



REPUBLIC OF VANUATU

FOOD (CONTROL) ACT [CAP 228]

Food (Control) Regulation Order No. 37 of 2007

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REPUBLIC OF VANUATU

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Food (Control) Regulation Order No. of 2007

In exercise of the powers conferred on me by section 53 of the Food (Control) Act [CAP 228], I, Honourable MORKIN STEVENS IATIKA, Minister of Health, make the following Regulation.

An Order to regulate the preparation, storage, sale and use of food in order to ensure public health and safety.

PART 1 PRELIMINARY

1 Interpretation

In this Regulation, unless the contrary intention appears:

authorized officer means a person appointed by the Minister of Health under Section 10 of the Food (Control) Act [CAP 228];

best before date means the date which signifies the end of the period under any stated storage conditions during which the product will remain fully marketable and will retain any specific qualities for which tacit or express claims have been made.

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

cleaning means the removal of soil, food residues, dirt, grease or other objectionable matter from food premises, food utensils or food contact surface;

Codex Alimentarius means the internationally adopted food standards published by the Codex Alimentarius Commission;

Communicable disease means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected

person, animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment.

consumer means any person who purchases or receives food in order to meet his or her personal need;

container means any packaging of food used for delivery as a single item, whether by complete or partial enclosure of the food, including the wrapper. A container may also enclose several units or types of packages;

contaminant means any of the following:

- (a) any biological or chemical agent; or
- (b) any foreign matter, or other substances,

not intentionally added to food which may compromise food safety or suitability;

contamination means the introduction or presence of a contaminant in food or in the food environment;

cooked food means food that has been heat processed or food that requires no further heat treatment before consumption;

Director means the Director responsible for Public Health;

disinfection means the reduction of the number of micro-organisms in the environment, to a level that does not compromise food safety or suitability, by means of chemical agents or physical methods;

equipment means an article that is used in the operation of a food premises and includes any freezer, grinder, hood, ice maker, chopping board, mixer, oven, refrigerator, scale, sink, slicer, stove, table, temperature measuring device, vending machine or ware washing machine but does not include any apparatus that is used to handle or store large quantities of packaged foods received from a supplier in a cased or over wrapped lot, such as hand trucks, forklifts, dollies, pallets, racks or skids;

food additives means any substance not normally consumed as a food itself;

Food contact surface means the surface of an equipment or a utensil with which food normally comes into contact and includes a surface of an equipment or a utensil from which food may drain, drip or splash:

- (a) into a food; or

(b) onto a surface normally in contact with food.

food handler means any person who directly handles:

- (a) packaged or unpackaged food; or
- (b) food equipment or utensils; or
- (c) food contact surfaces;

food handling means preparing, preserving, packing, storing, decorating, serving, conveying or delivering food;

food hygiene means all conditions and measures necessary to ensure the safety of food at all stages from growth, production and manufacture, to consumption;

food premises means any building or vehicles in which food is manufactured, processed, handled, packaged, served, catered, sold or stored and includes any stall, tent or other structure, public or private, and also includes land that is used for displaying and selling food;

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

Genetically Modified Organism means an organism whose genetically material is modified in such a way which is not found in nature and the natural conditions of cross breed or natural recombination;

Genetically Modified Ingredient means an ingredient that is derived from a genetically modified organism;

high risk food means food which consists wholly or partly of:

- (a) milk; or
- (b) any milk product; or
- (c) egg; or
- (d) poultry; or
- (e) meat; or
- (f) fish; or

- (g) shellfish; or
- (h) any ingredient that is capable of supporting the progressive growth of microorganisms that can cause food spoilage, food poisoning or other food borne illness;

ingredient means any substance, including a food additive, used in the manufacture or preparation of food, which is present in the final product although possibly in a modified form;

irradiated food means food that has been treated by ionizing radiation. This definition does not include the exposure of ionising radiation to food by measuring or inspection instruments;

