

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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Trinidad and Tobago

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

"Section(s) Updated: Section V, VIII, IX and Appendices I, II & III"

U.S. suppliers willing to clear initial hurdles will find Trinidad and Tobago is an import-friendly country allowing for relatively smooth flowing movement of food products through its borders. While most U.S. standards are fully acceptable, special attention needs to be given to licensing, certification, labeling and documentation for select products in order to avoid customs clearance delays.

Section I. Food Laws:

NOTE: This report was prepared by the Caribbean Basin Agricultural Trade Office (CBATO) of the Foreign Agricultural Service (FAS)/U.S. Department of Agriculture (USDA) in Miami, Florida for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Trinidad and Tobago is fairly receptive to imports of U.S. agricultural products. Initially, the level of scrutiny and checks on imported products can be quite intense. However, once the importer can demonstrate a successful track record of compliance, the import flow becomes much smoother. Enforcement of labeling requirements is carried out mostly at the port of entry but routine and random checks at the retail and wholesale levels are also conducted. The government prefers to review new-to-market items before allowing entry. Laboratory testing, at the government's discretion, may be required for new products. In such cases, products are usually detained until laboratory results become available. In general, Trinidad and Tobago follows internationally accepted food standards and may also refer to Canadian, U.S., and European standards as well.

Imports of food and beverage products into Trinidad and Tobago are governed mainly by the comprehensive Food & Drug Act of 1960 and its implementing regulations, which encompass practically all processed foods. Additional regulations for fish and fish products were added in 1998 and a 2003 Amendment to the law added additional requirements for alcoholic beverages and other products. The Ministry of Health's Chemistry, Food & Drugs Division (commonly known as "Food & Drugs") is the agency charged with implementing and enforcing this legislation. The Ministry of Health also enforces parts of the Pesticides & Toxic Chemicals Act of 1979. The Animals (Diseases and Importation) Act of 1954 and its Animal Control Regulations deal with the importation of all animal by-products. Finally, the Plant Protection Act of 1975 and its implementing regulations cover the importation of plant products such as produce and grains. These last two legislative pieces are enforced by the Ministry of Food Production, Land and Marine Affairs' Veterinary Service and Plant Quarantine Service, respectively. All of the legislation mentioned above is available on-line at the Trinidad and Tobago Ministry of Legal Affairs website. A link to the website is provided in Appendix III. B.

Section II. Labeling Requirements:

A. General Requirements

Labeling of food products is governed under the umbrella of the Food & Drug Act, Chapter 30:01, Part II, Section 16 (1-10) and the 2003 Amendment. A key requirement is that all products be labeled in English. Multilingual labels are acceptable as long as English is one of the languages included on the label. All phrases that appear in a foreign language must be translated into English. In such cases, the English portion need not appear on the

main panel. Standard U.S. labels are acceptable and are generally viewed as containing more information than what is required by Trinidad and Tobago standards. Following is a summary of the information required on all food product labels. It should be noted that the following labeling guidelines are general and not all-encompassing. Different categories of foodstuffs have different labeling requirements. For definitive information regarding Trinidad and Tobago's labeling requirements, it is recommended that U.S. exporters contact the Ministry of Health's Chemistry, Food & Drugs Division (contact information provided in Appendix I).

Main panel:

1. Brand name or trade name of the product.
2. Common name of the product (the name by which the food is generally known).
3. Net contents of the package in terms of weight, volume or number.

Any panel, except the bottom of the package:

4. A complete list of ingredients in descending order of proportion by weight or percentage.
5. Name and address of the manufacturer or person preparing the food and its country of preparation or origin.

Clarity is an important requirement with respect to the manufacturer/distributor address on the product label. The use of the phrase "under authority of" does not adequately speak to these concerns. Many U.S. products simply state the manufacturer or packer's city and state only, without explicitly stating "USA." In the case of a manufacturer or bottler, this is generally acceptable because Trinidad and Tobago Health authorities can easily determine that the United States is the country of origin. However, in the case of a packer or distributor this is not acceptable as the country of origin cannot be determined from the label. In such cases, if the product is of U.S. origin statements such as "Product of USA" or "Made in USA" should be added to the label in order to clearly identify the product's origin. In cases where non-U.S. products are packed and shipped by U.S. companies, the true country of origin should be specified so that the label is not considered misleading. For brewery products, the name and address of the importer or distributor must be stated as well as the alcoholic strength in terms of alcoholic content by volume.

