the Food/Article/Record

Common Name of Food/Article/Record	
Batch identification or identification number/brand etc.	
Ship	
Bill of Lading	
Quantity seized	
Reason for Seizure	
Reconditioning/Relabelling is/is not a possible action in this matter	
Reason for Condemnation	

Inspector Seizing Food/Article/Record

Designation

Authority Number

Contact Address

.....

Signature

Date

SECOND SCHEDULE

PURE FOOD ACT 1996

Section 13

LABEL FOR A SAMPLE

PURE FOOD ACT 1996 Section 13 Sub-section (1) Sample For Analysis Sample Identification: Quantity Sampled: Sample Reference Number: Date and Time of Collection: Location of Collection: From Whom Collected: Contact Address of Person From Whom Collected: Owner of Food/Article/Premises: Inspector Collecting Sample for Analysis: Inspector Authority Number: Signature of Inspector: Date and Time of Submitting Sample for Analysis: To Whom Sample Submitted for Analysis: Analysis Requested:	PURE FOOD ACT 1996 Section 13 Sub-section (1) Sample For Analysis Sample Identification: Sample Reference Number: Analysis Requested: Date of Collection: Inspector Collecting Sample for Analysis: Inspector Authority Number: Signature of Inspector: PURE FOOD ACT 1996 Section 13 Sub-section (1) Sample For Analysis Sample Identification: Sample Reference Number: Analysis Requested: Date of Collection: Inspector Collecting Sample for Analysis:.. Inspector Authority Number: Signature of Inspector: PURE FOOD ACT 1996
---	---

Inspector Submitting Sample for Analysis: Inspector Authority Number: Signature of Inspector	Section 13 Sub-section (1) Sample For Analysis Sample Identification: Sample Reference Number: Analysis Requested: Date of Collection: Inspector Collecting Sample for Analysis: Inspector Authority Number: Signature of Inspector:
	PURE FOOD ACT 1996 Section 13 Sub-section (1) Sample For Analysis Sample Identification: Sample Reference Number: Analysis Requested: Date of Collection: Inspector Collecting Sample for Analysis: Inspector Authority Number: Signature of Inspector:

THIRD SCHEDULE

PURE FOOD ACT 1996

Section 13

REQUEST FOR ANALYSIS

SOLOMON ISLANDS		
PURE FOOD ACT 1996		
Section 13		
REQUEST FOR ANALYSIS		
Office reference number		
The Analyst:		
Laboratory Address:		
I, today the/...../....., submit 1/2/3/ sample(s) for your analysis and report.		
Inspector Submitting Sample for Analysis:		
Inspector Authority Number		
Signature of Inspector:		
Sample Number: Reference	Sample Number: Reference	Sample Number: Reference
Sample Identification:	Sample Identification:	Sample Identification:
Date and Time of Collection Analysis:	Date and of Collection:	Date and of Collection:
Date and Time of Submitting Sample for Analysis:	Date and Time of Submitting Sample for Analysis:	Date and Time of Submitting Sample for Analysis:
To Whom Sample Submitted for Analysis:	To Whom Sample Submitted for Analysis:	To Whom Sample Submitted for Analysis:
Analysis Requested:	Analysis Requested:	Analysis Requested:

--	--	--

Contact Address for Return of Report(s):

.....

.....

.....

FOURTH SCHEDULE

PURE FOOD ACT 1996

Section 14 Sub-section (1)

CERTIFICATE OF ANALYSIS

CERTIFICATION OF ANALYSIS

Solomon Islands

PURE FOOD ACT 1996

Section 14 Sub-section (1)

To: From:

.....

.....

.....

Date: / /.....

I, the undersigned, an analyst appointed under the Solomon Islands Pure Food Act, 1996, do hereby certify that the results of analysis laid out below represent the findings of an analysis performed in accordance with any specified national standard and are of the sample identified below.

Date of Receival	
Identity of Person Submitting Sample	
Sample Description	
Sample Identification	
State of Seal	
State of Sample	
Summary of Analysis	

Data on Label	
Reserve Sample	

Signature:

Date:

Analyst's Name:

Laboratory Address

.....

