



Second Report

JOINT SELECT COMMITTEE ON

FINANCE AND LEGAL AFFAIRS

SECOND SESSION (2016/2017) OF THE 11TH PARLIAMENT

on an

Inquiry into Food Fraud in Trinidad and Tobago



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The Joint Select Committee on Finance and Legal Affairs

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2nd REPORT

OF THE

**JOINT SELECT COMMITTEE ON
FINANCE AND LEGAL AFFAIRS**

ON

**AN INQUIRY INTO FOOD FRAUD
IN TRINIDAD AND TOBAGO**

Date Laid

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Senate: June 01, 2017

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Acronyms and Abbreviations

ABBREVIATION	TERM
CFDD	Chemistry Food and Drugs Division
MOH	Ministry of Health
MTI	Ministry of Trade and Industry
CFD Act	Chemistry Food and Drugs Act
MOU	Memorandum of Understanding

MEMBERS OF THE COMMITTEE



Ms. Sophia Chote, SC
Chairman



Mr. W. Michael Coppin
Vice-Chairman



Mr. Clarence Rambharat



Mr. Wayne Sturge



Dr. Lovell Francis, MP



Ms. Marlene McDonald, MP



Mr. Randall Mitchell, MP



Mr. Prakash Ramadhar, MP

THE COMMITTEE

COMMITTEE MANDATE AND ESTABLISHMENT

1. Section 66 A of the Constitution of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.
2. Pursuant to the foregoing provision, motions related to this purpose were approved in the House of Representatives and Senate on November 13, 2015 and November 17, 2015, respectively, and thereby established, inter alia, the **Joint Select Committee on Finance and Legal Affairs**.
3. Standing Order 91 of the Senate and 101 of the House of Representatives outline the general functions of a Committee of this nature. They are as follows:
 - a. To examine Bills and review all legislation relating to the relevant Ministries, departments or bodies or as may be referred to it by the House;
 - b. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of the assigned Ministries, departments or bodies;
 - c. To study the programme and policy objectives of Ministries, departments or bodies and the effectiveness of the implementation;
 - d. To assess and monitor the performance of Ministries, departments and bodies and the manner of the exercise of their powers;

- e. To investigate and inquire into all matters relating to the assigned Ministries, departments and bodies as they may deem necessary, or as may be referred to them by the House or a Minister; and
- f. To make reports and recommendations to the House as often as possible, including recommendations for proposed legislation.

SPECIFIC AREAS OF RESPONSIBILITY

4. The Joint Select Committee on Finance and Legal Affairs is mandated to inquire into areas related to Finance, Planning, Trade, Tobago Affairs, Office of the Prime Minister, Attorney General, Justice and Legal Affairs as listed in Appendix IV and V of the Standing Orders of the House of Representatives and Senate respectively.

POWERS OF THE COMMITTEE

5. Standing Orders 101 of the Senate and 111 of the House of Representatives delineate the core powers of the Committee which include *inter alia*:
 - a. to send for persons, papers and records;
 - b. to sit notwithstanding any adjournment of the House;
 - c. to adjourn from place to place;
 - d. to report from time to time;
 - e. to appoint specialist advisers either to supply information which is not otherwise readily available, or to elucidate matters of complexity within the Committee's order of reference;
 - f. to communicate with any other Committee on matters of common interest; and
 - g. to meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

MEMBERSHIP

6. The Committee comprises the following members:

- i. Ms. Sophia Chote SC – Chairman
- ii. Mr. Michael Coppin -Vice- Chairman
- iii. Dr. Lovell Francis, MP
- iv. Mr. Prakash Ramadhar, MP
- v. Ms. Marlene Mc Donald, MP
- vi. Mr. Randall Mitchell, MP
- vii. Mr. Clarence Rambharat
- viii. Mr. Wayne Sturge

SECRETARIAT SUPPORT

7. The following officers were assigned to assist the Committee:

- i. Mr. Julien Ogilvie - Secretary
- ii. Mr. Indar Sieunarine- Assistant Secretary
- iii. Ms. Shanice Ramdhan- Assistant Secretary
- iv. Ms. Roxanne Fournillier- Research Assistant
- v. Ms. Sacha Singh- Research Assistant

EXECUTIVE SUMMARY

At its fifth meeting held on April 15th 2016, the Committee resolved to pursue an inquiry into Food Fraud in Trinidad and Tobago. The inquiry process involved gathering and collating oral and written evidence with respect to the issue from primary and secondary stakeholders as well as from the public. As far as possible, the Committee ensured that oral and written evidence received was relevant to the terms of reference of the objectives of the inquiry. In this regard the Committee received evidence from several stakeholders including: Trinidad and Tobago's Pan American Health Organization (PAHO)/World Health Organization representative; the Caribbean Industrial Research Institute (CARIRI); the Seafood Industry Development Company Limited; Nestle Trinidad and Tobago Limited; officials of the Trinidad and Tobago Bureau of Standards (TTBS); the Customs and Excise Division; the Poultry Association of Trinidad and Tobago (PATT); Trinidad and Tobago Manufacturers' Association (TTMA); Supermarket Association of Trinidad and Tobago (SATT); Trinidad and Tobago Farmers' Union (TTFU); the Ministry of Health and the Ministry of Trade and Industry.

From the evidence received, the Committee took particular note of what, in its view, were some significant issues and developments concerning Food Fraud in Trinidad and Tobago. These were as follows:

- i. the absence of an express definition of "food fraud" and provisions for the creation of offences to permit the punishment of offenders under the Food and Drugs Act, Chap 30:01;
- ii. the lack of a common interpretation of food fraud among associated State agencies;
- iii. the need for the establishment of a designated regulatory body to prevent and detect cases of food fraud in Trinidad and Tobago;
- iv. the fact that the Chemistry Food and Drugs Division's (CFDD) laboratory is not currently operating; and
- v. the sub-standard approach of the Ministry of Health in investigating, detecting and prosecuting detected breaches of the Food and Drugs Act Ch. 30:01.

SUMMARY OF RECOMMENDATIONS

The following are key recommendations proffered by the Committee:

- i. The draft food safety policy developed by the Ministries of Agriculture and Health should be widely circulated to members of the public for comment.
- ii. Documented standards tailored for this jurisdiction must be drafted to guide the operation of the CFDD's inspectorate.
- iii. Strengthen co-ordinating mechanisms through a Memorandum of Understanding (MOU) between the Ministry of Health, the Ministry of Trade and Industry (in particular the Consumer Affairs Division), the Customs Division and the Ministry of Agriculture, Land & Fisheries.
- iv. Food products must be adequately labelled and sealed and the necessary laws and or regulations should be amended to reflect this.
- v. The Ministry of Health should with other relevant stakeholders formulate amendments to the Food and Drugs Act to provide a clear definition of the concept of food fraud, refine offences and ascribe penalties associated with food fraud and provide provisions for genetically modified organisms (GMOs).
- vi. There must be a regulatory framework to assess pesticide residue in fruit and vegetables.
- vii. The Ministry of Health in collaboration with the Consumer Affairs Division shall implement a public relations campaign for the purpose of alerting the public about detecting instances of food fraud and how to report apparent cases of food fraud.
- viii. A Food Advisory Committee be established.
- ix. A food fraud management system be put in place as a mitigation strategy.
- x. A supplier audit program be adopted.