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

lot means any combination of letters or figures or both, used for marking, identifying or tracing a batch or lot of pre-packaged food or articles when manufactured, distributed or sold, and includes a date mark; and batch number that has a corresponding meaning;

packaging material means any container used to hold food and includes cans, bottles, cartons, boxes, cases, sacks, wrapping and covering material such as foil, film, metal, paper, wax paper, cloth and locally available materials;

potable water means water that is acceptable and safe for human consumption; (and which complies with WHO Guidelines for Drinking Water Quality)

pre-packaged food means any foods packaged or packed in a container before being offered for sale, or for catering purposes;

ready to eat food means any food, including any beverage, that is normally consumed in its raw state or any food handled, processed, mixed, cooked or otherwise prepared or otherwise prepared into a form which is normally consumed without further processing;

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

PART 2 GENERAL HYGIENE OF FOOD HANDLERS

2 General hygiene standards for food handlers

- (1) The Food Authority is to prescribe general hygiene standards for all food handlers.
- (2) A food handler must comply with the standards prescribed under subclause (1).
- (3) In addition to subclause (1), a food handler must wash his or her hands with soap or detergent and potable water, and his or her hands must be dried with a clean cloth, paper towels or a hand drier at all of the following times:
 - (a) at the start of food handling activities;
 - (b) immediately after using the toilet;
 - (c) after using a handkerchief or tissue;
 - (d) after smoking;
 - (e) after handling raw food or any contaminated material;
 - (f) after handling raw food and before handling ready to eat food.
- (4) A food handler must not spit, smoke or chew tobacco or any other similar substance while handling food.
- (5) A food handler must not sneeze or cough over unprotected food or food preparation surfaces.
- (6) A food handler must not expel waste or urinate in and around food premises, other than in a toilet.

3 Medical examination of potential food handlers

- (1) Any person either employed or being contemplated of being employed as a food handler, must declare his or her health status to his or her employer or potential employer and advise the employer of any infection or communicable disease listed in Schedule 4.
- (2) An owner or operator of a food premises may require a potential food handler to undertake a medical examination prior to being employed.
- (3) Any potential food handler asked by the owner or operator of the food premises to undertake a medical examination, must provide to the employer a medical

certificate to show that they have not contracted any of the communicable diseases listed in Schedule 4.

- (4) The medical examination referred to in subclause (2) is to be made at the owner's or operator's expense.

4 Health status of food handlers

- (1) A food handler suspected or found to have a communicable disease or being a carrier of a communicable disease as listed in Schedule 4, must not be permitted by his or her employer to work in the food handling area and may be required by an authorized officer to submit himself or herself for a medical examination.
- (2) In any instance where an incident described in subclause (1) occurs, the following measures must be taken:
 - (a) the food handler must immediately report such incident to his or her supervisor;
 - (b) the food handler must be directed by the employer to an area where he or she does not have any direct contact with food;
 - (c) the food handler must be temporarily suspended until he or she undergoes a medical examination at the employer's expense.
- (3) An authorized officer, acting on the advice of a doctor, may require a food handler to undertake a medical examination while being employed.

5 Cuts or open wounds

- (1) A food handler who has a cut or open wound must immediately cease work and report it to his or her supervisor.
- (2) The supervisor must, after inspecting the cut or open wound, determine if the cut or open wound can be completely protected by a waterproof covering and, if so, the food handler must not handle food or touch food contact surfaces until the waterproof covering is firmly applied.
- (3) If the supervisor determines that the injury cannot be completely protected by a waterproof covering, he or she may direct the food handler to an area where the food handler does not have any direct contact with food.

6 Handling of foods

(1) A food handler engaged in preparing, packing or serving food for sale must not:

- (a) allow any jewelry to come in contact with food; or
- (b) touch his or her mouth, eyes, ears, nose or scalp with his or her hands while handling food; or
- (c) use his or her breath to open a plastic bag or wrapper or when removing foreign matters on utensils; or
- (d) wipe his or her hands on his or her clothing or on any articles other than a clean towel, disposable paper or hot-air hand drier; or
- (e) place on food any label, ticket, or any other article likely to contaminate the food; or
- (f) place on food any article which has been in contact with the person's mouth; or
- (g) hold a utensil or appliance by any surface that ordinarily comes into contact with food; or
- (h) apply his or her mouth to any appliance such as a tube or hose used in the bottling of liquids; or
- (i) apply a pencil or similar article used for marking food to his or her mouth; or
- (j) apply his or her fingers to his or her mouth to moisten them before preparing food.