FIFTH SCHEDULE

PURE FOOD ACT 1996

Section 16 Sub-section (4)

CERTIFICATE OF CLEARANCE

CERTIFICATE OF CLEARANCE Solomon Islands PURE FOOD ACT 1996 Section 16 Sub-section (4)

To (Proprietor):	From:
Address:	
.....	
.....	
I, the undersigned, a health inspector appointed under the Solomon Islands Pure Food Act, 1996, do hereby certify that the premises identified above at the time of inspection by myself was in a clean and sanitary condition and satisfied the requirements of the clean-up notice served on the above identified proprietor on the day of the month of This certificate of clearance shall not be displayed for commercial purposes and is valid only for the purposes of reversing the order for temporary closure enforced on the day of the month of	
Signature	
Name of Signatory	
Authority Identification	
Date .../.../.....	

SIXTH SCHEDULE

PURE FOOD ACT 1996

Section 17 Sub-section (1) (a)(b)

DISEASES LIMITING ACCESS TO FOOD PREMISES

Anthrax	Brucellosis (Undulant Fever)
Bacteraemia	Boil
Campylobacteriosis	Candidiasis

Carbuncles	Cholera
Clostridial diseases	Colds
Diarrhoeal Diseases	Dysentery
Erysipelas	Fungal infections
Foodborne Diseases	Giardiasis
Hepatitis	Influenza
Leprosy	Leptospirosis
Listeriosis	Mastitis
Plague	Pneumonia
Pseudomonas infections	Q Fever
Salmonellosis	Shigellosis
Staphylococcal infections	Streptococcal infections
Septicaemia	Toxoplasmosis
Trichinosis	Tuberculosis
Typhoid/Paratyphoid	Urinary Tract Infections
Viral gastroenteritis	Worms
Any Other Disease Specified by the Minister from time to time.	

SEVENTH SCHEDULE

PURE FOOD ACT 1996

Section 22 Sub-section (4)

IMPORTED FOOD COLLECTION REPORT

PURE FOOD ACT 1996

Section 22 Sub-section (4)

IMPORTED FOOD COLLECTION REPORT

To:

(1) The Analyst (here insert name and address of analyst to whom the sample was submitted)
.....

(2) The Importer (here insert name and address of importer of food)
.....

(3) Customs (here insert name of customs officer who received a copy of this report)
.....

(4) Agricultural Quarantine (here insert name of inspector who received a copy of this report)
.....

The food described below was collected for analysis under section 22 of the Pure Food Act, 1996. The food to which this collection report refers may not enter the country until a permit to import is provided in accordance with the Act.

1. Sample No.	3. Date Collected:
2. Ship or Aircraft	Time Collected:
4. Product Description: (a) Type and Brand of Food:	

(b) Lot/Batch Identification:	
5. Reason for Collection:	6. Method of Collection:
7. Manufacturer Name and Address:	
8. Country of Origin:	
9. (a) Date of Manufacture: (b) Date of Packing: (c) Expiry Date:.....	
10. Importer or Agent Name and Address:	
11. Records Obtained:	
(a) Invoice No. and Date:	
(b) Shipping Record and Date:	
(c) Other Documents:	
12. Collector Name and Authority:	13. Sample ID No.
14. Collector Signature: Date...../...../.....	

EIGHTH SCHEDULE

PURE FOOD ACT 1996

Section 22 Sub-section (5) (b)

PERMIT TO IMPORT FOOD

PURE FOOD ACT 1996

Section 22 Sub-section (5) (b)

PERMIT TO IMPORT FOOD

**(for food not addressed by The Agricultural Quarantine Act 1982 or the
Agricultural Quarantine Order 1986)**

To:

The Importer (here insert name and address of importer of food)

.....
.....

Permission to import, subject to the conditions expressed below, the food herein described is granted under Section 22 of the Pure Food Act 1996. Such a permit shall be provided only for food not addressed by the Agricultural Quarantine Act 1982 or the Agricultural Quarantine Order 1986.

No.	Product Name & Description	Method & Date of Import	Lot/Batch Id.	Invoice No. & Date	Quantity	Country of Origin
1						
2						
3						
4						
5						

Conditions of Import:

(1) The food shall comply with all requirements of the Pure Food Act 1996 and its regulations.