- xi. Regular audits of customs approvals for food imports and quality controls of food manufacturing and food processing plants.
- xii. The Ministry of Health should expedite and complete the implementation process of the Poultry & Poultry Products Specification as approved by the 35 COTED;
- xiii. The amendment of the Food and Drugs Act to include provisions which empower the Minister to make regulations for the direct application of approved international standards.
- xiv. Annual audits of manufacturing facilities be performed by Public Health Authorities and Veterinary Public Health (applicable to livestock and poultry processing facilities only).
- xv. Fixed standards for food products must regulate the production and processing of food and there must be mechanisms in place to ensure compliance.
- xvi. The establishment of an operational and certified food testing laboratory at the Chemistry Food and Drugs Division (CFDD).
- xvii. Mandating the Trinidad and Tobago Bureau of Standards as the official inspectorate for food products.
- xviii. The public must be alerted in a timely manner about products which are found to be unsuitable for human consumption.
- xix. Arrangements be made to expose chemists and biologists of the CFDD to the most up-to-date training opportunities.
- xx. Interagency collaboration must be fortified through constant information sharing and the use of ICT.
- xxi. Training of Inspectors on how to deal with detected contraventions of the Act so as to increase prosecutions and ensure that offending items are not simply returned to shelves.

INTRODUCTION

BACKGROUND

8. Internationally, the concept of Food Fraud has been described as “...*the deliberate act to deceive, to cheat, in selling of food ingredients or products for economic gain. Making money out of the supply system, in an unscrupulous way.*”¹
9. Locally, it was submitted that Food Fraud is, “... *the deliberate and intentional substitution, addition, tampering, or misrepresentation of food, food ingredients, food packaging or false or misleading statements made about a product, for economic gain...*”²
10. The term is not specifically defined within the Food and Drugs Act Chapter 30:01, of Trinidad and Tobago. However, notwithstanding this, Section 5, 6, 7 and 8A of the said Act are relevant to the concept of food fraud. For example section 6(1) makes it an offence for any person to label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety ...”
11. The Committee noted the concern about the rising number of incidents of food fraud globally and is aware of the fact that Trinidad and Tobago was not immune. The Committee also noted that it was an issue that has not been meaningfully examined by public authorities.

OBJECTIVES

12. In view of the above, the Committee determined that the issue of Food Fraud should be scrutinized with a view to achieving the following objectives:
 1. **To understand the extent to which food fraud occurs or is perceived to occur in Trinidad and Tobago;**

¹ Professor Christopher Elliott, Founder of the Institute for Global Food Safety and Pro Vice Chancellor Queens' University Belfast.

² Written Submission from CARIRI.

2. To assess the effectiveness and adequacy of existing systems, policies laws and regulations aimed at detecting, preventing, prosecuting and raising awareness of food fraud in Trinidad and Tobago;
3. To make recommendations for the improvement of standards in the local food industry (both in the short and long term).

CONDUCT OF THE INQUIRY

13. At its fifth (5) Meeting held on Friday 15 April 2016 the Committee agreed to proceed with the inquiry. The Committee convened its *First Public Hearing* on **Friday 20th May 2016** with the following entities:
 - Chemistry Food and Drugs Division of the Ministry of Health;
 - Consumer Affairs Division of the Ministry of Trade and Industry; and
 - Trinidad and Tobago Bureau of Standards.
14. The Committee convened its *Second Public Hearing* on **June 17th 2016** to hear the evidence provided from the following entities:
 - Customs and Excise Division;
 - Poultry Association of Trinidad and Tobago; and
 - Trinidad and Tobago Manufacturers' Association.
15. The final public hearing on this matter was convened on **January 20th 2017** to hear the evidence provided by the following entities:
 - Supermarket Association of Trinidad and Tobago; and
 - Trinidad and Tobago Farmers' Union.
16. A list of witnesses who appeared before the Committee to give evidence during the aforementioned hearing is at [Appendix I](#).

WRITTEN SUBMISSIONS

17. The Committee received written submissions from the following entities/stakeholders:
 - i. The Ministry of Health

- ii. Customs and Excise Division
 - iii. Caribbean Industrial Research Institute (CARIRI)
 - iv. Trinidad and Tobago Poultry Association
 - v. Nestlé Trinidad and Tobago Limited
 - vi. Trinidad and Tobago Bureau Standards
 - vii. Trinidad and Tobago Farmers' Union
 - viii. Supermarkets Association of Trinidad and Tobago
 - ix. Ministry of Trade and Industry
 - x. Seafood Industry Development Company Limited
 - xi. The Pan American Health Organization (PAHO) & World Health Organization (WHO)
- 18.** The Committee also agreed to conduct a site visit to the laboratory facilities of the Chemistry Food and Drugs Division (CFDD) and Caribbean Industrial Research Institute (CARIRI). These site visits were conducted on **Wednesday February 22nd 2017**, between the hours of 10:00am and 12:30pm. The Committee was represented by the Chairman and Vice-Chairman. The report on the site visit is at [Appendix II](#).
- 19.** The Minutes of the Meetings during which the public hearings were held are attached as [Appendix III](#) and the Verbatim Notes as [Appendix IV](#).

SUMMARY OF EVIDENCE, FINDINGS AND RECOMMENDATIONS

OBJECTIVE 1: TO UNDERSTAND THE EXTENT TO WHICH FOOD FRAUD OCCURS OR IS PERCEIVED TO OCCUR IN TRINIDAD AND TOBAGO

20. The Ministry of Health reported that during the period 2010 to 2014 a total of *two hundred thousand, one hundred and fifty-nine (2,159)* food samples were taken and tested by the Chemistry Food and Drugs Division (CFDD) at the ports of entry. Of this amount, *one hundred and ninety-three (193)* food samples were deemed unsatisfactory. Despite the testing of these samples the Ministry indicated that there was no empirical data to indicate the frequency or prevalence of food fraud in Trinidad and Tobago.
21. Furthermore, the CFDD also reported that there were several instances of fraudulent food practices in Trinidad and Tobago in recent times. These include:
- i. Honey with added sugar;
 - ii. Milk with Melamine³ was found in *Klim Milk*;⁴
 - iii. Poultry leg quarters being defrosted and sold to consumers as fresh, chilled product⁵;
 - iv. Seafood fraudulently labelled to indicate the incorrect species of fish for example, Tilapia being sold as red fish⁶; and
 - v. Product labelled coconut water containing no coconut water but only artificial flavoring and preservatives.⁷

³ A white crystalline compound made by heating Cyanamid used for making plastics. This particular Milk was a product of China and the Melamine was said to be added to increase the potency of protein in the milk powder.

⁴Ministry of Trade and Industry Responses to Questions for the JSC on Finance and Legal Affairs Re: Inquiry Food Fraud pdf.

⁵ *Food Fraud in the Poultry Industry* Pages 2-3. Position Paper the impact of Food Fraud on the Poultry Industry of Trinidad & Tobago Accessed on July 22, 2016 – Trinidad and Tobago Poultry Association pdf.

⁶*False or Misleading Statements; Misrepresentation of Food, Food Ingredients, or Food Packaging* Table of Food Fraud Concerns- CARRI. Pdf. Accessed on July 22, 2016

⁷ *Health officials pull coconut water product off shelves saying it contains no coconut water.* Dated Friday 20 May 2016. <http://www.trinidadexpress.com/20160520/news/health-ministry-removes-local-coconut-water-off-the-market>

22. Furthermore, it was submitted that instances of food fraud in Trinidad and Tobago have mainly been with respect to the following⁸ :
- i. the deliberate mis-description of food products for example, labels with nutrient claims, which are not consistent with the Nutrition Information declaration;
 - ii. product labels with very strong health claims about the benefits of added ingredients where there are no official authorized health benefits to the public; and
 - iii. packaging material that impinges on the intellectual property of other companies⁹.

