

THE REPUBLIC OF KIRIBATI

FOOD REGULATIONS AND STANDARDS, 2014

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PART 1-PRELIMINARY

1. Short title and commencement

(1) These Regulations may be cited as the Food Regulations and Standards 2014.

(2) These Regulations shall come into force on the expiry of the period of two years after the date of their notification in the Gazette. In these Regulations, this period of two years is referred to as the transitional period.

2. Purpose and scope

(3) These Regulations shall apply to all stages of production, processing and distribution of food and to the import and export of foods,

(4) The purpose of these regulations is to protect the health of the public from unsafe food, and to protect consumers from deception and food of unacceptable and poor quality based on the following principles:

- (a) primary responsibility for food safety rests with the food business operator;
- (b) it is necessary to ensure food safety throughout the food chain, starting with primary production;
- (c) all foods whether imported or produced domestically shall comply with equivalent requirements.

(5) These Regulations shall not apply to:

- (a) primary production for private domestic use; or
- (b) the domestic preparation, handling, storage, holding or possession of food for private domestic consumption

3. Definitions

(1) In these Regulations:

“animals” refers to a living organism that feeds on organic matter, typically having specialized sense organs and nervous system and able to respond rapidly to stimuli

“best before date” means the date after which a food may not be of the quality expected by a consumer and after which the product will retain any specific qualities for which tacit or express claims have been made. **“Breast-milk Substitute”** means any food being marketed or otherwise represented as a partial or total replacement for breast-milk, whether or not suitable for that purpose.

“charity and community food business operations” refers to charitable, community based or other socially beneficial organisations that sell food to raise funds for charitable or community purposes

and not for personal financial gain, and shall include, but not necessarily be limited to community markets, bazaars, raffles, school fundraising activities, church fundraising activities and district stalls;

“children’s activity” means any cultural, educational, sporting or recreational activity which a significant number or proportion of children attend or participate in.

“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;

“cleaning materials” means cleaning chemicals and equipment including but not limited to, detergent, bleach, mops, brooms and buckets.

“Codex Alimentarius” means standards, codes of practice, guidelines and other texts developed and maintained by the Codex Alimentarius Commission, a body established in 1963 by the Food and Agriculture Organization of the United Nations (FAO), and the World Health Organization (WHO);

“container” means any packaging of food for delivery as a single item, whether by completely or partially enclosing the food and includes wrappers. A container may enclose several units or types of packages when such is offered to the consumer;

“date of manufacture” means the date on which the food becomes the product as described;

“date of packaging” means the date on which the food is placed in the immediate container in which it will be ultimately sold;

“disinfection” means the reduction, without adversely affecting the food, by means of hygienically satisfactory chemical agents or physical methods, of the number of microorganisms to a level that will not lead to harmful contamination of food;

“Distributor” means a person, corporation, or any other entity engaged in a food business, whether wholesale or retail, of distributing, selling, advertising, or promoting food products.

“domestic purposes” means an activity including but not limited to production, display and consumption of food which performed or devoted to home life or household affairs

“expiration date” means the date after which a food may be unsafe to eat. For the purposes of these regulations the phrases “use by”, “expiry date” and “expiration date” shall have the same meaning. After this date, the food should not be regarded as marketable.

“food” means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food” but does not include cosmetics or tobacco or substances used only as drugs.

“food business” means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food and beverages for sale.

“food handler” means any person who directly handles packaged or unpackaged food, food equipment and utensils, or food contact surfaces and is therefore expected to comply with food hygiene requirements.

“**food hygiene**” means all conditions and measures necessary to ensure the safety and suitability of food at all stages of the food chain;

“**Food inspector**” means a person who has been designated by the Director of Public Health to perform food inspection and enforcement activities. This includes but is not limited to Health Inspectors, Medical Assistants and Doctors;

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

“**foreign bodies**” refers to organic and inorganic components which is not part of the product of concern and which is not expected to be in the product. This may include, but is not limited to, hair, insects and other physical hazards such as glass, metal, etc;

“**hawker**” means a person who displays for sale or sells food in or from either a public or private place, but neither displays or sells food from a licensed food business’ premises nor is displaying or selling food for a charitable, community based or other socially beneficial organization;

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

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

“**lot**” means a quantity of food manufactured, processed, prepared and packed under the same conditions during a particular time not exceeding the 24 hours;

“**marketing**” means product promotion, distribution, selling, advertising, product public relations, and information services;

“**non-toxic materials**” means material for food contact surfaces which are free of substances which may render the food unsafe or which may adversely affect the flavour, colour, odour or bacteriological quality of the food;

“**nutrient content claim**” means a claim that describes the level of a nutrient contained in a food such as, but not limited to, "source of calcium"; "high in fibre and low in fat";

“**nutrient comparative claim**” means a claim that compares the nutrient levels or energy value of two or more foods such as, but not limited to, "reduced"; "less than"; "fewer"; "increased"; "more than";

“**nutrient function claim**” means a health claim that describes the physiological role of the nutrient in growth, development and normal functions of the body;

“**nutrient supplement**” means any mineral, vitamin, essential, amino acid or essential fatty acid which, when added either singly or in combination of food, improves or enriches the nutrient content of the food;

“**packaged**” means packed in a container;

“**potable water**” means fresh water fit for human consumption. Standards of potability should not be lower than those contained in the latest edition of the "International Standards on Drinking Water" of the World Health Organization (WHO);

“**premises**” means:

- (a) any building or tent or other structure, permanent or temporary, the land on which it is situated, and any adjoining land used in connection with it;
- (b) any vehicle or vessel; and
- (c) any place, including a street, open space, or place of public resort, used in the preparation, preservation, packaging, storage or selling of any article

“**premium**” means goods, services, prize, voucher, competition entry, product giveaway or product sample offered or supplied without charge

“**operator**” means any person who is in charge of, responsible for the operations of, directs or controls the production, processing, handling or sale of food for a food business premises.

“**sanitation**” means the hygienic disposal or recycling of waste;

“**sell**” means to offer, advertise, keep, deliver, or prepare for sale or exchange, to dispose of for consideration, or to deliver in pursuance of a sale or exchange.

PART 2 – FOOD SAFETY AND HYGIENE OBLIGATIONS

4. General obligation

(1) Food business operators shall ensure that all stages of production, processing, storage and distribution of food under their control satisfy the relevant requirements prescribed in these Regulations.

(2) Prior to opening a food business, including but not limited to restaurants, catering venues and food manufacturing sites, the health authorities must carry out an inspection of the premises to comply with these Regulations.

5. General requirements for premises and facilities of food businesses

(1) Premises shall be constructed in a manner that is not likely to contaminate food and include preventing pest and animal access and harbourage.

(2) Premises shall be in good repair and condition(3) Premises, utensils and equipment shall be kept clean.

(4) Adequate facilities shall be available to maintain personal hygiene.

(5) An adequate supply of safe water shall be available wherever water or ice is required for food business operations

(6) Adequate facilities shall be available to hygienically store and dispose of waste.

(7) Facilities shall be adequate to ensure proper temperature control of food where required.

6. Location of premises

(1) The premises of food businesses shall be located away from:

- (a) environmentally polluted areas and industrial activities which may lead to contamination of food;
- (b) areas subject to flooding unless sufficient safeguards are provided;
- (c) areas prone to infestations of pests; and
- (d) areas where wastes, either solid or liquid, cannot be removed effectively.

(2) Outside dining areas shall only be permitted where owners of a food business can in the opinion of a Food Inspector properly protect the diner and food from excessive dust, other sources of potential contamination and odours.

7. Design and layout of premises

(1) The internal design and layout of food establishments shall permit good hygienic practices, including protection against cross-contamination from raw or semi-processed food to ready-to-eat food.

(2) While not limiting the generality of sub-regulation (1), the internal design and layout of food establishments shall provide adequate working space to allow for the hygienic performance of all operations.

(3) No room used in food processing, preparation of food, food handling, storage of food, or display of food, shall be used for domestic purposes or located such that it directly opens into a room used for domestic purposes.

8. Internal structures and fittings

(1) Structures within food establishments shall be soundly built of durable materials and be easy to maintain, clean and where appropriate, able to be disinfected.

(2) While not limiting the generality of sub-regulation (1), the following specific conditions shall be satisfied where necessary to protect the safety of food:

- (a) the surfaces of walls, partitions and floors shall be made of impervious and non-toxic materials;
- (b) floors shall be constructed to allow adequate drainage and cleaning;
- (c) ceilings and overhead fixtures shall be constructed and finished to minimise the build up of dirt and condensation, and the shedding of particles;
- (d) windows shall be easy to clean, be constructed to minimise the build up of dirt and where necessary, be fitted with removable and cleanable insect-proof screens.

- (e) doors shall have smooth, non-absorbent surfaces, and be easy to clean;
- (f) working surfaces that come into direct contact with food shall be in sound condition, durable and easy to clean, maintain and disinfect. They shall be made of smooth, non-absorbent materials, and inert to the food, to detergents and disinfectants under normal operating conditions;
- (g) Food businesses handling raw meat, poultry, fish and seafood must have separate cutting boards only used for these products
- (h) despite the generality of (2)(g), cutting boards may be made of wood where necessary for operational reasons provided the wood surface is maintained, and properly cleaned and disinfected after each use.

9. Equipment and containers

(1) Food premises' equipment and containers shall be designed and constructed of non-toxic materials and shall be in sound condition, durable and easy to clean, maintain and disinfect.

10. Cooking equipment and associated exhaust systems

(1) Cooking equipment and associated exhaust systems should be designed and operated in such a manner as to:

- (a) prevent a build up of grease and soot in the kitchen; and
- (b) prevent any contamination of food that might arise from the burning of any fuel used for cooking.

(2) While not limiting the generality of sub-regulation (1) cooking equipment using a fuel, including but not limited to kerosene, shall be designed with a flue that directs the burnt fuel materials to the outside of the premises in such a manner as to prevent contamination of the food handling environment and the food.

11. Water, ice and steam supplies

(1) An adequate supply of potable water with appropriate facilities for its storage, distribution and where appropriate temperature control shall be available whenever necessary to ensure the safety and suitability of food.

(2) Ice shall be made from potable water and shall be protected so that it is not contaminated in a manner that could lead to it being unsafe.

(3) Non-potable water, for uses that will not contaminate food, including but not limited to flushing of toilets, shall have a separate system.

(4) Water used to clean fish, marine animals and whole fishery products should meet the minimum standard of water quality.

12. Drainage and waste disposal

(1) Adequate drainage and waste disposal systems and facilities shall be provided. They:

- (a) shall be designed and constructed so that the risk of contaminating food or the potable water supply is avoided; and
- (b) shall be designed so that they do not pollute the environment.