(2) A food handler must handle raw fruit and vegetables in a manner to minimize any contamination by him or her.

PART 3 CERTIFICATION OF FOOD HANDLERS

7 Food handlers to be certified

- (1) The owner or operator of food premises that sells any food other than raw fruits or vegetables, or prepackaged mass produced foods, must not employ a person as a food handler unless the person has a valid Food Safety Certificate.
- (2) A person who completes:
 - (a) a food safety course approved by the Director ; or
 - (b) such other food safety training as that Director approves; andmust be issued with a Food Safety Certificate by the Food Authority.
- (3) Any training mentioned under paragraph (2)(a) or (b) may be conducted verbally if a food handler is unable to read and write.
- (4) A food handler must produce to an authorized officer his or her Food Safety Certificate if requested to do so by the authorized officer.
- (5) A Food Safety Certificate is valid for 2 years from the date of issue.
- (6) Despite subclause (1), the owner or operator of food premises may employ a person who does not have a Food Safety Certificate as a food handler at any time before the expiration of one year after the commencement of this Regulation.

8 Transition period for instances where a food handler does not have a food safety certificate

- (1) Where an authorized officer, within 1 year after the commencement of this Regulation, discovers that a food handler does not have a valid Food-Safety Certificate, he or she may allow the food premises to continue to operate provided that:
 - (a) the food handler undertakes a food safety course; and
 - (b) there is always at least one other food handler with a valid Food Safety Certificate present to supervise in the food handling area.
- (2) If there is no food handler in a food premises with a valid Food Safety Certificate present to supervise in the food handling area, then an authorized officer must immediately close down the food premises.

9 Instances where all food handlers at a food premises do not have a valid Food Safety Certificate one year after the commencement of this Regulation

If at any time after the expiration of one year after the commencement of this Regulation, all food handlers employed at a food premises do not have a valid Food Safety Certificate, then either:

- (a) an authorized officer must immediately close down the food premises; or
- (b) the owner or operator of the food premises must sell only unshelled nuts, whole nuts, raw fruits or vegetables that are intended for hulling, peeling or washing by a consumer, until all food handlers employed at the food premises have a valid Food Safety Certificate.

10 Cost of employee's training

The owner or operator of food premises is to pay the cost of his or her employee's training obligations under this Part.

11 Duty of owners or operators of a food premises

- (1) The owner or operator of food premises must inform all food handlers employed at the food premises of their health and hygiene obligations under this Regulation, and ensure that all such food handlers are given adequate training required under this Regulation.
- (2) The owner or operator of food premises must take all the practicable measures to ensure all food handlers employed at the food premises:
 - (a) do not contaminate the food in any way; and
 - (b) do not have unnecessary contact with ready to eat food; and
 - (c) do not spit, smoke or use tobacco in the premises; and
 - (d) are provided with protective clothing.

PART 4 DISPLAY, SALE, SERVING AND STORAGE OF FOOD

Division 1 – Display and sale of food

12 Display of food

A person must not handle food, or display food in such a manner as to cause the food to become contaminated.

13 Sale of unclean food

A person must not sell food that is not clean or food which is in a package that is not clean.

14 Sale of ready to eat food

- (1) Any cooked or ready to eat food must not be exposed for sale on any counter or bar unless it is enclosed or contained in a receptacle, or wrapped to protect the food from contamination.
- (2) Ready to eat food must not be displayed for sale less than 75cm above floor level or ground level of any shop, street or open space.
- (3) Trays or other containers used in connection with the delivery of ready to eat food must not be deposited on any footpath, doorway, yard or open space whether or not the trays and other containers contain food.
- (4) Ready-to-eat foods must not be stored in close proximity to raw foods.

15 Sale of nuts, raw fruits and vegetables

Any food such as nuts, raw fruits and vegetables that are intended for hulling, peeling or washing by consumer, must not be displayed for sale less than 75cm above floor level or ground level of any shop, street or open space.

16 Protection from birds and animals

Any person displaying foods as mentioned in clause 12 and subclause 14(2) must provide suitable protection from contamination by birds and animals.