Expired chicken dumped in Third World countries

23. Mr. Norris Herbert, Permanent Secretary in the Ministry of Trade and Industry informed the Committee through oral submissions that he was aware of an allegation which suggested that frozen chicken leg quarters, which were over 180 days old in 2014, were being imported and sold at poultry farms and supermarket shelves under the guise of fresh produce. This issue was brought to the Ministry's attention through dialogue with various interest groups.
24. The Poultry Association of Trinidad and Tobago through written submissions acknowledged that through its affiliation with the Caribbean Poultry Association (CPA), and ongoing vigilance of its members working with the State sector inspectors have detected the following fraudulent practices:
- i. Products consigned for use as pet meat diverted to human use;
 - ii. Marketing expired poultry products (>180 days after slaughter and processing);
 - iii. Misrepresentation of imports to attract lower rates of duty; and
 - iv. Repackaging of imported table eggs from bulk packs into consumer packages with no product origin information.

⁸ Written submission by Nestle dated June 22, 2016

⁹ To understand the extent to which food fraud occurs or is perceived to occur in Trinidad and Tobago Page 1
Accessed July 22 2016. Response from Nestle June 22, 2016

Growth enhancing products in the Local Poultry Industry

25. The PATT explained that the use of growth enhancement products to accelerate the growth of birds, is an illegal practice globally. However, PATT did not provide evidence of the occurrence of this phenomenon in this jurisdiction, this is not to say the Committee discounts the information provided. The representatives further stated that local chickens are fed a properly balanced diet based on the species and based on whether they are being reared for eggs or meat.

Local recall of meat products originating from Brazil in March 2017

26. The Committee took note of the decision taken by the Ministry of Agriculture, Land and Fisheries in March 2017 to instruct that all brands of meat products, including corned beef, chicken nuggets and patties imported from Brazil be removed from the shelves of all supermarkets/retailers. This action was necessary further to the findings of an investigation into major meat processors in Brazil. Alarming, the investigation revealed that some Brazilian meat processors used rotten meat in their products, and bribed auditors and inspectors to keep silent.¹⁰
27. The implications of such breaches in the food safety and quality assurance systems in countries of origin are significant since, like several other countries, Trinidad and Tobago relies on the certification of food items by the exporting country to verify their safety and compliance with established standards. Additionally, there is also an existing deficiency in the import permit system in Trinidad and Tobago. Presently, import permits do not include details on the brands of food products that are being imported, thus tracking products when there is a brand recall is challenging.

FINDINGS

28. The Committee noted that the Food and Drugs Act Chapter 30:01 does not define “food fraud”. However, a broad interpretation of the Act suggested that the Chemistry Food and Drugs Division of the Ministry of Health is the most

¹⁰ Hunte, Camille: Supermarkets heed call to rid Brazilian meats. The Daily Express Newspaper:
<http://www.trinidadexpress.com/20170322/news/supermarkets-heed-call-to-rid-brazilian-meats>

relevant/competent body to deal with fraudulent practices within the food production, distribution and marketing systems.

29. The Committee noted that there was no common or shared definition of “food fraud” among associated State agencies. In fact, the Ministry of Trade and Industry and the Custom and Excise Division admitted that the concept of “food fraud” was a relatively new one and thus clearly defining all its modalities was a challenge. Undoubtedly, the absence of a recognized interpretation for “food fraud” is linked to the absence of legislative provisions that clearly codify what constitutes food fraud. The ambiguity associated with the issue may have also affected the extent to which instances of food fraud are reported to the relevant authorities, since, if you are unsure of what may constitute food fraud, you will find it difficult to detect.
30. The fact that the CFDD’s laboratory is currently being reconstructed and therefore not functional, further compounds the State’s inability to detect unscrupulous players in the food industry. Although assistance is being rendered by CARIRI, the Committee is concerned about the capacity to test products which may be harmful to the public. The Committee contends that food fraud poses a significant enough threat to public health to warrant urgent arrangements be made for food testing whilst the CFDD’s lab is in operational.
31. Notwithstanding, the lack of a definition of Food Fraud in any legislation it was evident that there have been several instances whereby fraudulent practices concerning the production and marketing of food items have been detected. The Ministry of Health, PATT and Nestlé presented actual examples of food fraud. This Committee is convinced that there is an urgent need for the relevant authorities to boost their capacity to detect fraudulent activities and prosecute fraudulent offences. The Consumer Affairs Division can also play a significant role in educating/empowering citizens about this issue.

OBJECTIVE 2: TO ASSESS THE EFFECTIVENESS AND ADEQUACY OF EXISTING SYSTEMS, POLICIES AND LAWS AIMED AT PREVENTING AND ALLEVIATING FOOD FRAUD IN TRINIDAD AND TOBAGO

Mechanisms employed during the import process to authenticate the origin, age and quality of food imported

32. The Ministry of Health submitted that all importers are required to use the Information Communication Technology system known as the “TTBizLink” electronic platform (developed and managed by the Ministry of Trade and Industry) which is linked to the Customs Asycuda electronic platform. It is a requirement of Customs and Excise that the relevant documents are uploaded for every shipment of food products imported into Trinidad and Tobago.
33. Some of the certificates which are required to accompany imports are:
- i. Health Certificates;
 - ii. Free Sale Certificates;
 - iii. Certificate of Origin Invoices;
 - iv. Radioactive Certificates;
 - v. Certificates of Analysis;
 - vi. Phytosanitary Certificates; and
 - vii. Aflatoxin Certificates and so on.
34. Upon the satisfactory review of all relevant certificates received by the Food and Drugs inspectors via the “TTBizLink” platform, the shipment is released for entry. Additionally, random sampling and testing are conducted at ports of entry in accordance with section 21 and 22 of the Food & Drug Act and Regulations 8 and 11 of the Food and Drug Regulations¹¹.
35. The MTI reported that the public sector-private sector relationship and networking among business umbrella bodies served to assist agencies to follow best practices in relation to the importation and production of food and beverage items.

¹¹ Page 3 JSC on Finance and Legal Affairs Responses for inquiry into Food fraud in Trinidad and Tobago pdf. Accessed on July 25th 2016.

Quality of investigations on Food Products

36. The Comptroller of the Customs and Excise Division stated at the public hearing that the Division is severely understaffed. An internal manpower audit showed that the staff requirement was four hundred and sixty (460) persons, however the Division is staffed with only two hundred and twenty (220) persons. Notwithstanding this, when an infraction is identified, specialists from the Division are sent to perform the necessary investigations.
37. On February 22, 2017, Members of the Committee conducted a site visit to the testing laboratories of the Chemistry Food and Drugs Division located at Frederick Street, Port of Spain. The observations made during this visit were consistent with information received from the CFDD at the public hearing that the facility was not operational. In fact, Members saw first-hand that the building was undergoing internal and external refurbishments. During the site visit, officials of the Ministry of Health lamented that the condition of structure was not suitable for a modern laboratory. Hence, testing of food products is currently conducted by the Caribbean Industrial Research Institute (CARIRI).
38. The President of the Poultry Association stated that he became aware of a case where the United States Department of Agriculture's (USDA) website stated that a product called *poultry offal meal* was exported to Trinidad and Tobago during the period July 2014 to September 2014 at approximately 200 tons a month. The Office of the Chief Veterinary Officer would have had to issue a health permit for the importation of such a product. However, when inquiries were made, the Office of the Chief Veterinary Officer advised that no permit was issued for the importation of that product and the Customs and Excise Division advised that their records did not indicate that this product was imported.
39. Correspondence from the Comptroller of Excise sent to the Committee on July 20th 2016, indicated that their records did not reveal any instances of importers attempting to import contaminated food into Trinidad and Tobago.