6. A declaration by name of any added Class II, Class III or Class IV preservatives.

Class II preservatives include: benzoic acid (including salts thereof); sulphurous acid (including salts thereof); sorbic acid (including salts thereof); methyl para-hydroxybenzoate; propyl para-hydroxybenzoate. Class III preservatives include: propionic acid (including salts thereof); sodium diacetate; sorbic acid (including salts thereof). Class IV preservatives comprise the following, whether used with or without a harmless carrier: gum guaiacum; vegetable oils containing tocopherols; lecithin; citric, tartaric or ascorbic acid; monoisopropyl citrate; ascorbyl palmitate; n-propyl gallate, or n-octyl gallate, or n-dodecyl gallate; nordihydroguaiaretic acid.

7. A declaration of any added food coloring or flavoring preparation.

8. Expiration date or other date mark.

Open dating statements such as "best if used by" are acceptable.

9. Any applicable storage instructions (i.e. "keep frozen," "refrigerate after opening").

10. Preparation instructions, where applicable.

11. Instructions for safe handling, where applicable.

Any panel, including the bottom:

12. The batch or lot number.

13. Any registration number which may be required by the Food and Drugs Division.

Enforcement of labeling requirements is carried out mostly at the port of entry. New-to-market players as well as new-to-market food products are closely scrutinized until a track record of compliance can be established at which time the level of scrutiny is usually relaxed. Retail inspections, although less common, are also conducted at random. Food and Drugs allows the use of stick-on labels in order to comply with all the above requirements. However, stick-on label concessions are temporary and are normally granted for only 2 to 3 months. Therefore, U.S. companies seeking to export food products to Trinidad and Tobago over the long run should label their products according to Trinidad and Tobago requirements without the use of stick-on labels (to avoid any possible complications at the port of entry).

U.S. exporters interested in shipping samples to Trinidad and Tobago to conduct market tests for their products should be aware that samples must meet all the basic labeling requirements outlined above. However, Food & Drugs does make concessions in this regard. Requests for such concessions should be made in writing to Food and Drugs (see Appendix I for contact information). Similar written requests should also be made for institutional packed products destined for the food service sector and unlabeled ("bright stack") containers of food which are further processed or repacked at Trinidad and Tobago's Free Trade Zones or other locations. It is worth noting that the Food and Drugs (Amendment) Regulations, 2003 sub-regulation 23(2) addresses the label on a bulk container of a food or food additive and states: "(2) Notwithstanding regulation 16, the label on a bulk container of a food or food additive shall state:

The common name;

The name and address of the manufacturer, packer, importer or wholesaler;

The country of origin;

The net contents; and

The expiry date or other date mark, and may state the batch or lot number, registration number and storage instructions.”

B. Requirements Specific to Nutritional Labeling

The standard U.S. nutritional fact panel is fully acceptable in Trinidad and Tobago. Food & Drugs does not have any specific nutritional requirements at present and thus nutritional labeling is voluntary. The use of nutrient content claims (i.e. "low in saturated fat"), absolute descriptors (i.e. "high-fiber" or "low fat and relative descriptors (i.e. "reduced sugar" or "light in sodium") are all acceptable. Although no written policy is in place for nutrient content claims, Food & Drugs tends to follow Canadian standards in these matters.

Implied claims made on food labels may be considered misleading. For instance, it is preferable to state “No Additives” or “No Preservatives” rather than “100% Natural” or “All Natural.” Trinidad and Tobago tends to mirror the British code of conduct in terms of regulating advertising. A government appointed committee is also charged with overseeing advertising. While there are seldom any major issues, the government does proceed cautiously in this regard.

A food product label exhibiting therapeutic claims is likely to result in the product being classified as a pharmaceutical. Generally speaking, Food & Drugs prefers not to see any therapeutic claims made on food labels. As mentioned earlier, it is strongly recommended that U.S. exporters check with Food & Drugs in terms of the labeling compliance of their products prior to shipping.

Section III. Packaging and Container Regulations:

Trinidad and Tobago has no special packaging, waste disposal or recycling regulations. Legislation which would provide a legal framework for government regulation of these matters is reportedly under development. Currently government agencies such as the Solid Waste Management Company and the Environmental Management Agency have broad responsibilities in these areas.