13. Cleaning facilities

(1) Adequate facilities shall be provided for cleaning food, utensils and equipment. Such facilities shall have an adequate supply of potable water, including hot water.

(2) Where running water is not available, to use a three compartment washing system or its equivalent for cleaning of utensils. In such a system the first compartment shall, following the removal of food scraps, be used for an initial wash with scrubbing to remove organic matters and other dirt; the second compartment shall be used for a wash with detergent and scrubbing to lift and remove the remaining organic matter; and the third compartment shall be used with a disinfectant (chemical or hot water) to reduce the microbial contamination on the utensils. Cleaning water should meet the minimum water standard.

(3) Facilities for cleaning of raw meat, fish, poultry or other potentially high risk food shall be separate from facilities for washing salad vegetables or other ready-to-eat food, and separate from facilities for washing utensils and equipment. If separate facilities are not available, thorough cleaning and sanitation of facilities must be carried out after cleaning of raw meat, fish, poultry and other potentially high risk food.

14. Personnel hygiene facilities and toilets

(1) Where appropriate, including but not limited to restaurants, bakeries, and food processing premises, suitably located facilities shall include:

- (a) adequate means of hygienically washing and drying hands, including wash basins and an appropriate supply of water; and
- (b) toilets of appropriate hygienic design.

(2) In those premises where toilets are required, they shall:

- (a) be available in sufficient number to ensure good hygiene is maintained;
- (b) have adequate hand washing and drying facilities;
- (c) be maintained in a hygienic manner;
- (d) not open directly into rooms in which food is being processed, prepared or handled; and
- (e) be connected to an effective drainage system.

15. Lighting

(1) Adequate natural or artificial lighting shall be provided to enable the business to operate in a hygienic manner.

16. Storage

(1) Where necessary, adequate facilities for the storage of food, ingredients and non-food items (e.g. cleaning materials, lubricants, fuels) shall be provided.

(2) Food storage facilities shall be designed and constructed to:

- (a) permit adequate maintenance and cleaning;
- (b) avoid pest access and harbourage;
- (c) enable food to be effectively protected from contamination during storage; and
- (d) where necessary, food is to be kept below 5 degrees Celsius or above 60 degrees Celsius to provide an environment that minimises the deterioration of food (e.g. by temperature and humidity control).

(3) While not limiting the generality of sub-regulation (2), storage facilities in premises of food businesses shall be organised such that:

- (a) food is not stored in the same room as kerosene or other chemicals, or in any manner that might enable the fumes from chemicals to contaminate food;
- (b) food is stored in an organised manner such that both a food handler and a Food Inspector can identify which food is closer to its expiry date (use-by date) or which food has been produced or processed most recently;
- (c) non-food items are present only as necessary and storage facilities are not also used for storage of personal clothing, personal hygiene items, or other items unless these are stored separately from food and in a manner that doesn't increase the likelihood of food contamination or provide pest harbourage; and
- (d) tools and cleaning materials are present only as necessary and are stored separately from food and food handling areas.

(4) Where non-food items are stored or displayed for sale in a retail or wholesale food business those non-food items should be stored or displayed in a manner that ensures the food is effectively protected from contamination during storage. Where necessary, this may be taken to mean on separate shelves and in separate locations in the premises.

17. General maintenance of establishments and equipment

- (1) Food premises and equipment shall be kept in an appropriate state of repair and condition to facilitate all sanitation procedures, to function as intended, and to prevent contamination of food.
- (2) Non-functioning equipment should either be repaired or removed from food preparation areas.

18. Cleaning and disinfection

(1) Food business operators shall implement cleaning and disinfection programs that shall be adequate to ensure that all parts of the establishment, its equipment and facilities are appropriately clean.

(2) While not limiting the generality of sub-regulation (1), cleaning shall be adequate to remove food residues and dirt which may be a source of contamination to food.

(3) While not limiting the generality of sub-regulation (1), no wall, floor, ceiling, fan, fixture, window, door, surface/bench wiping cloths, equipment, or utensil in a restaurant or other food premises shall be permitted to be contaminated with dirt, dust, grease, or other material indicative of inadequate cleaning.

(4) When an operator has completed cleaning, including disinfection where necessary, any testing of cleaned surfaces shall meet any microbiological criteria established by health authorities.

(5) Cleaning chemicals shall be handled and used carefully and in accordance with manufacturers' instructions and stored, where necessary, separated from food, in clearly identified containers in such a manner as to avoid the risk of contaminating food, and as may be requested by a Food Inspector for such purposes.

19. Pest control

(1) Buildings shall be kept in good repair and condition to prevent animal and pest access and to eliminate potential breeding sites.

(2) Animals shall not be permitted in areas where food is cooked or where ready-to-eat food is handled, stored, displayed or sold.

(3) Potential food sources for pests, including but not limited to rice and flour, shall be stored in pest-proof containers and stacked above the ground.

(4) Areas both inside and outside food premises shall be kept clean.

(5) Establishments and surrounding areas shall be regularly examined for evidence of infestation

(6) Pest infestations shall be dealt with immediately and without adversely affecting food safety.

(7) While not limiting the generality of sub-regulation (7), pesticides shall not be applied to food packaging, food contact surfaces or food in any food business' operations.

(8) Waste shall be stored in covered, pest-proof containers.

(9) Waste shall not be allowed to accumulate in food handling, food storage, and other working areas and the adjoining environment.

20. Vehicles, vessels, conveyances and bulk containers

(1) Vehicles, vessels, conveyances and bulk containers for transporting food shall be designed and constructed so that they:

- (a) do not contaminate foods or packaging;
- (b) can be effectively cleaned and, where necessary, disinfected;
- (c) permit effective separation of different foods or foods from non-food items where necessary during transport;
- (d) provide effective protection from contamination, including dust and fumes;
- (e) can effectively maintain the temperature, humidity, atmosphere and other conditions necessary to protect food from harmful or undesirable microbial growth and deterioration likely to render it unsuitable for consumption; and
- (f) allow any necessary temperature, humidity and other conditions to be checked.

21. Time and temperature control

- (1) Food businesses shall ensure that temperature of food is controlled effectively where it is critical to the safety of food.
- (2) While not limiting the generality of sub-regulation (1), no food containing meat, seafood, poultry, eggs, milk, pork, gravies or soups shall be held in the danger zone between 5⁰C and 60⁰C for more than 4 hours, prior to sale.
- (3) While not limiting the generality of sub-regulation (1), no cooked rice shall be held in the danger zone between 5⁰C and 60⁰C for more than 4 hours, prior to consumption.
- (4) While not limiting the generality of sub-regulation (1), a person shall not, unless otherwise permitted by health authorities, display fresh fish, for sale unless it is held in a cooling unit capable of holding the food at less than 5°C or unless it is placed in ice such that the food is less than 5°C.
- (5) While not limiting the generality of sub-regulation (1) and (6), the thawing of frozen food shall be carried out under refrigeration, or through the use of microwaves or any other method that health authorities recognise would not result in a risk to health or which would minimise the risk of growth of pathogenic microorganisms or the formation of toxins in the foods.
- (6) When power shortages are experienced because of supply problems, a food business shall ensure food is stored in a freezer or another method to protect the safety of the food.
- (7) No freezer shall have excessive build-up of ice which may limit the efficiency of the freezer.

22. Microbiological cross-contamination

- (1) Raw, unprocessed food shall be separated from ready-to-eat foods.
- (2) No surface, including, but not limited to, food handlers' hands, utensils, equipment, cloth, or tables, shall be used in a manner that could transmit microorganisms between raw meat, poultry or fish and ready-to-eat food.
- (3) While not limiting the generality of sub-regulation (1), raw meat, raw fish, raw seafood, and raw poultry shall be stored in covered containers, in a manner that provides an organised storage method to separate raw food from ready to eat food, including but not limited to ice-cream, milk-based drinks and drinking water so as to protect microbiological cross-contamination from one food to another

23. Physical contamination

- (1) Food businesses shall ensure their operations have in place systems to prevent contamination of foods by foreign bodies such as glass or metal pieces from machinery.

24. Re-service of food prohibited

- (1) A person or business shall not serve, or permit to be served to a person, food that has been served to another person. This regulation does not apply to:

(a) sugar, salt and condiments that has been put upon a table or counter provided that they are contained and continue to be contained in a protective receptacle; or

(b) food that has been completely wrapped or packaged when served and that has remained completely wrapped or packaged without damage to a seal.

25. Interference with food packages

(1) A person shall not in, at, or on a premises selling to the consumer, open or otherwise interfere with a package of food intended for sale or the contents.

26. Restrictions as to exposure of food

(1) A person shall not display or expose for sale food and appliances used or intended for use in the conveyance of bread, cakes, pastry, pies or other food that is ordinarily consumed in the same state that in which it is sold in, at or on any doorway, street, lane, footpath, yard or other open place in a manner that doesn't protect it from contamination.

(2) While not limiting the generality of sub-regulation (1), a person shall not display or expose for sale at a lower level than 750 millimetres above ground level, unless otherwise permitted by the appropriate enforcement agency.

27. Incoming raw materials, ingredients and food

(1) A food business operator shall inspect incoming raw materials, ingredients and food and reject such:

- (a) if they are known to be, or might reasonably be expected to be, contaminated with hazards;
- (b) if they are known to contain decomposed materials or foreign matter;
- (c) where they are after their "best before" or expiration date;
- (d) where packaging is found to be damaged; or
- (e) if it contravenes any other requirement of these Regulations.

28. Packaging

(1) Wrapping and packaging shall be used and stored in such a manner that they are not exposed to a risk of contamination.

29. Health status

(1) People known, or suspected, to be suffering from, or to be a carrier of a disease or illness likely to be transmitted through food, shall not be allowed to enter any food handling area if there is a likelihood of their contaminating food.

(3) While not limiting the generality of sub-regulation (2), conditions which shall be included under sub-regulation (2) shall include jaundice; diarrhoea; vomiting; fever; sore throat with fever; visibly infected skin lesions (boils, cuts, etc.); or discharges from the ear, eye or nose.

(4) Any person specified in sub-regulation (2) shall immediately report illness or symptoms of illness to the management of the food business employing them.

30. Personal Hygiene of Food handlers

(1) Food handlers shall maintain a high degree of personal cleanliness and, where appropriate, wear suitable protective clothing, head covering, and footwear.

(2) Cuts and wounds, where personnel are permitted to continue working, shall be covered by suitable, dry and clean waterproof dressings.

(3) Food handlers shall wash their hands thoroughly with soap:

- (a) at the start of food handling activities;
- (b) immediately after using the toilet; and
- (c) after handling raw food or any contaminated material, where this could result in contamination of other food items.