17 Animals not to be allowed into food premises

- (1) Animals are not allowed into any food premises where food is handled for sale.
- (2) Subclause (1) does not apply to:
 - (a) an animal trained to assist a person with a disability; or
 - (b) the following aquatic animals:

- (i) ornamental fish; or
- (ii) lobsters; or
- (iii) cray fish; or
- (iv) eels.

Division 2 – Serving and thawing of food

18 Use of tongs and other utensils

Tongs and other utensils must be provided for each appliance and must be used to serve food.

19 Previously used or served food

A person must not, in the course of operating a food premises, serve food to a member of the public if the food has been used before or if the food has already been served to someone else.

20 Thawing of food

- (1) A person must not sell food that has already been thawed.
- (2) All food must be thawed in a cooler, fridge or microwave.

Division 3 – Food storage

21 Separation of all food

An owner or operator of a food premises must ensure that there are different areas assigned for the storage of all types of foods whether cooked or not cooked and ingredients.

22 Storage of high risk food

- (1) All hot and high risk food must be:
 - (a) placed in storage within one hour of preparation; and
 - (b) stored at a temperature of at least not less than 60 degrees Celsius.
- (2) All cold and high risk food must be:
 - (a) placed in a refrigerator within four hours of preparation; and
 - (b) stored at a temperature of not more than 5 degrees Celsius.

- (3) Appliances used to store high risk foods must have a thermometer (accurate to +/- 1degrees Celsius) to monitor the temperature of the appliance.
- (4) In circumstances where the use of equipment for keeping cooked food warm or cold is not practicable, high risk cooked foods may be stored at room temperature, provided that they are sold within 2 hours of being cooked.
- (5) In a cool room or a refrigerator the cooked foods must be stored on the top shelves and the raw foods on the bottom shelves.

23 Storage of raw foods and ingredients

- (1) All food and ingredients that are ready to be stored must be:
 - (a) examined for parasites, decomposition and extraneous substance before storage; and
 - (b) food that is fit for consumption; and
 - (c) used before the expiration of the use-by-date provided that there is a use-by-date on the package of the food and ingredients that are ready to be processed.
- (2) Different areas must be assigned for the storage of cooked food and raw foods.
- (3) Any raw food and ingredients stored on a food premises must be maintained under conditions that will prevent contamination and spoilage.

24 Storage of hazardous substances

- (1) A person must not store pesticides, disinfectants, detergents or any other non-food items with food items.
- (2) All pesticides, disinfectants and detergents must be labeled as “**POISON**” with clear and visible marking and inscription that can be read and understood and must:
 - (a) be stored in locked rooms or cabinets used only for their intended purpose and those storage areas must be marked with clear and visible marking and inscription which can be read and understood; and
 - (b) be disposed and handled only by a properly trained personnel; and
 - (c) not be stored in containers previously use to store food.

PART 5 CLEANING OF FOOD UTENSIL AND FOOD PREMISES

25 Protection of food premises, appliances and utensils from contamination

All premises, appliances, and utensils, used for handling food, must be:

- (a) kept clean; and
- (b) free from vermin; and
- (c) protected from contamination;

by persons, dust, animals, fumes, foul odors and other likely sources of contamination.

26 Cleaning of articles, fittings and appliances in food premises

All articles, fittings and appliances in a food premises or vehicle used to transport food, must be cleaned with any suitable detergent or bactericidal solution and water that is where practicable, both potable, and at a temperature of at least 50°C.

27 Cleaning of utensils

All eating and drinking utensils and any other utensil that is used to serve food must be cleaned before and after being used, with any suitable detergent or bactericidal solution and water that is, where practicable, both potable and at a temperature of at least 50°C.

28 Cleaning of equipment

Any equipment, that has been in contact with raw food or contaminated material, must be thoroughly cleaned and disinfected prior to being used for cooked food.

29 Cleaning and disinfection

- (1) Any equipment and food contact surfaces must be cleaned by scrubbing surfaces with hot water, and if available, suitable detergent or bactericidal solution to remove soil and all particles.
- (2) All equipment and food contact surfaces must be disinfected by using either any of the following:
 - (a) hot water that has a temperature of at least 70 degrees Celsius (160F); or
 - (b) steam; or
 - (c) chemical disinfectants.

- (3) A suitable detergent or bactericidal solution at the correct concentration must be used when chemical disinfectants are used for disinfecting a food contact surface.