Manufacturers have the flexibility of using any packaging material as long as it is acceptable for use with food products. PVC and similar materials are acceptable.

Section IV. Food Additives Regulations:

The Trinidad and Tobago Ministry of Health has no specific regulations for food additives (as defined by the Food and Drugs Regulations, Part II.14) and thus it does not maintain a positive or a negative list of additives. As a general rule, health officials rely on internationally accepted Codex Alimentarius (Codex) standards in determining whether to accept or reject an additive. Codex, also known as the "food code," is a set of scientifically-based and globally-recognized standards, codes of practice, guidelines and recommendations for food products. Health officials may also rely on European and U.S. standards if a particular additive is not contemplated in Codex standards. U.S. exporters wishing to introduce into Trinidad and Tobago a food product containing a new additive should check first with Food & Drugs. Please see Appendix I for contact information.

Section V. Pesticides and Other Contaminants:

The Ministry of Health is the agency charged with regulating pesticide/contaminant residues in foodstuffs by way of the Pesticides & Toxic Chemicals Act No. 42 of 1979 (Amended – Act No. 11 of 1986 and No. 2 of 2004) and its regulations, known as the “Pesticides (Registration and Import Licensing) Regulation of 1987.”. Authorities follow the Stockholm Convention on Persistent Organic Pollutants in terms of banned products, as well as the Rotterdam Convention for Prior-Informed Consent in terms of trade of pesticides and other contaminants. Much the same as with food additives, health officials also follow internationally accepted Codex standards in terms of pesticide maximum residue limits (MRL’s) and refer quite often to U.S. standards as well. The Ministry of Health requires registration of all pesticides and licensing of pesticide importers and retailers. U.S. exporters interested in obtaining a list of registered pesticides should contact the Pesticide and Toxic Chemical Inspectorate (see Appendix I for contact information).

Section VI. Other Regulations and Requirements:

Like the majority of Caribbean nations, Trinidad and Tobago does not require sanitary registration of food products, relying instead on relatively strict enforcement of its import and labeling regulations. When imported products are “queried” by Food and Drugs, additional certifications may be required. All certificates should be originals. However, certificates need not be authenticated by a Trinidad and Tobago Consulate and they should be notarized only when they are from a non-government entity. Additional certificates commonly requested include but are not limited to:

From the relevant government agency of the exporting country:

1. Health Certificate (mandatory for animal and fish products and may be required of other products as well);
2. Radioactive certificate (particularly for milk products from Europe);
3. Fish Inspection Certificate;
4. Meat Inspection Certificate;
5. Phytosanitary Certificate;
6. Aflatoxin Certificate;
7. Dioxin Certificate (for meat products on a case by case basis);
8. Other (based on the health situation in the exporting country).

From the accredited laboratory or government agency of the exporting country:

A Certificate of Analysis (for fish products heavy metals, contaminants, toxins)

From the country of manufacture:

A Certificate of Free Sale.

From the Ministry of Agriculture, Land and Marine Resources of Trinidad and Tobago:

1. Meat Import Permit;
2. Dairy Import Permit.

Prior to exporting any agricultural product to Trinidad and Tobago, U.S. exporters should ascertain whether their products will require a phytosanitary import permit in the case of plant products or a zoosanitary import permit in the case of animal products. These permits, issued by the Ministry of Food Production, Land and Marine Affairs, are normally obtained by the importing party. Products subject to this requirement usually include fresh produce, onions, garlic, potatoes, certain grains, meats, dairy, seafood and other agricultural products which may pose a risk to either plant or animal health. Most consumer-ready foods are exempt from this requirement. Products containing dairy ingredients are assessed on a case by case basis to determine the need for issuance of an import permit. Where no import permit is required, a notarized letter from the manufacturer must be submitted to Food & Drugs indicating the source of the dairy ingredients.

Sanitary import permits usually specify any additional import requirements such as export certifications from the country of origin. USDA export certifications may be required for many of the same products requiring import permits (i.e. plant and plant products inclusive of seeds, fruits, cut flowers, meats, etc.). Contact information for the Veterinary and Plant Quarantine Services which regulate these matters is provided in Appendix I.