31. Personal behaviour

(1) Food handlers, while present on food business premises, shall refrain from:

- (a) smoking;
- (b) spitting;
- (c) chewing or eating;
- (d) having long nails; and
- (e) sneezing or coughing over unprotected food.

(2) Personal effects such as jewellery, rings, watches, pins or other items shall not be worn or brought into food handling areas if they pose a threat to the safety of food.

32. Food handler training

(1) At least one employed food handler from each food establishment is, required to have undergone training offered by the health authorities or by a training organization accredited by the health authorities for such training.

(2) Where food handlers are already employed in a food business prior to the adoption of these regulations, they shall undergo training as specified in sub-regulation (1) within two years of these regulations being adopted.

33. Recall procedures

(1) Food business operators shall ensure effective procedures are in place to enable the complete and rapid recall of any implicated lot of food from the market.

(2) Recalled products shall be held under supervision until they are destroyed, determined to be safe for human consumption, or reprocessed in a manner to ensure their safety.

PART 3 – HEALTH CERTIFICATE FOR PREMISES ENGAGED IN FOOD BUSINESS OPERATIONS

34. Application of license

- (1) A person must not carry on a food business unless the premise has been issued a health certificate.

35. Issue of Health Certificate

- (1) The Director of Public Health may, after considering an application for a health certificate:
 - (a) grant the application, with or without conditions, or
 - (b) refuse the application.
- (2) If the Director of Public Health grants an application for a health certificate, the certificate must be issued to the applicant in a form that sets out the following:
 - (a) the activities authorised by the health certificate,
 - (b) the premises or vehicles on or in which such activities may be conducted,
 - (c) the conditions to which the health certificate is subject.
- (3) If the Director of Public Health refuses an application for a health certificate, it must give notice of the refusal in writing to the applicant.

36. Duration of health certificate

- (1) A health certificate has effect for a period of one year after the date on which the health certificate was issued or last renewed, except during any period of suspension or unless sooner cancelled.
- (2) Despite sub-regulation 1 if an application for renewal of a health certificate is made in accordance with this Regulation but the application is not finally determined before the expiry of the health certificate, the certificate continues in force if not suspended or sooner cancelled until the application is finally determined.

37. Additional conditions of health certificate

- (1) In addition to any conditions of a health certificate imposed by the Director of Public Health, it is a condition of a health certificate that the holder of the certificate ensures that the provisions of the Act and these regulations are complied with in relation to the carrying on of any activity authorised by the licence and any premises or vehicle to which the health certificate relates.

38. Suspension or cancellation of health certificate

- (1) The Director of Public Health may suspend or cancel a health certificate:

- (a) if the Director of Public Health is satisfied that the suspension or cancellation is necessary to avert a potential threat to food safety, or
 - (b) if the Director of Public Health is satisfied that there has been a contravention of any provision of the Act or these Regulation in relation to the carrying on of the food business authorised by the health certificate
- (2) The Director of Public Health may suspend or cancel a health certificate only after having given the holder of the health certificate written notice of its intention to suspend or cancel the health certificate setting out its reasons for doing so.
- (3) The notice must include a statement that the holder of the health certificate concerned may make submissions to the Director of Public Health in relation to the proposed suspension or cancellation within 14 days after the date of the notice.
- (4) Sub-regulation (2) and (3) do not apply to the suspension or cancellation of a health certificate at the request of the holder of the licence.
- (5) The suspension or cancellation of a health certificate:
- (a) must be made by notice in writing, and
 - (b) must be served on the holder of the health certificate, and
 - (c) takes effect on the day on which the notice is served or on a later day specified in the notice.

39. Health certificate not transferable

- (1) A health certificate is not transferable.

40. Renewal of health certificate

- (1) The holder of a health certificate is taken to apply for renewal of the certificate by paying the fee
- (2) The Director of Public Health may:
- (a) renew a health certificate with or without conditions, or
 - (b) refuse to renew the health certificate.
- (3) If the Director of Public Health refuses to renew a health certificate, the Director of Public Health must give notice of the refusal in writing to the applicant setting out the reasons for the refusal.

41. Display of health certificate

- (1) The holder of a health certificate must ensure that, on every premises to which the licence relates, a copy of the health certificate must be displayed on the premises.

PART 4 – PREPARATION AND/OR SALE OF FOOD IN, ON OR FROM UNLICENSED PREMISES
42. Licensed businesses selling food prepared off the premises in an unlicensed premises

(1) Where permitted by the licensing authority to sell food that is prepared off their premises, licensed food businesses:

- (a) shall be permitted to do so only as also approved by health authorities;
- (b) shall be responsible for ensuring the food is safe and has been prepared under hygienic conditions; and

(c) shall be able to provide a Food Inspector, upon request, the name of the person(s) preparing the food, the address of the premises in which the food was prepared and the contact details of the person(s).
43. Persons preparing food for sale on unlicensed premises

(1) Where persons are permitted by the licensing authority to prepare food for sale without a premises license, such persons:

- (a) shall be permitted to process, prepare, handle, store or display food for sale or sell food only as also approved by health authorities;

(b) shall be responsible for ensuring the food provided for sale is safe and has been processed, prepared, handled, stored and displayed under hygienic conditions; and
(c) shall permit a Food Inspector, upon request, to inspect the premises in which the food is processed, prepared, handled, or stored to enable the Food Inspector to ascertain the hygienic state of the unlicensed premises, including domestic premises.
44. Hawkers and charity and community food business operations

(1) Hawkers and charity and community food business operations preparing, handling, storing or displaying food for sale or selling food:

- (a) shall be responsible for ensuring the food provided for sale is safe and has been prepared under hygienic conditions; and
- (b) shall be permitted to do so only as approved by health authorities, but can be exempted, in writing, by the Director of Public Health from having to comply with any of the food safety requirements in Part 2 of these Regulations;
- (c) shall permit a Food Inspector, upon request, to inspect the premises in which the food was prepared to enable the Food Inspector to ascertain the hygienic state of the unlicensed premises, including domestic premises.
- (d) Hawkers selling food in and around schools must comply with the School Food Policy issued by the Ministry of Health for the Ministry of Education and future amendments to it

PART 5 – GENERAL FOOD STANDARDS

45. Application of Codex Standards

- (1) For all Food standards, the Codex Alimentarius is adopted and forms part of these Regulations together with any future amendments to the Codex Alimentarius made by the Commission.
- (2) If there is a conflict between the regulations and the Codex Alimentarius, these regulations prevail.

PART 6 – LABELLING AND CLAIMS

46. General requirements on labelling

(1) Notwithstanding Part II of the Act and the General Labelling Standard specified in Section 12 of the Consumer Protection Act, 2001, 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.

(2) Pre-packaged food shall not be described or presented on any label or in any labeling 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) The name of the food:

- (a) shall indicate the true nature of the food; and
- (b) where a name or names have been established for a food in a Codex Alimentarius Standard, at least one of these names shall be used.

(4) There shall appear on the label, close to the name of the food, all additional words or phrases necessary to avoid misleading or confusing the consumer in regard to the true nature and physical condition of the food including but not limited to the type of packing medium, style, and the condition or type of treatment it has undergone; for example: dried, concentrated, reconstituted, smoked etc.

(5) In relation to the ingredients in a food:

- (a) except for single ingredient foods, a list of ingredients shall be declared on the label;
- (b) the list of ingredients shall be headed or preceded by an appropriate title which consists of or includes the term 'ingredient';
- (c) all ingredients shall be listed in descending order of ingoing weight (m/m) at the time of the manufacture of the food;
- (d) The following foods and ingredients are known to cause hypersensitivity and shall always be declared:
 - Cereals containing gluten; i.e., wheat, rye, barley, oats, spelt or their hybridized strains and products of these;
 - Crustacea and products of these;
 - Eggs and egg products;
 - Fish and fish products;
 - Peanuts, soybeans and products of these;
 - Milk and milk products (lactose included);

- Tree nuts and nut products; and
 - Sulphite in concentrations of 10 mg/kg or more.
- (e) added water 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;
 - (f) water or other volatile ingredients evaporated in the course of manufacture need not be declared;
 - (g) dehydrated or condensed foods which are intended to be reconstituted by the addition of water only, the ingredients may be listed in 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.
 - (h) a specific name shall be used for ingredients in the list of ingredients unless a general class name as permitted in the Codex General Standard on the labelling of Pre-packaged Food would be more informative. In such circumstances, the permitted class names as laid out by the Codex General Standard on the labelling of Pre-packaged Food, may be used;
 - (i) derived from beef and pork including but not limited to pork fat, lard, and beef fat shall always be declared by their specific names.
 - (j) the identification of food additives, excluding those specified under (d) and (i), it shall be sufficient to list them under their respective classes as specified in the Codex General Standard on the labelling of Pre-packaged Food together with the specific name or ISN numerical identification.
 - (k) the presence of brain, heart, kidney, liver, tongue or tripe in a food, shall be declared either by class name of the offal or by the specific type of offal.
 - (l) when a product is labelled as being in “natural oil”, the addition of water, whether declared or not, shall not be permitted such that the consumer is misled by the label as to the packing medium.
 - (m) in case of mixed or blended food, words which indicate that the contents are mixed or blended, as the case may be, and such word shall be conjoined with the appropriate designation of the food “mixed” or “blended.....”; and
 - (n) where, the food or its ingredients have been purposefully exposed to ionizing radiation, the statement or declaration indicating that the food or its ingredients has or have been treated with ionizing radiation.

(6) In relation to the declaration of the net contents:

- (a) the net contents or drained weight shall be declared in metric system (‘System International’ unit) or both in metric and imperial system; and
- (b) for solid foods by weight, for liquid foods by volume; and
- (c) for semi-solid or viscous foods, either by weight or volume.

(8) In relation to the name and address of the manufacturer or packer or distributor:

- (a) the name and physical address of the manufacturer, or packer or distributor or owner of rights of manufacture or brand owner in the case of food of local origin; or
- (b) imported food, the name and address of local importer and/or distributor and the country of origin; or
- (c) when a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

(9) With respect to lot identification, each container shall be permanently marked to identify the producing factory and the lot.