PART 6 CONSTRUCTION OF FOOD PREMISES

30 Construction of food premises

- (1) All food premises must be constructed in a way that:
 - (a) provides an adequate ventilation system that can prevent excessive heat build up, steam condensation, accumulation of dust, fumes, and smokes, and the build up of contaminated air; and
 - (b) allows for the storage of waste prior to its removal from the establishment; and
 - (c) provides a clear floor space per person of not less than 3m², free of furniture, fittings, stored goods and openable doors.
- (2) A waste storage facility provided in accordance with paragraph (1)(b) must be, as far as practicable, designed in such a way that:
 - (a) it does not obstruct roadways on the premises; and
 - (b) it will prevent waste from contaminating food, potable water, equipments, and also preventing pest infestations.

31 Protection of food equipments, appliances, fittings and packaging material

A food premises must be constructed to ensure that food equipments, appliances, fittings, and packaging material are protected from contamination and may be easily cleaned.

32 Hand washing facilities

- (1) All food premises must be equipped with hand washing facilities.
- (2) A hand washing facility provided in accordance with subclause (1) is to be used for washing hands, and must be supplied with:
 - (a) potable water;
 - (b) hot water at a temperature not less than 50 degrees Celsius;
 - (c) suitable detergent and bactericidal solution ; and
 - (d) paper towels, clean cloths or hot air hand drier.
- (3) A hand washing facility provided in accordance with subclause (1) must be:
 - (a) where practicable, connected to a drainage system; and

- (b) kept in a sanitary condition; and
 - (c) repaired when there is a damage to that facility.
- (4) In places where there is no running water or there is no drainage system, and the constructions of these convenience is not practicable given the size of the business, hands may be washed in a basin as long as:
- (a) the same water is not used for washing cooking utensils; and
 - (b) the water is changed frequently and discharged in an approved manner; and
 - (c) soap or suitable detergent is used; and
 - (d) paper towels, clean cloths are used in order to dry hands; and
 - (e) water to be used for washing of hands must be stored in a clean container, accessible and capable of storing sufficient water for the daily operation of the food premises.
- (5) Where a business employs one or more food handlers, signs must be posted to direct food handlers to wash their hands after using the toilet.

33 Sinks and sanitary fixtures

Any sink or sanitary fixture used for cleaning or for preparing food must be of sufficient size and capacity to ensure that the equipment can be easily and properly cleaned.

34 Walls, ceilings, partitions and floors

Walls, ceilings, partitions and floors in food premises must be made of impervious material and be repaired whenever they are required to be repaired.

35 Potable water supply

All food premises must be supplied with adequate potable water, and where water is supplied by a pipe, it must be under adequate pressure.

36 Lighting

All food premises must have adequate lighting either through natural or artificial lighting.

37 Changing facilities and toilets

- (1) All food premises must be provided with adequate, suitable and conveniently located changing facilities and toilets.
- (2) Toilets provided in accordance with subclause (1) must not be open directly on to food handling areas and must be equipped with hand washing facilities and hand drying facilities such as;

- (a) air dryer; or
- (b) paper towels; or
- (c) clean towels.

38 Connection to reticulated sewage system

- (1) All food premises must be connected to a reticulated sewerage system.
- (2) Where connection to a reticulated sewerage system is not possible, other proper means of sewage disposal constructed according to the relevant National Building Code specifications may be used.

39 Construction of vehicle used for vending food

Any vehicle constructed for selling food must be constructed in such a way that:

- (a) the driving sections are sealed off from the part of the vehicle where food is handled; and
- (b) the fixtures, fittings and appliances that come into contact with food are of suitable, impervious material, and are easily cleaned; and
- (c) it may be securely closed when food is being transported or when the vehicle is unattended.

40 Maintenance of food premises

A food premises must at all times:

- (a) be kept clean; and
- (b) be kept free of objectionable odors; and
- (c) be kept in good repair; and
- (d) have an effective and continuous program for the control of pests.

41 Use of pesticides for pest control

- (1) The owner or operator of a food premises and its surrounding areas must regularly examine the premises and its surrounding areas on a weekly basis, for evidence of infestation.
- (2) Pesticides must only be used if other precautionary measures to control pests cannot be used effectively.