Quality control mechanisms used to monitor local food produce

40. The MOH utilizes three quality control mechanisms namely:
- i. **Market Surveillance** – this programme includes the inspection of supermarkets throughout the country. The focus of these inspections include the following areas: labelling of packaged food, pest control measures, and good manufacturing and hygiene practices. Food products with labels which are found to be in contravention of the Food and Drugs Act and Regulations are removed and the proprietor notified.
 - ii. **Free Sale Certificate-** this is a prerequisite for local food manufacturers to sell food items on the local market. To qualify, a manufacturer must provide the Chemistry Food and Drugs Division with the following:
 - a. label examination report;
 - b. food badge;
 - c. certificate of premises; and
 - d. proof of microbiological and chemical food testing as required by the provisions of the Food and Drugs Act and Regulations.
 - iii. **Routine Inspection-** these are conducted at the larger manufacturing facilities by Health Inspectors from the Chemistry Food and Drugs Division of the MOH to determine compliance with the requirements of the Food and Drugs Act and Regulations.

Mechanisms in place to ensure that importers are aware of the standards which must be met when importing food products.¹²

41. The MOH has ensured that importers of foreign food are informed of the required standards through the following:
- i. The CFDD webpage on the Ministry of Health's website;
 - ii. Interviews with Food and Drugs Inspectors for walk-in clients of the CFDD;
 - iii. An open door policy where importers can call the office or request information through e-mail of the CFDD;
 - iv. The CFDD participates at the annual Trinidad and Tobago Manufacturers' Association (TTMA) Trade and Investment Convention (TIC). Where the CFDD

¹² *Control Mechanisms*. Page 3. Accessed on July 27 2016. Submission of the Ministry of Health on Food Fraud pdf.

- disseminates information at this TIC as it pertains to the requirements for importation of food products into Trinidad and Tobago;
- v. Presentations at the ExporTT seminars for stakeholders in the Food and Beverage Sector;
 - vi. The United States Department of Agriculture's (USDA's) Global Agriculture Information Network (GAIN) Report. Trinidad and Tobago's requirements for importation of food are listed and also updated annually on this report. The report is available on the USDA's website; and
 - vii. A Traders Manual is currently being developed by a Cabinet appointed Committee - Standing Committee on Trade Facilitation in Food and Drugs. This document will be used as a mechanism to inform importers of the requirements to be met when importing foreign food products.

Duty of relevant agencies regarding: mislabelling, misdescriptions and physical quality of imported food for human consumption

- 42. The Customs and Excise Division operates a shared electronic platform known as the "TTBizLink". When a document is submitted by an importing entity to the Division, key governmental agencies simultaneously access the information that are provided in the document.
- 43. Although the Division is responsible for receiving documents for import transactions, the responsibility for verifying whether the item satisfies established standards, lies with the government agency with the responsibility for scrutinising the particular item. The main agencies the Division interfaces with regarding the import of food products include the CFDD, the Ministry of Health, the Plant Quarantine Service (Ministry of Agriculture, Land and Fisheries) and the TTBS. Therefore when the required information for the transaction is satisfied, approval will be given for the Division to proceed with the transaction.
- 44. Upon instructions received from the relevant government agency, the Division may exempt a transaction from surveillance, release the shipment to a warehouse or hold the shipment for inspection. After the necessary approvals have been obtained, a Release Order is issued by the Division which permits the imported item to enter the country.

45. The Division also submitted that its records include a list of all the products that may be imported as well as the agencies which have responsibility for scrutinising these products. The Food and Drugs Act provides for Food and Drugs Inspectors to examine customs entries, therefore these Inspectors have been included in the customs border control system.

Interactions between international authorities and Trinidad and Tobago¹³

46. Trinidad and Tobago has membership status of the International Food Safety Authorities Network (INFOSAN), and would therefore receive alerts when unsafe food has been shipped to the country.
47. The Ministry of Health – Chemistry, Food and Drugs Division stated that it is not the practice of the Ministry to liaise with the Food and Drugs Administration (FDA) of the United States on a regular basis. However, the CFDD admitted to obtaining information on the FDA’s website regarding recalls (voluntary and mandatory) by the United States.
48. In 2002 and 2006 the CFDD assisted the US FDA by providing logistical support for inspection of fish processing facilities in Trinidad and Tobago.
49. Furthermore, it should be noted that the CFDD inspectors and laboratory staff have participated in several USDA Cochran Fellowship Training (CFT) programs which usually involves both class room and hands on/field training.
50. More recently, officials of the FDA visited Trinidad and Tobago in 2013 regarding the United States Food Safety Modernization Act (FSMA). This visit involved preparing Trinidad and Tobago for conforming with the requirements of the US FSMA. The US FSMA, “...aims to ensure the U.S. food supply is safe by shifting the focus from responding to contamination to preventing it.¹⁴”
51. During the visit the CFDD and other public and private sector organizations were advised of the US FDA’s requirements as it pertains to FSMA. Moreover, an informal assessment of laboratory infrastructure and support systems available in

¹³ Additional information from the MOH 24.06.16

¹⁴ <http://www.fda.gov/Food/GuidanceRegulation/FSMA/>

Trinidad and Tobago was done to ascertain whether the country was able to meet the requirements of the FSMA.

The role of supermarkets in the fight against food fraud¹⁵

52. The Supermarket Association of Trinidad and Tobago (SATT) agreed with the Committee's opinion that supermarket operators have a moral and legal responsibility to protect their customers against food fraud. From a moral perspective, the Association submitted that supermarkets adhere to best practices including conducting training programmes for staff. In terms of its legal obligation, the Committee was informed that supermarkets have a legal obligation to ensure that items on their shelves satisfy certain standards prescribed by law.
53. Further, local producers approaching supermarkets for shelf space are required to provide documentary evidence that they met certain standards. These documents provide verification that the individual has been authorized to produce and sell the product. The SATT is obligated to ensure that these products have been adequately scrutinized in relation to labelling, packaging and handling.
54. It was reported that there have been instances where MOH inspectors have issued warnings to supermarket proprietors to remove food items which were unsafe or in breach of the law. However quite often these notices were ignored. At times, such items were returned to the supplier and in some instances they were even sent to the rural areas of the country to be sold. The best practice/ law would require that where MOH inspectors discovered items which were in contravention of the law these items should be removed and destroyed. Notwithstanding evidence of breaches, the MOH has not prosecuted offenders.¹⁶
55. SATT conveyed its willingness to assist with self-regulatory membership, and potential collaboration with the CFDD to support processes such as the testing and regulation of food standards. When questioned on the typical forms of food fraud observed within the supermarket industry, the SATT stated that the only obvious instances of food fraud observed were related to the possible use of chemicals to artificially enhance or alter the outer appearance and colour of fruits and vegetables.

¹⁵ *The role of Supermarkets*. Page 4. Accessed on July 27 2016. Submission of the Ministry of Health on Food Fraud pdf.

¹⁶ One reason given for this reluctance was the protracted nature of legal proceedings

Food fraud and the agriculture sector

56. The Committee received evidence from the Trinidad and Tobago Farmers' Union. The Union has a membership of 110 farmers and like the SATT, the TTFU is a voluntary membership organisation and not a regulatory body. In the absence of a proper regulatory framework, the Union suggested that each farmer is responsible for ensuring that he/she adheres to standards and best practices.
57. The TTFU also indicated that there seems to be inconsistencies with respect to standards to be met in relation to the import and export of meat. There are strict regulations farmers must abide by to export an animal. The animal must be tested and exported with a certificate from a veterinarian. However, the TTFU questions whether proper documents accompany imported meats.
58. TTFU also alerted the Committee that tilapia is being imported wholesale, thawed and repackaged with additives such as garlic butter and sold to consumers. The Union warned that during the thawing process there might have been an accumulation of bacteria that may be potentially harmful to humans.