(10) In relation to date marking and storage conditions:

- (a) the expiration date shall be declared on all food where the food shall be consumed before a certain date because of health and safety reasons;
- (b) the expiration date shall be declared by the words “use-by ...” or “expiry date ...” or “expiration date...” or “exp ...” and these words shall be accompanied by the date, month and year in un-coded numerical sequence that can be understood by an ordinary customer.
- (c) the best before date shall be declared on all food where an expiration date is not required unless otherwise exempted by these and subsequent regulations;
- (d) the best before date shall be declared by the words “best before ...” or “ best befo...” and these words shall be accompanied by the date, month and year in un-coded numerical sequence that can be understood by an ordinary customer.
- (c) the best before date shall be declared on all food where an expiration date is not required
- (e) the expiration date or the best before date shall consist at least of the day and the month for products with a best before date of not more than three months or the month and the year for products with best before date of more than three months;
- (g) in addition to the best before date or expiration date, any special conditions for the storage of the food shall be declared on the label if the validity of the date depends thereon;
- (h) an indication of the best before date or expiration date shall not be required for:
 - fresh fruits and vegetables, including potatoes which have not been peeled, cut or similarly treated;
 - wines, liqueur wines, sparkling wines, aromatized wines, fruit wines and sparkling fruit wines;
 - all beverages
 - bakers’ or pastry-cooks’ wares which, given the nature of their content, are normally consumed within 24 hours of their manufacture;
 - vinegar;
 - food grade salt;
 - solid sugars;
 - confectionery products consisting of flavoured and/or coloured sugars;
 - chewing gum
- (i) an indication of the best before date or expiration date shall not be required for packed fresh meat, fish or poultry with a shelf life of less than 7 days. Such food shall bear a label with the words “packed-on ...” and these words shall be accompanied by the date itself in uncoded numerical sequence; and
- (j) shelf stable food, including but not limited to certain canned food, with a minimum durability of 3 years shall be deemed to have met date marking requirements of these Regulations if it bears the date of manufacture and a statement as to the best before date.

(11) Removal of foods that have passed the date marking.

- (a) Food must not be sold or used in hotels, restaurants, food stalls or venues providing catering service past its use-by or expiration date and/or best before date marking

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

(13) For non-retail containers not destined to final consumers, the name of the product, lot identification, net contents and the name and address of the manufacturer, packer, distributor or importer, as well as storage instructions, shall appear on the container, except that for tankers the information may appear exclusively in the accompanying documents.

(14) Notwithstanding sub-regulation (14), lot identification, and the name and address of the manufacturer, packer, distributor or importer on non-retail containers may be replaced by an identification mark, provided that such a mark is clearly identifiable with the accompanying documents.

47. Requirements on nutrient content labelling

(1) The following is prescribed for nutrient content labelling on all pre-packaged food produced, processed, packed, distributed, or imported:

the declaration of energy, protein, total fat, saturated fat, sodium and carbohydrate, shall be made in accordance with composition;

information on energy value shall be expressed in kcal per 100g or per 100ml or per package if the package contains only a single portion or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated;

information on the amounts of protein, carbohydrate and fat in the food shall be expressed in g per 100g or per 100ml or per package if the package contains only a single portion or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated;

numerical information on vitamin and mineral shall be expressed in metric units and /or as a percentage of the Nutrient Reference Value per 100g or per 100ml or per package if the package contains only a single portion or per serving as quantified on the label or per portion provided that the number of portions contained in the package is stated;

the declaration of nutrient content shall be numerical; and

nutrient declaration shall be mandatory for foods for which nutrition claims are made and the amount of that nutrient per 100g or per 100ml expressed in metric unit, and/or per serving shall be declared;

(0) Small scale and home-based food businesses producing pre-packaged food products for sale at markets, road side stalls etc. can be exempted, in writing, by the Director of Public Health from having to comply with the nutrient content labelling requirements

48. Product specific labelling requirements

(1) Milk which has been manufactured by recombination or reconstitution shall be labelled as “Recombined milk” or “Reconstituted milk” or another truthful qualifying term if the consumer would be misled by the absence of such labelling;

- (2) It shall be an offence to label a food in such a manner that the consumer could be reasonably misled that the food is “fresh milk” when the product has been prepared by reconstitution, recombination or any other similar process or when it does not comply with the other requirements of the Regulations.
- (3) A label of an infant formula or a follow-up formula shall conform to the following:
- (a) shall contain the words “important notice” or their equivalent followed by a statement of the superiority of breastfeeding;
 - (b) shall contain a statement that the product should be used only on the advice of a health worker as to the need for its use and the proper method of use;
 - (c) shall not use the terms “maternalized”, “humanized” or terms similar thereto and
 - (d) shall not use text that may idealize the use of infant or follow up formula.
- (4) Labels of full cream or low-fat milk, in powder or liquid form shall carry a warning that the product, if not modified, should not be used for infant feeding.
- (5) Labels of condensed milk should carry a warning that the product is not suitable for infant feeding.

49. Presentation of mandatory labelling

- (1) The following requirements must be met in relation to the labeling of pre-packaged foods:
- (a) labels in pre-packaged foods shall be applied in such a manner that they will not become separated from the container;
 - (b) statements required to appear on the label by virtue of this regulation shall be clear, prominent, indelible and readily legible by the consumer under normal conditions of purchase and use;
 - (c) 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 obscured by it;
 - (d) the name and net contents of the food shall appear in a prominent position and in the same field of vision;
 - (e) the information on a label shall at least be in the English or Kiribati language;

(f) Products that can be re-labeled shall be those products certified by the Health Office of the supplying country

50. Prohibited claims

- (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 a Codex Standard permits such claims as admissible claims;
 - (b) claims implying that a balanced diet or ordinary foods cannot supply adequate amounts of all nutrients;
 - (c) a claim that encourages or condones excessive consumption of any food or contradicts good dietary practice;
 - (d) claims which cannot be substantiated;

- (e) nutrition claims and health claims for foods for infants and young children except where specifically provided for in relevant regulations;
- (f) 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 they are in accordance with the provisions of Codex Standards or guidelines and follow the principles set forth in these guidelines;
- (g) claims which could give rise to doubt about the safety of similar food or which could arouse or exploit fear in the consumer;
- (h) a claim that a food has obtained an increased or special nutritive value by means of the addition of nutrients, such as vitamins, minerals and amino acids shall be permitted only if such an addition has been made on the basis of nutritional considerations according to the Codex General Principles for the Addition of Essential Nutrients to Foods.

51. Use of nutrient content claims, nutrient comparative claims, nutrition claims and health claims

(1) The only nutrition claims permitted shall be those relating to energy, protein, carbohydrate, and fat and components thereof, fibre, and sodium, and vitamins and minerals for which Nutrient Reference Values have been laid down in the Codex Alimentarius unless otherwise permitted by these Regulations.

(2) When a nutrient content claim that is listed in the Schedule 3 is made, the claim shall be consistent with the Schedule.

(3) Nutrient comparative claims shall be permitted only where:

- (a) the comparison is to the same or similar food; and
- (b) a statement of the amount of difference in the energy value or nutrient content is given.

(4) Health claims shall be permitted provided that all of the following conditions are met:

- (a) Proof shall be sufficient to substantiate the type of claimed effect as recognised by appropriate scientific review of the data;
- (b) Claims consist of both information on the physiological role of the nutrient or on an accepted diet-health relationship and associated composition information;
- (c) The claimed benefit shall arise from the consumption of a reasonable quantity of the food or food constituent in the context of a healthy diet;
- (d) A validated method to quantify the food constituent that forms the basis of the claim is available; and
- (e) The following information appears on the label or labelling of a food bearing health claims:
 - (i) a nutrient declaration at least complying with the nutrition labelling requirements specified by the Codex Alimentarius;
 - (ii) a statement of the quantity of any nutrient or other constituent of the food that is the subject of the claim.
 - (iii) the target group, if appropriate.
 - (iv) how to use the food to obtain the claimed benefit and other lifestyle factors or other dietary sources, where appropriate.
 - (v) if appropriate, advice to vulnerable groups on how to use or to avoid using the food.
 - (vi) maximum safe intake of the food or constituent where necessary.

- (vii) how the food or food constituent fits within the context of the total diet.
- (viii) a statement on the importance of maintaining a healthy diet.
- (ix) claims that relate to dietary guidelines or “healthy diets” shall only be permitted where they are consistent with any national dietary guidelines;
- (x) where the claim is not based on selective consideration of one or more aspects of the food; and
- (xi) where the food is not described as “healthy” or represented in a manner that implies that a food in and of itself will impart health.

(5) A claim to the effect that a food is a good source of a vitamin or mineral may be made if the food contains no less than 25% of the recommended daily intake for that vitamin or mineral.

(6) A claim regarding the food being fortified shall only be permitted where the food has been approved by the health authorities as being suitable for such and shall not include food considered by the health authorities to be high in sugars, fat or salt, with the exception of fortified salt itself.

PART 7 - COMMODITY STANDARDS

52. Requirements for different commodities

(1) Meat and meat products produced, processed, handled, kept, distributed, displayed for sale or sold in or imported into or exported from the Republic of Kiribati shall comply with the requirements prescribed in Schedule 4, unless otherwise exempted by the Director of Public Health.

(2) Poultry, poultry products and eggs produced, processed, handled, kept, distributed, displayed for sale or sold in or imported into or exported from the Republic of Kiribati shall comply with the requirements prescribed in Schedule 5, unless otherwise exempted by the Director of Public Health.

(3) Notwithstanding the Fisheries Act 2010, fish and fisheries products produced, processed, handled, kept, distributed, displayed for sale or sold in or imported into or exported from the Republic of Kiribati shall comply with the requirements prescribed in Schedule 6, unless otherwise exempted by the Director of Public Health.

(4) Cereal and cereal products produced, processed, handled, kept, distributed, displayed for sale or sold in or imported into or exported from the Republic of Kiribati shall comply with the requirements prescribed in Schedule 7, unless otherwise exempted by the Director of Public Health.

(5) Salt produced, processed, handled, kept, distributed, displayed for sale or sold in or imported into or exported from the Republic of Kiribati shall comply with the requirements prescribed in Schedule 8, unless otherwise exempted by the Director of Public Health.

PART 8 – IMPORTED FOOD

53. General import requirements

(1) Subject to sub-regulations (3), no person may import any food or food ingredient that does not comply with the requirements of the Food Safety Act, 2006 or these regulations made under the Act.

- (2) The onus of demonstrating compliance with the Food Safety Act 2006 or regulations made under the Act is on the importer.
- (3) The guidance and direction of the Director of Public Health Services should be sought by anyone who intends to import food that:
 - (a) is raw or semi-processed and requires further processing; and
 - (b) the original packaging is required to be removed for processing before the food is sold in the Republic of Kiribati(c) may be repacked, reprocessed or reconditioned after importation to ensure compliance with the Act and these regulations.

54. High risk food

- (1) Health authorities shall determine if a food belongs to a High Risk Food List which can be published from time to time.

55. Food of regulatory interest

- (1) Health authorities shall establish a list of food of regulatory interest so designated because of being food:
 - (a) with a non-compliance history;
 - (b) food that is required to be fortified; and
 - (c) food that is being targeted to reduce the population's exposure to fat, sugar or sodium in priority foods.