Section VII. Other Specific Standards:

Imports of virtually all food and beverage products are covered by either the Food & Drug Act, the Pesticides & Toxic Chemicals Act, the Animals (Diseases and Importation) Act, or the Plant Protection Act mentioned earlier.

Section VIII. Copyright and/or Trademark Laws:

All trademarks and brand names registered in Trinidad and Tobago are protected under the Trade Marks Act (Chapter 82:81) as amended by Act No. 17 of 1994; No. 25 of 1996; and No. 31 of 1997). Applications for registration can be filed with the Intellectual Property Office of the Ministry of Legal Affairs. Trinidad and Tobago uses the international trademark classification of goods and services (7th Edition of the Nice Classification). Trademark registration is voluntary but highly recommended to protect against infringement. Trinidad and Tobago law allows anyone to register trademarks but applicants based outside Trinidad and Tobago must designate a local representative when submitting an application for trademark registration. A non-refundable application fee of TT\$300 (approximately US\$47) is required for the first class of goods/services registered and TT\$100 (US\$16) for each additional class. A TT\$150 (US\$24) certificate fee is also required when the registration is completed. An uncontested trademark registration will normally take about 6 months to be completed from the time the application is originally filed, provided there are no objections to the application either by the Intellectual Property Office or a third party. Initial registration of a trademark is valid for ten years and registration is renewable indefinitely for subsequent periods of 10 years each. For further information on the trademark registration process, or to conduct searches of the Trademark Registry, U.S. exporters should contact the Intellectual Property Office (see Appendix I for contact information).

Trinidad and Tobago is a party to the following international treaties relating to trademarks:

1. Paris Convention for the Protection of Industrial Property (1883).
2. Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957).
3. Vienna Agreement establishing an International Classification of the Figurative Elements of Marks (1973).
4. Trade Mark Law Treaty (1994).

Section IX. Import Procedures:

The following documentation is normally required for food imports:

1. Import License (if applicable)

Certain products such as live poultry, fish and seafood products, coconut, oilseed cake and meal, oilseeds, animal oils & fats, and vegetable fats may require licensing by the Trade License Unit of the Ministry of Trade and Industry. U.S. exporters are urged to have the importing party ascertain whether any license may be required prior to shipping any products. More information on the subject can be obtained from the Trade License Unit (see Appendix I for contact information).

2. CARICOM Invoice
3. Commercial Invoice
4. Bill of Lading or Air Waybill
5. Packing List
6. Certificate of Origin
7. Health or Sanitary Certificate (if applicable)

Customs clearance usually takes about 3 to 5 days for most food products. Perishable products are usually handled more expeditiously. Scrutiny, particularly for new-to-market items, can be intense. Use of a seasoned customs broker/agent is key to ensuring an adequate flow through the system.

The Customs & Excise Division offers an “advance ruling” procedure to provide more predictable information to importers. An advance ruling helps the importer obtain the correct tariff classification for the goods they plan to import for the first time. It also helps to reduce the Customs clearance formalities and will consequently reduce release times. Importers are thus encouraged to seek classification of goods well in advance of their arrival in Trinidad and Tobago in order to avoid delays. Interested parties should contact the Customs & Excise Division for more information (see Appendix I for contact information).

Appendix I. Government Regulatory Agency Contacts:

FOR GENERAL COMPLIANCE WITH FOOD IMPORT REQUIREMENTS, CONTACT:

Chemistry, Food & Drugs Division
Ministry of Health
92 Frederick Street, 2nd Floor
Port of Spain, Trinidad and Tobago, W.I.

Tel: 1 (868) 623-5242 / 623-2834 / 624-5968 / 623-2476

Fax: 1 (868) 623-2477

E-mail: cfdd@health.gov.tt

FOR LIVE ANIMALS AND ANIMAL PRODUCT IMPORTS, CONTACT:

Veterinary Service

Ministry of Food Production, Land and Marine Affairs

80 Abercromby Street

Port of Spain, Trinidad and Tobago

Tel: 1 (868) 625-5997 / 625-1473 / 741-3968

Fax: 1 (868) 625-5993

E-mail: aphmalmr@tstt.net.tt , aphmalmr@gmail.com

FOR LIVE PLANT AND PLANT PRODUCT IMPORTS, CONTACT:

Plant Quarantine Service

Ministry of Food Production, Land and Marine Affairs

Central Experiment Station

Caroni North Bank Rd.