Legal provisions concerning food fraud

59. The MOH acknowledged that the **Food and Drugs Act, Chap 30:01**, does not contain a definition of "food fraud". However, the MOH submitted that if interpreted purposively, the provisions of **Section 5 to 7** of the Act is on par with international and regional descriptions of the concept of the term.
60. Notwithstanding the above submission, the CFDD admitted that it has adopted a lenient approach to dealing with contraventions of the Act. That is to say, the CFDD would issue written notices and warnings to companies/persons in breach of the Act rather than pursuing legal action, due to the fact that the CFDD deemed the legal process to be too lengthy.
61. The Ministry of Trade and Industry indicated that the Consumer Affairs Division operates under the **Consumer Protection and Safety Act of 1985, Chap 82:34** and the **Trade Description Act of 1984, Chap 82:04**. Although, food is not considered to be a "Good" under the **Consumer Protection and Safety Act, Chap 82:34 Section 21(1)** of that Act, provides that,

“ ... Where the Director has reasonable grounds for believing that the person carrying on business has in the course of that business persisted in a course of conduct which –

(a) is detrimental to the interests of consumers in Trinidad and Tobago, whether those interests are economic interests or interests in respect of health, safety or other matters, ...

the Director shall use his best endeavours, by communication with that person or otherwise, to obtain from him a satisfactory written assurance that he will refrain from continuing that course of conduct and from carrying on any similar course of conduct in the course of that business.”

62. In view of the above, it was submitted that the said Director had investigative powers in matters regarding food. Notwithstanding this, the Ministry of Trade and Industry refers matters relating to food safety to the Ministry of Health.
63. Moreover, the Committee was informed by the Ministry of Trade and Industry that a Draft National Consumer Policy was near completion and will be submitted to Cabinet for consideration.
64. The **Animal (Diseases and Importation) Act Chap 67:02** particularly Part 15 of the Sixth Schedule, stipulates that poultry may only be imported from the specific countries identified, namely, Antigua, Australia, Barbados, Belize, Canada, Denmark, Jamaica, Montserrat, the Netherlands, New Zealand, Northern Ireland, St. Kitts and Nevis and Angola.

Protection standards for consumers

Mandatory Operational Standards¹⁷

65. There is no mandatory operational policy within the poultry industry in Trinidad and Tobago. As a result, the PATT partnered with various organizations including the Trinidad & Tobago Bureau of Standards, the Caribbean Regional Organization for Standards and Quality (CROSQ), the CPA and other international and hemispheric poultry groupings, to develop a Regional Standard for Poultry & Poultry Meats.

¹⁷ *Standards for the Protection of the Consumer*. Page 3 & 4. The impact of food fraud on the Poultry Industry of Trinidad & Tobago 10June2016 pdf.

66. The proposed standard was benchmarked against international best practice. The initial stage produced the (CRS 28:20XX) this was approved at the 35th Meeting of the Trade COTED on 11 December 2012. For the benefit of persons reading this report, it should be noted that CROSQ Standards are not mandatory for engaging countries. Each participating country would need to implement the standard.
67. It should also be noted, that this standard in the case of Trinidad & Tobago, has been approved by the Chemistry Food & Drugs Division of the Ministry of Health, for implementation, and the standard has been forwarded for legal drafting.

Steps Taken by the Ministry of Health to assure Consumers of Food Safety and Food Quality¹⁸

68. Representatives of the Ministry of Health informed the Committee that foods which are high risk are normally tested upon the receiving of each shipment. The following steps are usually taken when meat and other high risk products are imported:
 - i. The importer must receive an Importer Permit from the Ministry of Agriculture- the permit would indicate that the product is free of diseases.
 - ii. The chemical composition and microbiological content of the product is tested by the Ministry of Health, Food and Drugs Division. Several documents are required from the importer including, certificates of analysis and certificates of origin.
 - iii. Full compliance with **Regulation 16 of the Foods and Drugs Act**-i.e.: All imported food products should be properly labelled. The Brand name of a product, the common name of the product, the net weight of the product, the full and complete address of the manufacturer. In essence, preservative levels and meat contents, that is, the protein content for meat products must reflect the standards as indicated on the labels.
 - iv. Visual inspections are conducted by inspectors at warehouses or at ports of entry on the product to determine its safety condition. For example, canned products are scrutinized if they are dented or bloated before and after they are placed on the supermarket shelves.

¹⁸ Unrevised Verbatim Notes May 20 2016

Policy for Genetically Modified Organisms (GMOs)

69. The Committee noted that the Ministry of the Attorney General and Legal Affairs is examining the issue of Genetically Modified Organisms (GMOs). Some countries have implemented legislative and policy measures to control GMOs, such measures ranging from countries which have banned GMOs for example Russia, and those which have restricted GMOs for example Canada and countries within the European Union (EU). At this time, Trinidad and Tobago has not taken a policy position on GMOs.

FINDINGS

70. The Committee took particular note of the current shortcomings of the Food and Drugs Act concerning the issue of food fraud. Although the provisions of the Food and Drugs Act can be interpreted as being applicable to the issue at hand, the legal standing for addressing the matter may be considered inadequate. Additional legislative provisions are needed to:
- i. Clearly define the term food fraud and establish its parameters as an offence;
 - ii. Designate a body with a mandate to regulate, prevent and detect this practice
 - iii. Establishing of commensurate penalties for food fraud and its associated offences;
 - iv. Provide for the making of subsidiary legislation (Regulations/Orders) for the effective execution of these legislative provisions.
71. The Committee noted with concern that the Ministry of Health had adopted a relatively lenient approach in its attempt to encourage compliance with the provisions of the Food and Drugs Act. The fact that there were scenarios where the Ministry had detected breaches of the legislation and determined that legal action was not necessary is troubling.¹⁹

¹⁹ The Committee learned that the CFDD would issue written notices and warnings to companies/persons in breach of the Act rather than legal action due to the fact that they deemed the legal process as a very lengthy one.

72. With respect to labelling requirements for food products, it was noted that contrary to international standards, the Food and Drugs Act does not require nutritional facts as a minimum standard for label content. The Committee was informed that enforcing such a requirement will necessitate an expansion or boosting of the capacity of the CFDD to conduct the necessary tests to verify declarations made on labels.
73. Arguably, the Ministry's failure to implement/enforce the existing law, promoting greater public compliance may have contributed to the growth of practices capable of being classified as food fraud in this country. **In the face of obvious breaches of law, a public body, save for having a justifiable cause, ought not to have the discretion as to whether or not to report a matter to the police or pursue legal action.**
74. If the reason for non-reporting or non-pursuit of legal action is the lack of human and financial resources then this must be made clear.

OBJECTIVE 3: RECOMMENDATIONS FOR THE IMPROVEMENT OF STANDARDS IN THE LOCAL FOOD INDUSTRY (BOTH IN THE SHORT AND LONG TERM).

75. This section outlines the recommendations of the Committee further to the evidence submitted for its consideration. The Committee recommends that:
 - a) **The draft food safety policy developed by the Ministries of Agriculture and Health should be widely circulated to members of the public for comment.**
 - b) **Arising out of the policy referred to at (a) documented standards must be drafted to guide the inspectorate. These standards should meet international standards but where appropriate, be tailored for this jurisdiction.**
 - c) **In the interim, there must be strengthening of co-ordinating mechanisms amongst these agencies. In this regard, a Memorandum of Understanding (MOU) should be constituted within 3 months from the date of presentation of this report between the Ministry of Health, the Ministry of Trade and**

Industry (in particular the Consumer Affairs Division), the Customs Division and the Ministry of Agriculture, Land & Fisheries to facilitate more feet on the ground, given the limited resources that may be available to individual departments.