56. Personal import of food

- (1) Foods imported into the Republic of Kiribati for personal consumption are exempt from food legislation requirements but should not exceed 10 kg per person.

57. Product identity

- (1) If the food is for personal consumption, food inspectors may inspect the documents accompanying the food to confirm the specific product identity.
- (2) Product identity checks require the inspector to check:
 - (a) the name,
 - (b) quantity (weight),
 - (c) serial number of the container, and
 - (d) the name or registration number of the processing factory.
- (3) A food inspector may also check to verify that the product, health marks, stamps and other necessary product and or package information conforms to the declaration on the health certificates for the products as well as any accompanying documentation.

58. Health or sanitary certificates

(1) Food inspectors may subsequently inspect any accompanying health or sanitary certificate to determine that:

- (a) It is from a recognised competent authority and is signed.
- (b) It is relevant to the specific product for which it is associated.
- (c) Certification is in English or Kiribati language and in an agreed format.
- (d) Certification contains a statement of the controls in place at the food business e.g. good hygienic practice; good manufacturing practice; and a HACCP programme is implemented and audited (or equivalent).
- (e) Certification confirms that an audit or inspection has been undertaken in a reasonable timeframe prior to product being distributed from the premises.

(2) If the certificate is unsatisfactory a food inspector shall ensure the food is detained until the importer can provide such a certificate. Detention can be at the premises of the importer provided that the consignment remains in a properly closed and sealed container.

(3) If no certificate can be provided by the importer in a timely manner as determined by the health authority, the product shall be re-exported or seized and disposed. The cost of re-exportation, seizure and disposal must be borne by the importer.

(4) If the product is likely to deteriorate while being detained, it shall be rejected and destroyed.

59. Analytical certificates

(1) Notwithstanding Section 11, 12 and 13 of the Act, food inspectors may inspect the food analysis certificates to determine that:

Certification shall cover the microbiological, chemical or physical parameters required by these regulations.

(2) Certification must be in English or Kiribati language and in an agreed format.

(3) Testing must be conducted by an accredited or approved laboratory.

(4) The test methodology is to be defined on the certificate and approved.

(5) If the certificate is unsatisfactory a food inspector shall ensure the food is detained until the importer can provide such a certificate or until the food is analysed.

(6) If no certificate can be provided by the importer in a timely manner the articles shall be kept or destroyed.

(7) If the product is likely to deteriorate while being detained, it shall be rejected and destroyed.

60. Holding for physical checks

- (1) If, after documentary and identity checks there is a need to hold the products for physical checks, the food inspector shall notify the importer and Customs in writing of the intent to physically examine the product.
- (2) When physical checks are carried out they can include any physical observation or test appropriate to assess compliance with the regulations

61. Permitting foods to be moved

- (1) Where it is necessary to conduct a physical check and it is not possible to do so in a timely manner while in the Customs controlled area, the food inspector can establish an agreement with the importer for the product to be moved to another location within the Republic of Kiribati and to be held without further distribution until clearance is issued by the health authority.
- (2) The food inspector shall apply a lock/seal/tape to the container or product of interest to ensure it is not further distributed before examination.
- (3) Health authorities need to inspect and make a decision to release, hold or reject the imported articles within a two week period upon arrival in Kiribati.

62. Physical checks

(1) When physical checks are carried out they can include any physical observation or test appropriate to assess compliance with the regulations.63. Sampling food

- (1) Notwithstanding Section 10 of the Act, if the specific product is not accompanied by adequate documentation showing the safety of the food, the inspector shall take samples in a manner and quantity as prescribed from time to time in the High Risk Food List and in the Food of Regulatory Interest List.
- (2) The inspector shall advise the importer that samples of the food have been collected for further testing. As a consequence, the inspector shall complete a collection report and provide copies as directed in the collection report.
- (3) The inspector shall also discuss with the importer the need to detain the product until the analyses have been completed. Detention of the product can take place in an agreed location pending the receiving of the analytical results.

64. Satisfactory checks

- (1) The inspector shall permit the importer to place the food in free circulation by issuing a release permit.

65. Re-labelling

- (1) Where the food is rejected but the inspector considers it suitable for re-labelling the importer may re-label the food in accordance with the requirements of the Regulations.
- (2) A Food Inspector shall discuss with the importer the need to detain the product until the re-labelling has been completed and provide the importer a copy of the detention report.
- (3) Detention of the product can take place in an agreed location pending the receiving of proof that the product has been re-labelled appropriately. Local authorities and the food inspector who has permitted relocation shall cooperate to monitor compliance with the detention report.
- (4) Where the food is not re-labelled within a given period, the food shall be re-exported by the importer. Such a period shall be within a period of three months or such other period as the health authorities may determine.
- (5) Where a food is to be re-exported, the importer or other person in charge of the food needs to inform the Competent Authority of the proposed importing country of the reason for re-export and be in receipt of an agreement for such action to be taken. The cost of re-exportation must be borne by the importer.
- (6) The Food Inspector who has requested the re-labelling shall cooperate with other relevant authorities and the importer to ensure the product is not exported without evidence that the Competent Authority of the proposed importing country is in receipt of this information and there is an agreement for such action to be taken.
- (7) As a result of not re-labelling or re-exporting as agreed between inspector and importer the food shall be sent for destruction by crushing and burial; or by incineration; or other suitable means. The cost of destruction must be borne by the importer.
- (8) The Food Inspector shall cooperate with the appropriate other authorities to have the product destroyed by crushing and burial; or by incineration; or other suitable means.

66. Rejection and destruction

- (1) Notwithstanding Section 14 and 15 of the Act, if a food inspector is of the opinion that an article for import does not meet the requirements of the Act or this Regulation, he/she (a) may reject any or all the lots in that article found deficient.
- (2) The relevant invoice and manifest in respect of that article shall be marked "REJECTED" and a Food Inspector shall issue a notice of rejection of article for import.
- (3) The rejection notice shall be delivered to the appropriate Customs officer (where rejected at the port of entry), with a copy to the Competent Authority of Agricultural Quarantine and the importer in the form set out in the legislation. Alternatively, the form shall be delivered to the local authority (where rejected after entry), with a copy to the appropriate Customs officer and the importer.
- (4) Once rejected, the Food Inspector shall cooperate with the appropriate other authorities to have the product destroyed by crushing and burial; or by incineration; or other suitable means. All costs for destruction are to be met by the importer. If the importer refuses to sign the rejection notice and agree

to the destruction, the food inspector shall seize and hold the product until the issue is resolved or until the further holding of the product could lead to a public health concern.

(5) In the situation of import rejections caused due to failure of a food item to comply with requirements, it is necessary for a Food Inspector to provide information on the rejection to all relevant parties including:

- (a) the importer,
- (b) the exporter and
- (c) the exporting government.

PART 9 – MARKETING OF FOOD AND NON-ALCOHOLIC BEVERAGES TO CHILDREN

67. Determining whether a food should be subject to marketing and sales restrictions

- (1) A food or non-alcoholic beverage is a “designated product”, and subject to the restrictions imposed by these regulations, where its nutritional content (including the presence of saturated fat, trans-fatty acids, free sugar and salt) means that the consumption of that food or beverage is detrimental to the health of children as part of a healthy diet and is only suitable for occasional consumption.
- (2) The Director of Public Health shall publish criteria for deciding whether the content of a designated product is detrimental to the health of children.
- (3) The matters which the Director shall take into account in deciding the criteria under sub-regulation (2) shall include -
 - a. the nutritional content of food and drink; and
 - b. the presence of food additives in any foods and drinks; and
 - c. food and drink production techniques; and
 - d. any other matters that the Ministry of Health considers appropriate.
- (4) The Director may adopt criteria developed by national or international organizations for the purpose of sub-regulation (2).
- (5) The Director may, in the light of new evidence, publish from time to time the revised criteria.

68. Balanced diet

(1) No person may publish, permit, authorize or arrange for the publication of any advertisement which undermines the education of children in the importance of a balanced and healthy diet or which is contrary to any food and nutrition policy prepared by the Ministry of Health.

69. Prohibition on the marketing and promotion of designated products to children

- (1) No person shall publish an advertisement for a designated product or a designated product trade mark to children.
- (2) An advertisement shall be considered to be for children for the purpose of these regulations if it is:

- (a) likely to appeal to children; or
 - (b) published in any time, place, situation or in a medium where in the opinion of the Ministry of Health, the audience for of the recipients of the advertisement may include a significant number or proportion of children.
- (3) In considering whether an advertisement is likely to appeal to children, factors that may be taken into account include:
- (a) the product advertised;
 - (b) the themes, content, presentation and design of the advertisement;
 - (c) the age of any people in the advertisement; and
 - (d) any images, graphics, language, sounds, music, objects, animals, personalities, characters, activities, games or sport in the advertisement.
- (4) No person may use, arrange for, permit or authorise any child to appear or be used in any advertisement for any designated product or in association with a designated product trade mark.
- (5) No person may use, arrange for, permit or authorise the use of a cartoon or other broadcast or publication intended to appeal to children for the purpose of advertising a designated product or a designated product trademark.
- (6) No person may use, arrange for, permit or authorise the use of any person or character well known or likely to appeal to children for the purpose of advertising a designated product or designated product trademark.
- (7) No person may use, arrange for, permit or authorise the use of any game or any internet or other electronic or communication medium intended to appeal to children for the purpose of advertising a designated product or designated product trade mark.

70. Control of broadcasting times and advertisement of food products

- (1) No person may broadcast any advertisement for a designated product between the hours of 6 am and 9 pm on any day.
2. No person may use, arrange for, permit or authorise the advertising of any designated product or of any designated product trademark, on any school premises, at any child care facility or at any health care facility.
3. No person shall use a designated product trademark
- (a) on any article or thing intended for sale to or supply or use by children, other than on the package or container of a designated product; or
 - (b) for the purpose of advertising—
 - (i) any article that is not a designated product; or
 - (ii) any service, activity, or event; or
 - (iii) any scholarship, fellowship, or other educational benefit.

4.No person may publish, display or communicate, or arrange, permit or authorise the publication, display or communication of, at or in association with a children’s activity:

- (i). an advertisement for a designated product; or
- (ii).designated product trademark or a trade mark closely associated with a designated product.

71. Restriction on the use of premiums when supplying designated products to children

(1) No person may supply or offer to supply a premium for the purpose or with the effect of promoting a designated product to children.

72. Labelling and packaging restrictions

(1) No person may package a designated product, or cause, permit or authorise the packaging of a designated product, in a manner directed to children.

(2) In considering whether a product is packaged in a manner directed to children, factors that may be considered include the use of colours, graphics, images, cartoons, characters, personalities, competitions, activities or references to films, television programs, books, games or sports, that are intended or likely to appeal to children.