Centeno, Trinidad and Tobago, W.I.

Tel: 1 (868) 646-4335 / 646-4337 ext. 4017 or 4036

Tel/Fax: 1 (868) 642-0718

E-mail: plantquarantine.centeno@gmail.com

FOR SEAFOOD IMPORTS, CONTACT:

Fisheries Division

Ministry of Food Production, Land and Marine Affairs

35 Cipriani Blvd, Newtown

Port of Spain, Trinidad and Tobago, W.I.

Tel: 1 (868) 623-8525 / 623-6028

Fax: 1 (868) 623-8542

E-mail: fishdiv@malmr.gov.tt

FOR PESTICIDE & OTHER CONTAMINANT ISSUES, CONTACT:

Pesticide and Toxic Chemical Inspectorate

Chemistry, Food & Drugs Division

Ministry of Health

92 Frederick Street, 3rd Floor
Port of Spain, Trinidad and Tobago, W.I.
Tel: 1 (868) 623-2814 ext. 1305, 623-7544
Fax: 1 (868) 623-2477

FOR TRADEMARK REGISTRATION, CONTACT:

Intellectual Property Office
Ministry of Legal Affairs
3rd Floor, Registration House
72-74 Quay Street
Port of Spain, Trinidad and Tobago, W.I.
Tel: 1 (868) 625-9972, 625-1907, 627-0706
Fax: 1 (868) 624-1221
E-mail: info@ipo.gov.tt

FOR CUSTOMS PROCEDURES & DUTY INQUIRIES, CONTACT:

Research & Policy Unit
Customs & Excise Division
Ministry of Finance
Nicholas Court, Abercromby Street
Port of Spain, Trinidad and Tobago, W.I.
Tel: 1 (868) 625-3311 to 19 ext. 260
Fax: 1 (868) 623-8557
E-mail: policyunit@customs.gov.tt

FOR IMPORT LICENSING, CONTACT:

Trade License Unit
Ministry of Trade & Industry
Ground Floor. TTMA Building
42 Tenth Avenue
Barataria, Trinidad and Tobago, W.I.
Tel: 1 (868) 674-3545 / 675-8242
Fax: 1 (868) 675-5465
E-mail: GlasgowB@gov.tt

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office (CBATO)
Foreign Agricultural Service

U.S. Department of Agriculture
909 SE 1st. Avenue, Suite 720
Miami, FL 33131
Tel: (305) 536-5300
Fax: (305) 536-7577
E-mail: atocaribbeanbasin@fas.usda.gov
Website: www.cbato.fas.usda.gov

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Appendix III. Useful Websites/Links

A. U.S. Government websites/links.

1. <http://www.cbato.fas.usda.gov>

Caribbean Basin Agricultural Trade Office website. This site offers several programs and services for U.S. suppliers seeking to export food products to the Caribbean. It also provides a link to USDA's Foreign Agricultural Service (FAS) website (<http://www.fas.usda.gov>) providing additional information on the subject.

2. http://www.fsis.usda.gov/Regulations_&Policies/Trinidad_Requirements/index.asp

Food and Safety Inspection Service (FSIS) of the U.S. Department of Agriculture website. The FSIS Export Library lists the specific export requirements for meat and poultry products for Trinidad and Tobago.

3. http://www.aphis.usda.gov/import_export/index.shtml

Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture website. From this page users can obtain Trinidad and Tobago import requirements for live animals and animal products (pet food).

B. Non-U.S. Government websites/links.

The following websites are provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in the websites that follow:

1. <http://www.gov.tt/>

Official website of the Government of Trinidad and Tobago. This site provides general information on government agencies with links to their individual websites.

2. <http://www.agriculture.gov.tt/>

Website for the Ministry of Food Production, Land and Marine Affairs.

3. <http://www.health.gov.tt/sitepages/default.aspx?id=93>

Website for the Chemistry, Food and Drug Division of the Ministry of Health.

4. http://www.legalaffairs.gov.tt/All_laws_listings.aspx

Website for the Ministry of Legal Affairs containing an alphabetical listing of all major legislation in Trinidad and Tobago.