- (3) Before pesticides are applied, care must be taken to safeguard all food, equipment and utensils from contamination.
- (4) After pesticide is applied, contaminated equipment and utensils must be thoroughly cleaned to remove residues prior to being used again.

42 Disposal of refuse and other waste matters from food premises

- (1) All waste material must be placed in an impervious receptacle with a close fitting cover and be left outside the premises.
- (2) The owner or operator of a food premises must ensure that arrangements are made to ensure that there is frequent pick-up and disposal of waste from the food premises.
- (3) The receptacle must be cleaned and sanitized immediately after it has been emptied.

PART 7 FOOD PROCESSING, PACKAGING AND TRANSPORTATION

43 Food processing

- (1) Any food processing must be supervised by technically competent personnel.
- (2) All steps in the production process, including packaging and storage must be:
 - (a) performed without unnecessary delay; and
 - (b) performed under conditions which will prevent the possibility of contamination or deterioration through the introduction and growth of pathogenic and spoilage microorganisms.
- (3) An authorized officer may require a person or company, operating a food processing business, to adopt a Hazard Analysis Critical Control Points (HACCP) based system within their operations or processes.

44 Food packaging

- (1) All packaging material must not be stored in an insanitary condition.
- (2) The packaging materials must be of good quality and provide appropriate protection from contamination.
- (3) Packing must be done under conditions that will prevent the introduction of contaminants into the product.
- (4) Packaging material that cannot be adequately cleaned or disinfected must not be reused.
- (5) Any printed or packaging material that comes into direct contact with food must not contaminate that food.

45 Transportation of food

- (1) All food must be adequately protected during its transportation from one place to another.
- (2) Vehicles, bulk containers and other means of conveyance used to transport food must be those that are designed and constructed in such a way that:
 - (a) do not contaminate food or packaging; and
 - (b) can effectively be cleaned and, where necessary, disinfected; and

- (c) can effectively separate food items from non-food items, and raw foods from ready to eat foods, where doing so is necessary for food safety reasons; and
- (d) can provide effective protection from contamination, including contamination by dust and fumes; and
- (e) can effectively maintain the temperature, humidity, atmosphere and other conditions necessary to protect food from harmful or undesirable microbial growth and deterioration; and
- (f) allows for the monitoring of temperature, humidity and other conditions.

PART 8 LABELING OF PACKAGED FOOD

46 Packaged food to be labeled

All packaged food must be labeled.

47 Label must be easy to read and understandable

- (1) Statements required to appear on the label by virtue of this Regulation must be clear, prominent, and readable by the consumer under normal conditions of purchase and use.
- (2) Information required to be on the label must:
 - (a) be clear and not obscured by designs or by other written, printed or graphic matter; and
 - (b) be on contrasting ground to that of the background.
- (3) The letters in the name of the food additives must be on a size reasonably related to the most prominent printed matter on the label.
- (4) Where a container is covered by a wrapper, the wrapper must carry the necessary labeling information.

48 Contents of label

- (1) The following information must appear on the label of pre-packaged food:
 - (a) name of the food; and
 - (b) net contents; and
 - (c) instruction for use; and
 - (d) name and address of either the distributor and the manufacturer, or the distributor or the manufacturer; and
 - (e) list of ingredients; and
 - (f) list of additives; and
 - (g) country of origin; and
 - (h) lot identification; and
 - (i) use-by-dates; and
 - (j) storage instruction; and

- (k) nutritional claim; and
 - (l) date of production; and
 - (m) name of minerals or vitamins fortified.
- (2) The label must not contain any misleading and deceptive claims such as “wholesome”, “healthy”, or “sound”.
 - (3) Food must 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:
 - (a) of any other product with which such food, might be confused; or
 - (b) in such a manner as to lead the purchaser or consumer to suppose that the food is connected with such other product.
 - (4) Any food containing genetically modified organisms or their products must be clearly labeled as containing genetically modified ingredients.
 - (5) Any irradiated food (treated with ionizing radiation) must be clearly labeled either as irradiated and printed, or eradicated or printed with the international food irradiation symbol.
 - (6) Any fortified food must be clearly labeled as irradiated or printed with the international food fortification symbol.
 - (7) Any food containing excessive fat, energy dense or high in cholesterol must be clearly identified.