73. Signage and display restrictions

(1) No person may display permit, authorise or arrange for the display of any advertisement for a designated product within 200 metres of the entrance to a school or child care facility or other place where children are likely to congregate.

PART 10 – MISCELLANEOUS

74. Inspection report

(1) Upon completion of an inspection, an inspection report shall be provided as required by section 9 of the Act. Where such inspection includes an assessment of the microbiological quality of the water available on the premises or a microbiological assessment of the cleanliness of surfaces or food handlers’ hands, the inspection will be considered complete only once the results of these assessments are available. This means an inspection report may not be made available to the owner or person in charge of the premises at the time of the initial inspection until up to 48 hours after the inspection.

75. Breastfeeding material

(1) A person who produces or distributes any material, whether written, audio or visual, which refers to breastfeeding or any other aspect of infant and young child nutrition shall first submit a copy to the Director of Public Health for approval.

(2) Within 30 days after receiving a material submitted under subsection (1) the Director shall examine the material concerned and may:

- (a) Approve it, either absolutely or subject to conditions; or
- (b) Refuse to approve it;

and shall notify the applicant in writing of his/her decision. 76. Promotion of breast-milk substitutes and baby feeding accessories

- (1) A person who promotes any breast-milk substitute or baby feeding accessories by advertisement, by offering or giving any gift, prize, discount coupon or any other free item or by any other similar means, commits an offence.
- (2) Any person who distributed or sells a breast-milk substitute shall post a notice, written in i-Kiribati and English, on the shelf or where the product is displayed for sale, which states the following: “Breastfeeding is the best and healthiest way to feed an infant. Before deciding to use a breast-milk substitute, seek the advice of a health professional”.
- (3) No person shall advertise or otherwise promote any milk product in a way that
 - (a) Gives an impression or creates a belief that feeding with a designated product or other milk product is equivalent or superior to breastfeeding or;
 - (b) Discourages breastfeeding.
- (4) No importer or distributor shall donate or distribute information or educational material referring to infant or young child feeding or perform educational functions related to infant and young child feeding.
- (5) A manufacturer or distributor shall not donate any quantity of a breast-milk substitute to a health worker or to a health care facility.
- (6) A manufacturer or distributor shall not donate to or distribute within a health care facility any equipment, service or material that refers to or may promote the use of a breast-milk substitute.
- (7) A manufacturer or distributor of a breast-milk substitute shall not offer to give any gift, contribution or benefit to a health worker or an association of health workers engaged in maternal and/or child health.
- (8) A manufacturer or distributor of breast-milk substitutes shall not pay wholly or in part the salary, wages or other income of a person employed in a health care facility if that person’s duties bring that person into contact with mothers, infants, young children or pregnant women.

- (9) A manufacturer or distributor of breast-milk substitutes shall not sponsor an event, contest, telephone counselling line or campaign aimed at pregnant or lactating women, parents of infants or young children or members of their families.
- (10) A manufacturer or distributor shall not include the volume of sales of breast-milk substitutes when calculating employee remuneration or bonuses, nor set quotas for sales of breast-milk substitutes.
- (11) A label of a breast-milk substitute shall not include a photograph, drawing, or other graphic representation of an infant or other image that may idealise the use of a designated product.

77. Food quality and safety offences

- (1) A person who contravenes these regulations is guilty of an offence and is liable to a penalty.
- (2) If a consumer buys a product that does not meet the expected quality parameters he/she is entitled to return the product to where it has been purchased and to receive compensation in terms of a new product of the same type.

78. Penalties

- (1) Notwithstanding Part V of the Act, every person or business who violates these regulations shall, upon conviction, be liable to:
- (a) in the case of an individual, a fine not exceeding not exceeding five thousand dollars or up to two years imprisonment; and
 - (b) in the case of a body corporate, a fine not exceeding not exceeding ten thousand dollars.

79. Record keeping

- (1) Every food business operator in the Republic of Kiribati, including food importers, manufacturers or producers, and sellers) shall keep, and supply on demand to a Food Inspector, information which demonstrates that food imported, manufactured or sold by that person complies with this Act, Regulations made under this Act and all relevant standards that are under their reasonable control.

SCHEDULE 1 - MAXIMUM PERMITTED LEVELS OF CHEMICAL CONTAMINANTS

- (1) Maximum permitted levels of arsenic in edible fats and oils, named animal fats, named vegetable oils, olive oils and olive pumice oils, and fats spreads and blended spreads shall be 0.1 mg/Kg.
- (2) Maximum permitted levels of arsenic in salt shall be 0.5 mg/Kg.

(3) Maximum permitted levels of cadmium in salt shall be 0.5 mg/Kg.

(4) Maximum permitted levels of cadmium in fish and fisheries products shall be as prescribed below:

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

(5) Maximum permitted levels of copper in anhydrous milkfat, milkfat, anhydrous butteroil and butteroil and ghee shall be 0.05 mg/Kg.

(6) Maximum permitted levels of copper in edible animal fats not elsewhere specified shall be 0.4 mg/Kg.

(7) Maximum permitted levels of copper in salt shall be 2.0 mg/Kg.

(8) Maximum permitted levels of iron in anhydrous milkfat, milkfat, anhydrous butteroil and butteroil and ghee shall be 0.2 mg/Kg

(9) Maximum permitted levels of lead in edible fats and oils shall be 0.2 mg/Kg unless otherwise stated as with the named animal fats and vegetable oils and olive oils and olive pumice oils.

(10) Maximum permitted levels of lead in named animal fats, named vegetable oils, olive oils and olive pumice oils, and fats spreads and blended spreads shall be 0.1 mg/Kg.

(11) Maximum permitted levels of lead in canned corned beef, canned luncheon meat and sugars shall be 0.5 mg/Kg;

(12) Maximum permitted levels of lead in salt shall be 2 mg/Kg.

(13) Maximum permitted levels of lead in infant formula shall be 0.02mg/Kg.

(14) Maximum permitted levels of lead in fish and fisheries products shall be as prescribed below:

Product	Max Level (mg/Kg)
Muscle meat of fish, excluding those listed below.	0.2
Muscle meat of: bonito (<i>Sarda sarda</i>), horse mackerel or scad (<i>Trachurus,</i>	0.4

<i>trachurus</i>), sardine (<i>Sardina pilcardus</i>), sardinops (<i>Sardinops species</i>), spotted seabass (<i>Dicentrarchus punctatus</i>), tuna (<i>Thunnus species</i> and <i>Euthynnys species</i>)	
Crustaceans, excluding brown meat of crab	0.5
Cephalopods (without viscera)	1.0

(15) Maximum permitted levels of total mercury in Sharks (all species), Tuna (*Thunnus spp.*), Little tuna (*Euthynnus spp.*), Bonito (*Sarda spp.*), Plain bonito (*Orcynopsis unicolor*), Swordfish (*Xiphias gladius*), Sailfish (*Istiophorus platypterus*), Marlin (*Makaira spp.*), Bass (*Dicentrarchus labrax*), Portuguese dogfish (*Centroscymnes coelolepis*), Rays, (*Raja spp.*), Anglerfish (*Lophius spp.*), Emperor or Orange roughy (*Hoplostethus atlanticus*), Bonito (*Sarda sarda*), Grenadier (*Coryphaenoides rupestris*), Plain bonito (*Orcynopsis unicolor*), Snake mackerel or Butterfish (*Lepidocybium flavobrunneum*, *Ruvettus pretiosus*, *Gempylus serpens*) shall be 1.0 mg/Kg.

(16) Maximum permitted levels of total mercury in all other species of fish other than those described in sub-regulation (16) above shall be 0.5 mg/Kg

(17) Maximum permitted levels of mercury in salt shall be 0.1 mg/Kg.

(18) Maximum permitted levels of tin in canned corned beef and canned luncheon meat shall be 50 mg/Kg unless it is in tinsplate containers when the maximum permitted shall be 200 mg/Kg.

(19) Maximum permitted levels of 3-chloro-1,2-propanediol in acid hydrolyzed foods such as, but not limited to, soy sauce and fish sauce shall be 0.2mg/Kg.

(20) Maximum permitted levels of 1,3-dichloro-2-propanol in acid hydrolyzed foods such as, but not limited to, soy sauce and fish sauce shall be 5µg/Kg.

(21) Smoked fish may contain formaldehyde incidentally absorbed in the processing in a proportion not exceeding 5 mg/Kg.

(22) While not being permitted to be purposefully added to food, in recognition that some foods may become contaminated accidentally, the maximum permitted levels for melamine in food are 1mg/Kg in food for infants up to 3 years and 2.5mg/Kg for all other food.

(23) While not being permitted to be purposefully added to animal feed, in recognition that some feed may become contaminated accidentally, the maximum permitted levels for melamine in feed for food animals is 2.5mg/Kg.

(24) Mycotoxins shall not be at levels above those permitted by the Codex Alimentarius

(25) Smoked meat may contain formaldehyde incidentally absorbed in the processing in a proportion not exceeding 5 mg/Kg.

SCHEDULE 2 - MAXIMUM LIMITS ON MICROBIOLOGICAL CONTAMINANTS IN FOODS

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

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

Where – n means the minimum number of sample units which shall be examined from a lot of food; c means the maximum allowable number of sample units with microbiological levels above m; M means the level that if exceeded in any one sample would cause the lot to be rejected as not meeting these Regulations.

¹ Pooled from a minimum of 10 animals.

² Pooled from a minimum of 10 samples.

SCHEDULE 3 - TABLE OF CONDITIONS FOR NUTRIENT CONTENT CLAIMS

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

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

SCHEDULE 4 - STANDARDS ON MEAT AND MEAT PRODUCTS

1. Standard on canned corned beef

(1) Without limitation to the generality of these Standards and the Codex Standard on canned corned beef, the following specific product requirements for product labeled as canned “corned beef” apply:

- (a) the total protein content in the final product shall not be less than 21% of the total mass;
- (b) the total fat content shall not exceed 21% of the total mass;
- (c) the total sodium content of the product shall not exceed 540 mg/100g
- (d) the best before date shall be indicated by the year; and
- (e) all meat used in the manufacture of corned beef shall have been subjected to the inspection processes and it shall have been passed by an inspector as fit for human consumption.

(2) Wherever canned corned beef with a fat content exceeding 20% of the total mass is stored for display for sale to the consumer there shall be an associated shelf notice visible to consumers informing consumers that “This brand of canned corned beef is high in fat. For a healthy diet eat less”. Such a shelf notice shall be in a form prescribed by the health authorities in a brochure available to food businesses.