- d) Food products even if they are manufactured by small local producers, must be adequately labelled and sealed. The labels should indicate the amount of sugar, sodium and preservatives used in the product. Labelling of food products must be in English and the necessary laws and or regulations should be amended to reflect this.**
- e) The Ministry of Health within one (1) month of the presentation of this report should commence consultations with other relevant stakeholders with a view to formulating amendments to the Food and Drugs Act, which would make adequate provision, and provide a clear definition of the concept of food fraud, refine offences and ascribe penalties associated with food fraud and provide provisions for genetically modified organisms (GMOs).**
- f) In addition, there must be a regulatory framework to assess pesticide residue in fruit and vegetables.**
- g) The Ministry of Health in collaboration with the Consumer Affairs Division, pending the drafting and enactment of legislative provisions concerning food fraud, shall implement a public relations campaign for the purpose of alerting the public about detecting instances of food fraud and how to report apparent cases of food fraud.**
- h) A Food Advisory Committee be established to set policies to encourage supply chain transparency and simplification. When the supply chain is transparent, upstream traceability is improved.²⁰**

²⁰ *Food Fraud prevention process. Pp 14-* Accessed on July 28, 2016. Food Fraud prevention booklet(Nestle).pdf

- i) A food fraud management system be put in place as a mitigation strategy.²¹**
- j) A supplier audit program²² be adopted, since it is one of the single best strategies for deterring economic adulteration.**
- k) There must also be regular audits of customs approvals for food imports and quality controls of food manufacturing and food processing plants.**
- l) The Ministry of Health should expedite and complete the implementation process of the Poultry & Poultry Products Specification as approved by the 35 COTED;**
- m) The Minister of Finance mandates the Customs and Excise Division, to release, quarterly reports containing key information such as the tariff number, details of the shipment and other pertinent documents which the agency sees fit and which are consistent with international best practice. These reports will enhance transparency in the operation of C&E Division and may act as a check and balance as they would be subject to public scrutiny.**
- n) The amendment of the Food and Drugs Act to include provisions which empower the Minister to make regulations for the direct application of approved international standards such as the Codex Alimentarius Commission or any other competent body²³.**

²¹ A selected set of mitigation measures aimed at preventing food fraud in a given supply chain

²² More targeted examination may be carried out by auditors during audits at a specific raw material production/handling site. For example on a meat production site – auditors may detect the presence of unapproved flavors, dyes or preservatives in the production and/or storage areas. On a poultry production site – auditors may look for the presence of equipment used to inject brine.

²³ Responses from the Ministry of Health on food fraud pdf.

- o) Annual audits of manufacturing facilities must be performed by both Public Health Authorities and Veterinary Public Health (applicable to livestock and poultry processing facilities only). These audits are necessary in order to ensure manufacturing facilities are properly registered and comply with requirements for Export²⁴.**
- p) Fixed standards for food products must regulate the production and processing of food and there must be mechanisms in place to ensure compliance. This has the potential to enhance our competitiveness in foreign markets.**
- q) The establishment of an operational and certified food testing laboratory at the Chemistry Food and Drugs Division (CFDD) for the purpose of testing products suspected of food fraud or any other seized products that may be unfit for human consumption.**
- r) With respect to the renovation of the CFDD's laboratory facilities, we recommend that:**

 - i. the Ministry prioritize the renovation of the laboratory. The Ministry of Health must provide Parliament with an update on the status of the works on the lab within four (4) months following the presentation of this report.**
 - ii. The necessary Health and Safety systems must be installed in the building. This should include fire suppression systems and fire escapes.**
 - iii. Given the generally poor conditions of the building designated as the laboratory of the CFDD, the renovation should be considered an interim resolution. It is recommended that a modern facility be identified to house the test labs of the CFDD.**

²⁴ *Ibid.*

- s) The old building which housed the Chemistry and Food and Drugs Laboratory and which is currently being refurbished, seems to be unsuited for its purpose. Its location makes it difficult to access for the majority of the population. The length of time for which this Division which falls under the Ministry of Health, has been inoperative is unacceptable. The site visit to CARIRI highlighted the high standard of the Institute's facilities. As such, consideration should be given to collaboration with CARIRI to ensure that tests which are necessary to ensure that public health and safety issues are prioritized and are done in a regulated and professional environment.
- t) Given the costs associated with acquiring the technical services of CARIRI consideration should be providing a financial facility to assist farmers or small business owners in paying for tests at CARIRI.
- u) Given that only twenty (20) percent of imports are scrutinized at our ports of entry, spot checks at retail outlets or groceries and other places where imported packaged foods items are sold is imperative.
- v) Consideration should be given to mandating the Trinidad and Tobago Bureau of Standards as the official inspectorate for food products.
- w) The public must be alerted in a timely manner about products which are found to be unsuitable for human consumption.
- x) As food manufacturing technology is constantly evolving, the training of staff of the CFDD must keep pace with these advancements. As such, it is recommended that arrangements be made to expose chemists and biologists of the CFDD to the most up-to-date training opportunities. In this regard, collaborations with CARIRI should be explored
- y) Interagency collaboration must be fortified through constant information sharing and the use of ICT

- z) Training of Inspectors on how to deal with detected contraventions of the Act so as to increase prosecutions and ensure that offending items are not simply returned to shelves.**

The Committee respectfully submits the foregoing for the consideration of the Parliament.

Ms. Sophia Chote, SC
Chairman

Mr. W. Michael Coppin
Vice-Chairman

Mr. Clarence Rambharat
Member

Mr. Wayne Sturge
Member

Dr. Lovell Francis, MP
Member

Ms. Marlene McDonald, MP
Member

Mr. Randall Mitchell, MP
Member

Mr. Prakash Ramadhar, MP
Member

May 15, 2017

APPENDIX I

Table 1. Persons that Entered an Appearance and Provided Oral Evidence

NAME OF OFFICIAL	PORTFOLIO	ORGANIZATION
Public Hearing held on May 20th 2016		
Ms. Donna Ferraz	Permanent Secretary	The Ministry of Health
Dr. Clive Tilluckdharry	Chief Medical Officer (Ag.)	The Ministry of Health
Mr. Adrian Mc Carthy	Chief Chemist & Director, Chemistry, Food and Drugs Division	The Ministry of Health
Mr. Farz Khan	Food and Drugs Inspector II	The Ministry of Health
Mr Christopher Saith	Chief Public Health Inspector	The Ministry of Health
Mr. Norris Herbert	Permanent Secretary	The Ministry of Trade and Industry
Mr. Dexter Morgan	Director, Consumer Guidance and Protection	The Ministry of Trade and Industry
Ms. Feroza Matthew	Senior Research Officer	The Ministry of Trade and Industry
Ms. Sandra Peter-Sarabjit	Senior Project Analyst (Ag.)	The Ministry of Trade and Industry
Mr. Theodore Reddock	Executive Director	Trinidad and Tobago Bureau of Standards
Ms. Adrienne Stewart	Standard Officer (Standards Written Division)	Trinidad and Tobago Bureau of Standards
Mr. Gerald Maxwell	Head Implementation Division	Trinidad and Tobago Bureau of Standards
Public Hearing held on June 17th 2016		
Mr. Glen Singh	Comptroller (Ag.)	Customs and Excise Division
Ms. Kathy Ann Matthews	Deputy Comptroller	Customs and Excise Division
Ms. Shirley Sheppard	Senior State Counsel	Customs and Excise Division
Mr. Robin Phillips	President	Poultry Association of Trinidad and Tobago
Dr. Desmond Ali	Executive Director (Caribbean Poultry Association)	Poultry Association of Trinidad and Tobago
Dr. Mahindra Ramdeen	Chief Executive Officer	Trinidad and Tobago Manufacturers' Association
Mr. Peter Traboulay	Representative, Blue Waters	Trinidad and Tobago Manufacturers' Association

Public Hearing held on January 20th 2017

Dr. Muhammad Yunus Ibrahim	President	Supermarket Association of Trinidad and Tobago
Mr. Prakash Bhaggan	Committee Member	Supermarket Association of Trinidad and Tobago
Mr. Rajiv Diptee	Committee Member	Supermarket Association of Trinidad and Tobago
Mr. Shiraz Khan	President	Trinidad and Tobago Farmers' Union
Mr. Kent Vieira	Executive Member	Trinidad and Tobago Farmers' Union
Mr. Colvin Jacob	Trustee	Trinidad and Tobago Farmers' Union
Mr. Chervaughn Quow	Executive Youth Representative	Trinidad and Tobago Farmers' Union
Mr. Christian Jacob	Youth Representative	Trinidad and Tobago Farmers' Union



APPENDIX II

Site Visit Report to the Laboratory facilities at the CFDD and CARIRI on February 22nd 2017.