49 Language on label

- (1) The label must:
 - (a) be in Bislama and either English or French; or
 - (b) if it is not in any of the languages referred to in paragraph (a), be translated in accordance with subsection (3).
- (2) A translation must not misrepresent the nature or quality of the food.
- (3) The importer is responsible to have the label translated to Bislama and either English or French, before the product is distributed and released for sale.

50 Name of the food

- (1) The name must indicate the true nature of the food and normally be specific and not generic.
- (2) If the name of a food is included in the Codex Alimentarius, that name must be used in accordance with Schedule 1.
- (3) If a name has not been established in the Codex Alimentarius and the name is prescribed by legislation then the name prescribed by legislation must be used.
- (4) If the name of a food does not appear in Schedule 1 or Schedule 2 and there is no prescribed name, then either the common or usual name existing by the common usage as an appropriate description term, which is not misleading or confusing to the consumer, must be used.
- (5) Any food that has been treated or attended to by any means, including being dried, concentrated, reconstituted or smoked, must have this fact clearly identified in their label.
- (6) The Director of Public Health may prescribe standards and specific treatments for the foods set out in Schedule 2.

51 List of ingredients

- (1) A list of ingredients must always be declared on the label.
- (2) The list of ingredients must be headed or preceded by an appropriate title, which includes the term "ingredients".
- (3) All ingredients must be listed in descending order of ingoing weight (mass/mass) at the date of the manufacture of the food.
- (4) If any ingredients appearing in Schedule 1 are included in a food, the class or specific name as it appears in Schedule 1 must be clearly stated on the label.
- (5) Foods containing genetically modified ingredients must include the percentage of genetically modified ingredients used in the food product.
- (6) This clause does not apply to single ingredient foods.

52 Food additives

- (1) The name of each food additive present in the food must be listed and the name must:
 - (a) be specific and not generic; and
 - (b) indicate the true nature of the food additive.

- (2) A list of food additives in the product must be provided as part of the label.

53 Flavoring

- (1) If a food contains a mixture of flavorings the words “flavour” or “flavouring” may be used together with a true indication of the nature of the flavour.
- (2) Subclause (1) does not apply to flavour modifiers and herbs or spices.

54 Water

- (1) A supplier must state added water 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.
- (2) Water or other volatile ingredients evaporated in the course of production does not need to be declared on the label.
- (3) For dehydrated or condensed food that is intended to be reconstituted by the addition of water only, the ingredients may be listed in order of proportion (mass/mass) in the reconstituted product provided that a statement such as “ingredients” of the product when prepared in accordance with the direction on the label is included.

55 Net contents

- (1) A supplier must state the net contents of a food in metric units in the following manner:
- (a) for liquid - by volume; and
 - (b) for solid foods - by weight; and
 - (c) for semi-solid or viscous foods - either by weight or volume.
- (2) The drained weight of a food which is packed in a liquid medium must be stated by the supplier.

56 Name and address

- (1) The name and address of a manufacturer, packer, distributor, importer, exporter or vendor of the food must appear on the package label.
- (2) The address must include the street address or physical location of the manufacturer, packer, distributor, importer, exporter or vendor.
- (3) If a food or a food product is imported into Vanuatu, the name and address of the importer must appear on the package label.

57 Lot identification

Each package must be embossed or be permanently labeled so as to identify the producing:

- (a) factory; and
- (b) lot.

58 Use-by-dates

- (1) The use-by-date or the best before date must appear in every package of a food.
- (2) The use-by-date referred to in subclause (1) must include the day, month and year.
- (3) After the use-by- date, the food should not be regarded as marketable.

59 Removal of non -high risk foods and high risk foods from the shelves

- (1) A non- high risk food that has reached its use-by-date must be removed from the shelves in any shops, hotels, restaurants, food stalls, or a venue providing catering services, within 60 days after its best before date.
- (2) All high risk food must be removed from the shelves in any shops, hotels, restaurants, food stalls, or a venue providing catering services, within 21 days after the best before date.

60 Instructions for storage and use

- (1) Instructions for use of food, including reconstitution, where applicable must be included on the label, to ensure correct utilization of the food.
- (2) Instructions for storage of a food, including the need for refrigeration, must be included where such information is relevant to maintaining product quality, or food safety.