2. Standard on canned luncheon meat

(1) Without limitation to the generality of these Standards and the Codex Standard on luncheon meat, the following specific product requirements for product labeled as canned “luncheon meat” shall apply:

- (a) the maximum percentage of fat content permitted in a product shall be 30% of the total mass;
- (b) in the final product, the meat and poultry shall be uniformly and thoroughly cured and the product shall be capable of being sliced;
- (c) the total sodium content of the product shall not exceed 540 mg/100g
- (d) all meat and poultry meat used in the manufacture of luncheon meat shall have been subjected to the inspection processes and it shall have been passed by an inspector as fit for human consumption; and
- (e) raw or semi-processed meat and poultry meat, and luncheon meat shall be handled, stored or transported in an establishment in a manner that will protect the meat, poultry meat and the luncheon meat from contamination and deterioration.

(2) For shelf-stable products the best before date shall be declared by the year.

(3) For products which are not shelf-stable i.e. which may be expected not to keep for at least 18 months in normal conditions of storage and sale, the best before date shall be declared by day, month and year.

(4) Wherever canned luncheon meat with a fat content exceeding 20% of the total mass is stored for display for sale to the consumer there shall be an associated shelf notice visible to consumers informing consumers that “This brand of canned luncheon meat is high in fat. For a healthy diet eat less”. Such a shelf notice shall be in a form prescribed by the health Authority in a brochure available to food businesses.

3. Standard on sausages

(1) Sausage(s) means meat that is minced, or comminuted meat or a combination thereof, which may be combined with other foods, encased or formed into discrete units, but does not include meat formed or joined into the semblance of cuts of meat.

(2) Sausages shall contain no less than 500g/Kg of fat free meat flesh; and the proportion of fat in sausage shall be no more than 400g/Kg of the fat free meat flesh content.

(3) Sausages should contain no more than 600mg sodium per 100g of product.

4. Standard on minced meat or sausages labeled or advertised in such a way as to reference the fat content of the meat or sausage

(1) Where express or implied reference is made in relation to the fat content of minced meat or sausage, the maximum proportion of fat in the minced meat or sausage, expressed in g/100g, shall be:

(a) declared on the label on package of the food; or

(b) where the food is not packaged, and is stored for display for sale to consumers, declared on an associated shelf notice visible to consumers.

5. Standard on canned meat with other food

(1) Canned meat with other food shall be the meat product prepared from meat, manufactured meat or smoked meat with other food, packed in clean containers that are hermetically sealed and processed by heat to ensure preservation. Where the meat is named first in the description or name on the container, the product shall contain not less than 45 per cent of meat of the kind so named.

(2) There shall be written in the label on a package containing canned meat with other food the words "meat with (state the name of the other food)" or any other word or words having the same or a similar effect

(3) For shelf-stable products the best before date shall be declared by the year.

(4) For products which are not shelf-stable i.e. which may be expected not to keep for at least 18 months in normal conditions of storage and sale, the date best before date shall be declared by day, month and year.

(5) Wherever food in this category, with a fat content exceeding 20% of the total mass, is stored for display for sale to the consumer there shall be an associated shelf notice visible to consumers informing consumers that "This brand of canned "meat with (state the name of the other food)" is high in fat. For a healthy diet eat less". Such a shelf notice shall be in a form prescribed by the health authorities in a brochure available to food businesses.

SCHEDULE 5 - STANDARDS ON EGGS

1. Standard on eggs

- (1) Eggs shall only be displayed for sale and sold if:
- (a) there is no putrefaction;
 - (b) the eggs are stored under refrigeration;
 - (c) the package has not been used previously;
 - (d) the package carries an appropriate date marking;
 - (e) no development of the embryo has begun; and
 - (f) the shell is free from extraneous matter and unbroken.

SCHEDULE 6 - STANDARDS ON FISH AND FISHERIES PRODUCTS

1. Standard on fresh fish and fish products

- (1) The term “fresh” shall only be used to refer to fish and fish products that are untreated except for refrigeration, storage on ice, or freezing upon catching at sea or in lakes or other bodies of water in order to prevent decomposition and spoilage.
- (2) No sample of fish or fish product derived from the families Scombridae, Clupeidae, Coryphaenidae, Engraulidae and Pomatomidae, shall have any sample unit containing histamine that exceeds 20 mg per 100 g.
- (3) For fish or fish products derived from the families Scombridae, Scombrosocidae, Clupeidae, Coryphaenidae and Pomatomidae, the maximum level of histamine permitted to be detected shall be 10 mg/100 g based on the average of the sample units tested, provided more than one sample unit is tested.

2. Standard on canned tuna and bonito

- (1) Without limitation to the generality of the Codex Standard on canned tuna and bonito, the following specific product requirements for canned tuna and bonito shall apply:
- (a) canned tuna and bonito are products consisting of the flesh of any of the species identified as tuna and bonito in Codex Standard 70 of 1981 and its revisions and are packed in hermetically sealed containers.
 - (b) the name of the product as declared on the label shall be "tuna" or "bonito", and may be preceded or followed by the common or usual name of the species in a manner not to mislead the consumer.
 - (c) the name of the product may be qualified or accompanied by a term descriptive of the colour of the product, provided that the term "white" shall be used only for *Thunnus alalunga* (Albacore).
 - (d) when the term “white” is used in accordance with section c, the flesh shall be predominantly white.
 - (e) the form of presentation shall be declared in close proximity to the common name and shall be presented as “solid”, “chunk”, “flake”, “flakes”, “grated” or “shredded” as specified in Codex Standard 70 of 1981 and its revisions.
 - (f) where the form of presentation is declared as prescribed in section e it shall not be used in a misleading manner.

- (g) the name of the packing medium (water, oil or other) shall form part of the name of the food and shall not be misleading.
- (h) it shall be free of organisms capable of growth under normal storage conditions.
- (i) the product shall be free from container integrity defects which may compromise the hermetic seal.
- (j) the sodium content of the product may not exceed 430 mg/100g

(2) In addition to the requirements specified in sub-regulation (1), canned tuna and bonito with the following characteristics will be considered to be non-compliant with this Standard when more than one sample unit in a lot or consignment has any of the following characteristics. The samples:

- (a) are affected by persistent and distinct objectionable odours or flavours indicative of decomposition or rancidity;
- (b) contain excessively mushy or tough ingredients uncharacteristic of the product;
- (c) are affected by discolouration indicative of decomposition or rancidity or by sulfide staining of more than 5% of the fish by weight; or
- (d) are affected by struvite crystals greater than 5 mm in length.

(3) Canned tuna and bonito shall comply with the maximum limits on histamine specified in Standard 1.

3. Standard on canned sardine and sardine-type products

(1) Without limitation to the generality of the Codex Standard on canned sardine and sardine-type products, the following specific product requirements for canned sardine and sardine-type products shall apply:

- (a) canned sardines and sardine type products are products consisting of the flesh of any of the species identified in Codex standard 94 of 1981 and its revisions and are packed in hermetically sealed containers.
- (b) the name of the packing medium (water, oil or other) shall form part of the name of the food and shall not be misleading.
- (c) if the fish has been smoked or smoke flavoured, this information shall appear on the label.
- (d) the product shall be free of organisms capable of growth under normal storage conditions.
- (e) the product shall be free from container integrity defects which may compromise the hermetic seal.
- (f) the sodium content of the product may not exceed 430 mg/100g

(2) In addition to the requirements specified in sub-regulation (1), canned sardines and sardine-type products with the following characteristics will be considered to be non-compliant with this Standard when more than one sample unit in a lot or consignment has any of the following characteristics. The samples:

- (a) are affected by persistent and distinct objectionable odours or flavours indicative of decomposition or rancidity;
- (b) contain excessively mushy or tough ingredients uncharacteristic of the product;
- (c) are affected by discolouration indicative of decomposition or rancidity or by sulfide staining of more than 5% of the fish by weight; or
- (d) are affected by struvite crystals greater than 5 mm in length.

(3) Canned sardines and sardine-type products shall comply with the maximum limits on histamine specified in Standard 1.

4. Standard on canned mackerel

(1) Without limitation to the generality of the Codex Standard on canned finfish, the following specific product requirements for canned mackerel shall apply:

- (a) canned mackerel are products consisting of the flesh of any one of the fish genera commonly identified as mackerel including, but not limited to, members of the genera *Scomber* and *Scomberomorus* and species *Pneumatophorus diego* and *Auxis thazard* and are packed in hermetically sealed containers and have received a processing treatment sufficient to ensure commercial sterility.
- (b) the product shall be prepared from sound mackerel from which the heads, tails and viscera have been removed.
- (c) the name of the packing medium (water, oil or other) shall form part of the name of the food and shall not be misleading.
- (d) if the fish has been smoked or smoke flavoured, this information shall appear on the label.
- (e) the product shall be free of organisms capable of growth under normal storage conditions.
- (f) the product shall be free from container integrity defects which may compromise the hermetic seal.
- (g) the sodium content of the product may not exceed 430 mg/100g

(2) In addition to the requirements specified in sub-regulation (1), canned mackerel with the following characteristics will be considered to be non-compliant with this Standard when more than one sample unit in a lot or consignment has any of the following characteristics. The samples:

- (a) are affected by persistent and distinct objectionable odours or flavours indicative of decomposition or rancidity;
- (b) contain excessively mushy or tough ingredients uncharacteristic of the product;
- (c) are affected by discolouration indicative of decomposition or rancidity or by sulfide staining of more than 5% of the fish by weight; or
- (d) are affected by struvite crystals greater than 5 mm in length.

(3) Canned mackerel shall comply with the maximum limits on histamine specified in Standard 1.

5. Standard on canned finfish

(1) Without limitation to the generality of the Codex Standard 119 for canned finfish and its revisions, the following specific product requirements for canned finfish products (other than canned finfish covered by other product Standards) shall apply:

- (a) canned finfish products are products consisting of the flesh of finfish which is suitable for human consumption and may contain a mixture of species, with similar sensory properties, from within the same genus, and are packed in hermetically sealed containers and have received a processing treatment sufficient to ensure commercial sterility.
- (b) the product shall be prepared from sound finfish from which the heads, tails and viscera have been removed.
- (c) where a mixture of species of the same genus is used, the species used shall be indicated on the label.
- (d) the name of the product declared on the label shall be the common or usual name applied to the fish in the country and shall be presented in a manner not to mislead the consumer.
- (e) the name of the packing medium (water, oil or other) shall form part of the name of the food and shall not be misleading.
- (f) if the fish has been smoked or smoke flavoured, this information shall appear on the label.
- (g) the product shall be free from container integrity defects which may compromise the hermetic seal.
- (h) the sodium content of the product may not exceed 430 mg/100g

(2) In addition to the requirements specified in sub-regulation (1), canned finfish products with the following characteristics will be considered to be non-compliant with this Standard when more than one sample unit in a lot or consignment has any of the following characteristics. The samples:

- (a) are affected by persistent and distinct objectionable odours or flavours indicative of decomposition or rancidity;
- (b) contain excessively mushy or tough ingredients uncharacteristic of the product;
- (c) are affected by discolouration indicative of decomposition or rancidity or by sulfide staining of more than 5% of the fish by weight; or
- (d) are affected by struvite crystals greater than 5 mm in length.