**Joint Select Committee on Finance and Legal Affairs
on Site Visits to Testing Laboratories: Chemistry Food and Drug
Division and Caribbean Industrial Research Institute
Conducted on February 22nd 2017**



Figure 1. The Chemistry Food and Drug Division



Figure 2. Caribbean Industrial Research Institute



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Draft Report on a site visit to Testing Laboratories: Chemistry Food and Drug Division (CFDD) and Caribbean Industrial Research Institute (CARIRI) held on Wednesday February 22, 2017 from 10:00 am to 1:00pm

Introduction

At a meeting held on Friday May 20, 2016, the Committee met with a team of officials of the Ministry of Health (MoH) pursuant to its *inquiry into food fraud in Trinidad and Tobago*. Prior to this meeting, the Committee acquired written submissions on the subject of the inquiry from the Ministry of Health.

Following the meeting with officials of the line ministry, the committee decided that it would be beneficial to acquire a first-hand perspective of the testing laboratory facilities for food products. Based on the suggestion of the Chairman of the Committee, two laboratory facilities were chosen.

The following Testing Laboratory Facilities were selected to be visited:

- i. the Chemistry Food and Drug Division (CFDD); and**
- ii. the Caribbean Industrial Research Institute (CARIRI).**

Report

1. The following members of the Committee participated in the site visits:

Members

- i. Ms. Sophia Chote, SC - Chairman
- ii. Mr. W. Michael Coppin - Vice-Chairman

The Committee was accompanied by the following Parliamentary officials:

- i. Mr. Julien Ogilvie - Secretary to the Committee
- ii. Ms. Shanice Ramdhan - Assistant Secretary to the Committee
- iii. Ms. Sacha Singh - Research Assistant
- iv. Mrs. Melissa Griffith - Communications Officer
- v. 2 Parliament Police Officers
- vi. 1 Chauffeur/Driver

Chemistry Food and Drug Division (CFDD), Ministry of Health, Port of Spain

Background information on the facility

The Chemistry Food and Drug Division (CFDD) of the Ministry of Health monitors all aspects of the importation, manufacture, storage, distribution, sale, fraud, and deception in labelling and marketing and the disposal of food and drugs (except antibiotics and narcotics).

Laboratory Services provided by the CFDD include:

- i. Analysis of food, drugs, cosmetics, (medical) devices for compliance with the Food and Drugs Act and Regulations to ensure safety, efficacy and fitness for use as intended;
- ii. Analysis of pesticides and toxic chemicals for compliance with the Pesticides and Toxic Chemicals Act and Regulations;
- iii. Analytical and advisory support to the Customs and Excise Division:
 - a. Alcohol content of alcoholic beverages to determine Excise Duty,
 - b. Analysis of other imported products to determine customs tariff classification;
- iv. Analytical and advisory support to the Director of Contracts to determine composition and efficacy to enable objective comparison of products during the tendering process.



Figure 3. Members view a laboratory room at the Chemistry Food and Drug

Members who visited the Chemistry Food and Drugs Division

- i. Ms. Sophia Chote, SC - Chairman
- ii. Mr. W. Michael Coppin - Vice-Chairman

Official from the Ministry of Health who were present at the Chemistry Food and Drugs Division

- i. Mr. Farz Khan - Chief Chemist and Director Food and Drugs
 - ii. Mr. Adrian McCarthy - Deputy Chief Chemist and Assistant Director
 - iii. Dr. Roshan Parasram - Chief Medical Officer
 - iv. Mr. Sterling Chadee - Deputy PS
 - v. Mr. Anthony Bailey - Facilities Manager
 - vi. Ms. Tamika Stewart - Change Coordinator
2. The contingents arrived at the facility at 9:53 a.m. and was greeted by the officials of the Ministry of Health.
3. A brief meeting was held with Members and officials of the Ministry of Health. Members were then supplied with protective clothing (hard hats and safety vests), before the tour of the facility commenced.



Figure 4. Members commencing the tour of the facility with officials from the Ministry of Health

4. During the tour of the facility, Members of the Committee posed questions to the officials.
5. The tour of the facility commenced at approximately 9:55 a.m. and was guided by Mr. Farz Khan and Mr. Anthony Bailey.
6. The tour began at the waiting room of the building and then proceeded to the laboratory facilities. The building consisted of areas allocated to a toxicology laboratory, an environmental laboratory, a food chemistry laboratory, a drug testing laboratory and a microbiology laboratory.
7. Members were shown the present conditions of the testing laboratory facilities.



Figure 5. The Toxicology Laboratory of the Chemistry Food and Drug Division



Figure 6. Laboratory facilities of the Chemistry Food and Drug Division



Figure 7. Second floor laboratories of the Chemistry Food and Drug Division

8. During the visit the following matters were discussed:

i. Laboratory Operations

- a. The Chemistry Food and Drugs Laboratory has not been operational since 2014;
- b. The interior and exterior of the building are undergoing refurbishment, therefore the laboratory is not currently functional;
- c. The building is not considered suitable for a modern laboratory;
- d. New additions will be made to the lab as a part of the refurbishment, these include a fire suppression system, instrument recalibration rooms and staff rooms for employees;
- e. There are 35 employees inclusive of laboratory and clerical personnel assigned to the CFDD, all employees possess an educational background in sciences at varying levels; and

- f. As at February 2017, the projected timeframe for the completion of refurbishments is approximately eight months, and full functionality of the laboratory is expected by the end of 2017.

ii. Laboratory Functions

- a. The laboratory facilities provide analytical support to the Division;
- b. Once renovated it is expected that:
 - the environmental laboratory will test for pesticide residue on raw foods;
 - the food chemistry lab will examine package integrity, ingredient testing and new product testing for food safety, regulation and standards;
 - the Drug testing laboratory will inspect pharmaceutical related issues;
- c. The CFDD does not engage in the verification of nutritional information on product labels; and
- d. The CFDD aims to comply with Canadian standards, CODEX standards and CROSQ standards.

iii. Access to Laboratory Services

- a. When the lab was functional it was utilised Mostly by large and small manufacturers; and
- b. The CFDD also accepts complaints from the public regarding the testing of food products.

iv. National Public Health Laboratory

- a. At present, the conceptual; framework for a National Public Health Laboratory facility is being developed. A potential location has been



identified and authorities are in the process of determining its feasibility; and

- b. It is projected that the National Public Health laboratory may be completed in approximately five (5) years.

v. Laboratory Samples

- a. Due to the laboratory's inoperative state since 2014, all samples at the lab are obsolete, as such there would be a need for resubmission of samples.

9. The visit was concluded at approximately 10:33am.

Caribbean Industrial Research Institute (CARIRI), St. Augustine

Background information on the Institute

The Caribbean Industrial Research Institute (CARIRI) was established in 1970 and provides services in the areas of:

- i. Laboratory and field testing;
- ii. Consulting;
- iii. Research and Development; and
- iv. Training.

Owned by the Government of the Republic of Trinidad and Tobago, CARIRI was established with the technical and financial assistance of the United Nations Development Programme (UNDP) and United Nations Industrial Development Organization (UNIDO).