PART 9 MISCELLANEOUS

61 Vanuatu National Inspection Guidelines

For the purposes of implementing section 16 of the Act and the relevant provisions of this Regulation relating to inspection of a food, an authorized officer is to be guided by the Vanuatu National Inspection Guidelines which is to be approved by the Director of Public Health.

62 Offences against this Regulation

A person who fails to comply with any of the provisions of this Regulation is guilty of an offence and is liable upon conviction to the penalties as are set out in section 39 of the Act.

63 Commencement

- (1) Parts 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11, of this Regulation will commence on the day on which this Regulation made.
- (2) Part 8 of this Regulation commences 8 months from the date on which this Regulation commences.

Made at Port Vila this 5th day of November 2007.



~~HONOURABLE MORKIN STEVEN TAPKA~~
Minister of Health

SCHEDULE 1

Name of foods as included in the Codex Alimentarius standards

Name of Class	Class Names
Refined oils other than olive	“Oil” together with either the term “vegetable” or “animal” qualified by the term “hydrogenated” or “partially hydrogenated” as appropriate
Refined fats	“Fats” together with either, the “vegetable” or “animal”, as appropriate
Starches, other chemically modified starches	“Starch”
All species of fish	“Fish”
All species of poultry	“Poultry Name”
All spices	“Spice”, “Spices”, “Mixed Spices” as appropriate
All herbs	“Herbs” or “Mixed herbs” as appropriate
All types of sucrose	“Sugar”
Anhydrous dextrose and dextrose	“Dextrose Monohydrate” or “Glucose Monohydrate”

SCHEDULE 2

Foods that Require Standardization and Specific Treatment

- (a) Cereals containing gluten including wheat, rye, barley and oats;
- (b) Crustaceans and crustacean product;
- (c) Eggs and egg products;
- (d) Fish and fish product;
- (e) Peanuts and peanut products;
- (f) Soya beans and Soya bean product;
- (g) Milk and milk products;
- (h) Nut and nut products;
- (i) Sulphite in concentrations of 10mg/kg or more.

SCHEDULE 3

Foods that do not need use-by-date label

- (a) Fresh fruits and vegetables;
- (b) Wines;
- (c) Liquor;
- (d) Beverages containing 10% or more by volume of alcohol;
- (e) Vinegar;
- (f) Food grade salts;
- (g) Solid sugar;
- (h) Confectionary products;
- (i) Chewing gum.

SCHEDULE 4

Notifiable Diseases

- Acute Anterior Poliomyelitis
- AIDS/HIV seropositive
- Amoebiasis
- Bacillary Dysentery (Shigellosis)
- Brucellosis
- Cholera
- Conjunctivitis
- Dengue Fever; Dengue Shock Syndrome; Dengue Hemorrhagic Fever
- Diarrhoea, presumed infectious (children 1-4 years): Diarrhoea, presumed infectious (children 0-11 months): Diarrhoea, presumed infectious (adult)
- Diphtheria
- Encephalitis
- Fish Poisoning
- Gonorrhoea
- Hepatitis, unspecified; Hepatitis, Viral type A; Hepatitis, Viral, type B
- Acute respiratory infection (0-1); Acute respiratory infection (1-4 years); Acute respiratory infection (5+ years)
- Leprosy
- Leptospirosis
- Malaria
- Malnutrition
- Measles
- Meningitis, bacterial (non-meningococcal); Meningitis, eosinophilic;
- Meningitis, meningococcal; Meningitis, viral/unspecified
- Pertusis
- Pesticide poisoning (e.g. paraquat)
- Plague
- Poliomyelitis
- Rabies
- Relapsing Fever (Epidemic Louse-Borne)
- Rheumatic Fever, acute
- Ross River virus infections; other arboviral diseases
- Salmonella infections (non-typhoid fever)
- Smallpox
- Syphilis
- Tetanus
- Tuberculosis, pulmonary; Tuberculosis (other forms)
- Typhus (Epidemic Louse-Borne); Typhus (Flea-Borne); Typhus (Mite-Borne)
- Typhoid
- Yaws
- Yellow Fever