(3) Canned finned fish of the relevant families shall comply with the maximum limits on histamine specified in Standard 1.

6. Standard on frozen fish and fisheries products

(1) This Standard applies to all quick frozen fish; quick frozen lobster; quick frozen blocks of fish fillet, minced fish flesh and mixtures of fillets and minced fish; eviscerated and un-eviscerated quick frozen finfish; and quick frozen fish sticks (fish fingers), fish portions and fish fillets - breaded or battered.

(2) The following specific product requirements shall apply for all fish and fish products under the scope of this Standard:

- (a) If glazed, the water used for glazing or preparing glazing solutions shall be of potable quality or shall be clean sea-water.
- (b) In addition to the general requirements on labeling, the following provisions shall apply:
- (c) If the product has been glazed with sea-water, a statement to this effect shall be made.
- (d) Where the food has been glazed, the declaration of net contents of the food shall be exclusive of the glaze.
- (e) The label shall include terms to indicate that the product shall be stored at a temperature of minus 18°C or colder.

(3) In addition to the requirements specified in sub-regulation (2), product referred to in sub-regulation (1) shall be considered to be non-compliant with this Standard when more than one sample unit has any of the following characteristics:

- (a) Greater than 10% of the surface area of the sample unit exhibits excessive loss of moisture clearly shown as white or yellow abnormality on the surface.
- (b) The presence of two or more parasites per kg of the sample unit with a capsular diameter greater than 3 mm or a parasite not encapsulated and greater than 10 mm in length.
- (c) A bone or bones is/are present in product labeled boneless.
- (d) Affected with pasty texture resulting from parasitic infestation affecting more than 5% of the sample unit by weight
- (e) The presence of ruptured bellies in un-eviscerated fish, indicative of decomposition.
- (f) Specifically for quick frozen lobster, distinct blackening of more than 10% of the surface area of the shell of individual whole or half lobster, or in the case of tail meat, distinct black, brown, green or yellow discolourations singly or in combination, of the meat affecting more than 10% of the weight.

(4) Frozen fish of the relevant families shall comply with the maximum limits on histamine specified in Standard 1.

SCHEDULE 7 - STANDARDS ON CEREAL AND CEREAL PRODUCTS

1. Standard on instant noodles

(1) The following specific product requirements shall apply to instant noodles imported into, processed, displayed for sale or sold in Kiribati.

(2) The Standard shall apply to various kinds of noodles. The instant noodle may be packed with noodle seasonings, or in the form of seasoned noodle and with or without noodle garnish(s) in separate pouches, or sprayed on the noodle and ready for consumption after a dehydration process. This Standard does not apply to pasta.

(3) Instant noodle is a product prepared from wheat flour and/or rice flour and/or other flours and/or starches as the main ingredient, with or without the addition of other ingredients. It may be treated by alkaline agents. It is characterized by the use of pre-gelatinization process and dehydration either by frying or by other methods.

(4) In addition to the general requirements on labeling, the following provisions shall apply:

- a. the name of the food shall be present on the label as “Instant Noodle(s)”, or optionally as “Fried Noodle(s)” or “Non-fried Noodle(s)” in accordance with whether the product has been fried or not;
- b. fortified instant noodles shall be labeled as “Fortified” or “Enriched” and shall identify the ingredient added for fortification purposes and shall specify the concentration in which it is present in the final product.

(5) Boric acid (a forbidden food additive) shall not be detected in any samples collected for analysis.

(6) The sodium content in instant noodles may not exceed 1600mg/100g

2. Standard on rice

(1) This Standard applies to husked rice, milled rice, and parboiled rice, all for direct human consumption; i.e., ready for its intended use as human food, presented in packaged form or sold loose from the package directly to the consumer. It does not apply to other products derived from rice or to glutinous rice.

(2) Milled rice shall not be contaminated with more than 0.1% m/m extraneous inorganic matter (such as sand, stones, dust etc).

(3) Milled rice shall not be contaminated with more than 1.5% m/m organic extraneous matter (such as seeds, straw, bran, husk etc).

(4) In addition to the general requirements on labeling, the following provisions shall apply:

- (a) Fortified rice shall be labeled as “Fortified” or “Enriched” and shall identify the ingredient added for fortification purposes and shall specify the concentration in which it is present in the final product.
- (b) If rice is classified as long grain, medium grain or short grain, the classification used on the label on the product shall be in accordance with the specifications for such in Codex Standard 198.

3. Standard on wheat flour

(1) This standard applies to:

- (a) wheat flour for direct human consumption prepared from common wheat, *Triticum aestivum* L., or club wheat, *Triticum compactum* Host., or mixtures thereof, by grinding or milling processes in which the bran and germ are partly removed and the remainder is comminuted to a suitable degree of fineness, and which is pre-packaged ready for sale to the consumer or destined for use in other food products; and
- (b) whole meal, whole-wheat flour or semolina, milled from common wheat, *Triticum aestivum* L., or club wheat, *Triticum compactum* Host., or mixtures thereof, and which is prepackaged ready for sale to the consumer or destined for use in other food products.

(2) It does not apply to:

- (a) Any product prepared from durum wheat, *Triticum durum* Desf., singly or in combination with other wheat;
- (b) Wheat flour destined for use as a brewing adjunct or for the manufacture of starch and/or gluten; or
- (c) Wheat flour for non-food industrial use.

(3) The following specific product requirements shall apply:

- (a) Wheat flour shall have a maximum moisture content of 15.5% m/m.
- (b) Wheat flour and any added ingredients shall be safe and suitable for human consumption.
- (c) Wheat flour shall be free from abnormal flavours, odours, and living insects.
- (d) Wheat flour shall be free from filth (impurities of animal origin, including dead insects) in amounts not consistent with good manufacturing practice.
- (e) Wheat flour shall be packaged in containers which will safeguard the hygienic, nutritional, technological, and organoleptic qualities of the product.
- (f) The containers, including packaging material, shall be made of substances which are safe and suitable for their intended use. They shall not impart any toxic substance or undesirable odour or flavour to the product.
- (g) When the product is packaged in sacks, these shall be clean, sturdy and strongly sewn or sealed.
- (h) In addition to general requirements on labeling, the following provisions shall apply:
 - (i) The name of the product to be shown on the label shall be "wheat flour."
 - (j) Fortified wheat flour shall be labeled as "Fortified" or "Enriched" and shall identify the ingredients added for fortification purposes and shall specify the concentration in which it is present in the final product.

(4) The following specific product requirements shall apply only to wheat flour for direct human consumption prepared from common wheat, *Triticum aestivum* L., or club wheat, *Triticum compactum* Host., or mixtures thereof, by grinding or milling processes in which the bran and germ are partly removed and the remainder is comminuted to a suitable degree of fineness, and which is pre-packaged ready for sale to the consumer or destined for use in other food products:

- a. All such wheat flour processed, displayed and/or sold in the Republic of Kiribati shall be prepared so as to provide the following minimum levels of micronutrients, including all nutrients naturally present, in the wheat flour at the point of sale:
 - i. 6.0 mg/Kg of Thiamin from a source of thiamin mononitrate;
 - ii. 2.0 mg/Kg of Riboflavin;
 - iii. 55 mg/Kg of Niacin;

- iv. 2.0 mg/Kg of Folic acid;
 - v. Iron from a source of elemental iron powder of 45 microns average diameter or similar made by an electrolytic reduction process at levels of 60mg/Kg or from ferrous fumarate at levels of 45mg/Kg or from other subsequently approved sources; and
 - vi. 30 mg/Kg of zinc from a source of zinc oxide.
- b. Notwithstanding section 4(a), where such flour is to be exported and the requirements of the importing country are in conflict with this Standard, the wheat flour shall comply with the requirements of the importing country.

(5) Where whole meal, whole-wheat flour or semolina, milled from common wheat, *Triticum aestivum* L., or club wheat, *Triticum compactum* Host., or mixtures thereof, for sale or use in the country is enriched or fortified, it shall be prepared so as to provide the same minimum levels of micronutrients as specified in sub-regulation (4) a., including all nutrients naturally present, in the wheat flour at the point of sale.

4. Standard on bread

(1) Bread means the product made by baking a yeast-leavened dough prepared from one or more cereal flours or meals and water.

(2) Wheat flour for making bread must follow the standard on wheat flour as described in Schedule 7 of these Regulations.

(3) Where salt is added to bread it must be iodized salt as per standard on salt included in Schedule 8 of these regulations.

(4) The sodium content in bread must not exceed 400mg/100g of product.

SCHEDULE 8 - STANDARD ON SALT

1. Standard on salt and reduced sodium salt mixtures

(1) All salt for import into, and for use and sale in the country for processing of food and for direct human consumption shall:

- (a) be salt to which has been added potassium iodide or iodate, or sodium iodide or iodate;
- (b) contain potassium iodide or iodate, or sodium iodide or iodate equivalent to not less than 20 mg/Kg and not more than 30 mg/Kg of iodine;
- (c) contain no less than 97% sodium chloride on a dry matter basis, exclusive of permitted food additives

(2) Reduced sodium salt mixtures shall contain no more than 200g/Kg sodium and 400g/Kg potassium.

(3) The addition of iodine-containing compounds to reduced sodium salt mixtures shall be in conformity with the aim of ensuring salt is iodized.

(4) In addition to general requirements on labeling, the following provisions shall apply:

- (a) Salt shall be labeled as “Fortified” or “Enriched” or “Iodized” and shall identify the ingredients added for fortification purposes and shall specify the concentration in which it is present in the final product.
 - (b) Reduced sodium salt mixtures shall declare the sodium and potassium content, expressed per 100 g. This shall not constitute a nutrition claim.
- (5) If necessary in order to avoid the loss of iodine, iodized salt shall be packed in air tight bags of either high density polyethylene (HDPE) or polypropylene (PP) (laminated or non-laminated) or LDPE-lined jute bags (Grade 1803 DW jute bags lined with 150 gauge polyethylene sheet) unless the food business is able to demonstrate consistently that it is able to meet the iodine concentrations specified in these Regulations with alternative packing approved by the Board.
- (6) Bags that have already been used for packing other articles such as fertilizers, cement, or chemicals shall not be reused for packing iodized salt.
- (7) Iodized salt shall not be exposed to rain, excessive humidity or direct sunlight at any stage of storage, transportation or sale.
- (8) Bags of iodized salt shall be stored only in covered rooms that have adequate ventilation.