Name of Authorising Officer:

Authority Number:

Signature:

Date:/...../.....

cc. Agricultural Quarantine/Customs/Principle Health Inspector (Food Safety)

NINTH SCHEDULE

PURE FOOD ACT 1996

Section 22 Sub-section (7)

REJECTION OF IMPORTED FOOD

PURE FOOD ACT 1996

Section 22 Sub-section (7)

REJECTION OF IMPORTED FOOD

To (here insert name and address of importer):

.....

.....

.....

The following food products have been inspected by officers of the Department of Environmental Health, authorised under the Pure Food Act 1996 and were found to be in contravention of the Act and its regulations.

(1) * The products are rejected and must be held under customs quarantine until they are relabelled or exported at your expense. Please inform the Principle Health Inspector (Food Safety) or the undersigned health inspector of your intention within 15 days. The food must be relabelled within (here insert period for action) weeks/month(s). Where the lot is not relabelled within this period the lot shall be exported within 3 months or such other period as the Minister may determine at your expense. If you fail to export the product as directed, the product shall be forfeited and disposed of as the Principle Health Inspector (Food Safety) may direct at your expense.

(2) *The products are rejected and must be condemned in accordance with section 12 of the Act and as stated in the attached certificate of seizure and condemnation.

(* Delete whichever does not apply)

No.	Product Name & Description	Method & Date of Import	Lot/Batch Id.	Invoice No. & Date	Quantity	Country of Origin
1						
2						
3						
4						
5						

Inspector Seizing Food/Article/Record

Designation

Authority Number

Contact Address

.....

.....

Signature

Date:/...../.....

cc. Customs Officer in Charge/Director of Agricultural Quarantine/Principle Health Inspector (Food Safety).

TENTH SCHEDULE

PURE FOOD ACT 1996

Reprint authorised by the Attorney General and published under the *Legislation Act 2023*

Section 23 Sub-section (3)
CERTIFICATION OF FOOD SAFETY

PURE FOOD ACT 1996

Section 23 Sub-section (3)

CERTIFICATE OF FOOD SAFETY

The following food products:

- (1) *have been inspected by officers of the Department of Environmental Health, authorised under the Pure Food Act 1996 and were found to be in accordance with the Act and its regulations; and
- (2) *have been analysed by an analyst authorised under the Act. The results of these analyses are attached; and
- (3) *have been analysed by a laboratory certified by an approved laboratory certification scheme. The results of these analyses are attached; and
- (4) *have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point systems (HACCP) or their equivalent to assure the safety of the food produced. The production of the described products has been supervised by an authorised inspector of the Department of Environmental Health to assure compliance with GMP and HACCP; and
- (3) *have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point systems (HACCP) or their equivalent to assure the safety of the food produced. The company is part of an approved quality assurance programme and the described products were produced in accordance with this programme. The programme is routinely evaluated by authorised inspectors of the Department of Environmental Health.

*(*delete whichever does not/do not apply)*

No.	Product Name & Description	Lot/Batch Identification	Quantity	Method of Export (including vessel or aircraft & any specified conditions of transport & storage)	Place & Date of Departure

1					
2					
3					

Exporter Consignee:

.....

.....

.....

.....

Processing Plant

Processing Plant Approved Quality

.....

Assurance Programme Identification

Number:

In my capacity as the Director of Environmental Health (or as his authorised representative), Ministry of Health and Medical Services, I certify that the above identified food products comply with the Solomon Islands requirements for certification as to their safety for human consumption and/or are not contaminated by (here insert chemical contaminants for which analyses have been performed) above the levels permissible by the Codex Alimentarius Commission for such food and/or are free of detectable levels of (here insert microorganisms for which analyses have been performed).

Signature

Designation

Contact Address

.....

Date

ENDNOTES

1 KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Pure Food Act 1996 (No. 4 of 1996)

Assent date	3 October 1996
Gazetted	1 January 2003*
Commenced	1 January 2003*

*[*Note: The date of publication in the Gazette and the commencement date have been verified by s4 of the Constitution (Amendment and Validation) Act 2023 and s74 of the Legislation Amendment, Repeal and Validation Act 2023]*

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

3 LIST OF AMENDMENTS

s 32 amd by Act No. 14 of 2009