Equipped with the most advanced equipment, CARIRI is highly capable of serving a wide range of industries including but not limited to: the petrochemical, biotechnical, environmental, manufacturing, agribusiness, tourism and ICT among others.



Figure 8. Members enter one of the laboratory rooms at CARIRI.

Members who were present at CARIRI

- | | | | |
|-----|-----------------------|---|---------------|
| i. | Ms. Sophia Chote, SC | - | Chairman |
| ii. | Mr. W. Michael Coppin | - | Vice-Chairman |

10. The contingent arrived at the location at 11:04am and was greeted by the Chief Executive Officer (CEO) of the Institute, Mr. Liaquat Ali Shah.
11. A brief meeting was held at the conference room of the facility, with Members and officials of CARIRI before the start of the tour.



Figure 9. Committee Members with Mr. Liaquat Ali Shah (CEO of CARIRI) and Mr. Robert Nunes (Programme Coordinator)

12. During the meeting, Members posed questions to the officials of CARIRI.
13. The tour was guided by Mr. Liaquat Ali Shah and officials of the Institute.
14. The tour began at the Chemistry Labs where members observed the media preparation room, then progressed to the main laboratory, the wash-up room, the incubation area and then the decontamination room.



Figure 9. Equipment and apparatuses in the Chemistry laboratory at CARIRI.



Figure 10. The Chairman views the equipment of a laboratory at CARIRI

15. During the visit the following matters were discussed:

i. Operations of CARIRI

- a. CARIRI has three sites: University of the West Indies (UWI) St. Augustine Campus, Macoya Industrial Estate and Freeport, Chaguanas;
- b. The staff complement at CARIRI comprise 180 personnel and 10 graduate trainees;
- c. The laboratory tests at CARIRI have international accreditation in accordance with the International Accreditation Service (IAS) (USA);
- d. CARIRI is an advisory body established by the Government of Trinidad and Tobago;
- e. CARIRI currently does all testing on behalf of CFDD: the Division may send food products with specifications of tests to be done; and
- f. Apart from the CFDD, CARIRI also does testing on behalf of the Ministry of Energy and Energy Industries (MEEI), private sector energy companies and for various industries.

ii. Laboratory Facilities

- a. CARIRI is capable of assessing and screening pharmaceutical drugs for active ingredients in accordance with the International Method found in the US Pharmacopeia;
- b. CARIRI uses traditional methods of testing for better reliability and credibility;
- c. Clients may wait a maximum of 10 working days to receive test results; and
- d. Typical tests conducted in the chemistry laboratories include:
 - i. Sugar analysis,
 - ii. Alcohol content analysis;

- iii. Food analysis;
- iv. Nutritional facts analysis;
- v. Soil-testing;
- vi. Organic content tests;
- vii. Water quality and contamination; and
- viii. CDAP active ingredient testing.

CARIRI also engages in calibration and nutritional profiles of food products. To safeguard testing equipment, only low fat samples are used for testing.

iii. Access to Laboratory Services

- a. All testing done by the laboratories are client generated. CARIRI currently has over 2000 client contracts, excluding large projects. Individuals who wish to test products of clients must obtain written permission from the respective client.

iv. Trends in requests for food testing in the last 2 years

- a. While there were no increases in one specific type of food testing, the Committee members were informed that there have been increased testing requests for issues relating to the shelf life of food products, preservative levels and microbial levels of food products.

v. Enforcement of compliance

- a. CARIRI is an advisory body and is not categorized as a regulatory body, as such the Institute's role is limited to advising clients.

vi. Regulations

- a. Officials of CARIRI agreed that the provisions of the Food and Drugs Act, Chap. 30:01 (1960) and the Public Health Authorities Act,

Chap. 29:05 (1994) (relative to food standards) were obsolete and only outlined basic or minor requirements which do not adhere to international standards. Thus, it was suggested that the relevant regulations be revised to increase food safety.

vii. Imported Goods

- a. The issues pertaining to imported good requirements was also highlighted. Members of the Committee were informed that CARIRI is currently in discussion with the Ministry of Health to provide testing on imported goods. In this regard, the Members were advised that on Tuesday February 21st 2017, the Ministry of Health and the Institute agreed to a Memorandum of Understanding with respect to this issue.
- b. CARIRI recommended that a Food Safety Audit should be received from approved institutions regarding imported foods. It was also proposed that the importing party may request that a Certificate of Analysis should accompany imported foods and random testing should also be done.

viii. Foods with Organic content

- a. It was highlighted that there is no existing organic certification or regulatory bodies which address organic content issues in food products. Hence, there is a dependence on the due diligence of supermarkets to ensure no pesticides are used in “organic” food products. It was also noted that fraud in the organic food industry is a global issue.

ix. Potential health issues with frozen poultry

- a. The Members raised the issue of old frozen poultry that was unfit for human consumption being sold in Trinidad and Tobago. In response, the officials of CARIRI stated that this matter was not referred to the Institute. Moreover, CARIRI informed the Members that the Institute is not allowed to send raw poultry samples to U.S. laboratories for testing. Alternatively, swabs can be sent. As a result, the institute is investigating Latin American laboratories for possible swab testing of poultry products.

16. Subsequent to the tour of the facilities, Members reconvened at the conference room with the officials of the institute for closing questions and refreshments.

17. The visit was concluded and the contingent departed at approximately 12:38 pm.

Committees Unit
Updated March 08, 2017

APPENDIX III

MINUTES OF PROCEEDINGS

MINUTES OF THE SIXTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6 AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD PORT OF SPAIN ON MAY 20, 2016

PRESENT

Ms. Sophia Chote, SC	Chairman
Mr. W. Michael Coppin	Vice-Chairman
Mr. Clarence Rambharat	Member
Dr. Lovell Francis, MP	Member
Mr. Randall Mitchell, MP	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Assistant Secretary
Ms. Roxanne Fournillier	Research Assistant

ABSENT

Ms. Marlene Mc Donald, MP	Member
Mr. Prakash Ramadhar, MP	Member
Mr. Wayne Sturge	Member

REPRESENTATIVES OF THE MINISTRY OF HEALTH

Ms. Donna Ferraz	Permanent Secretary
Dr. Clive Tilluckdharry	Chief Medical Officer (Ag.)
Mr. Adrian Mc Carthy	Chief Chemist & Director, Chemistry, Food and Drugs Division
Mr. Farz Khan	Food and Drugs Inspector II
Mr Christopher Saith	Chief Public Health Inspector

REPRESENTATIVES OF THE MINISTRY OF TRADE AND INDUSTRY

Mr. Norris Herbert	Permanent Secretary
Mr. Dexter Morgan	Director, Consumer Guidance and Protection
Ms. Feroza Matthew	Senior Research Officer
Ms. Sandra Peter-Sarabjit	Senior Project Analyst (Ag.)

REPRESENTATIVES OF THE TRINIDAD AND TOBAGO BUREAU OF STANDARDS

Mr. Theodore Reddock	Executive Director
Ms. Adrienne Stewart	Standard Officer (Standards Written Division)
Mr. Gerald Maxwell	Head Implementation Division

COMMENCEMENT

1.1 The Chairman called the meeting to order at 9:57 a.m.

CONFIRMATION OF MINUTES OF THE FIFTH MEETING HELD ON APRIL 15, 2016

- 2.1 The Chairman invited Members to consider the Minutes of the 5th Meeting held on April 15, 2016 and inquired whether there were any amendments.
- 2.2 Mr. Mitchell indicated that he had requested to be excused from the 5th meeting and requested that it be reflected in the Minutes. The Committee agreed to the amendment.
- 2.3 The motion for the confirmation of the Minutes was moved by Dr. Francis and seconded by Mr. Coppin.

MATTERS ARISING FROM THE MINUTES OF THE FOURTH MEETING

3.1 The Chairman highlighted the following matters arising from the Minutes:

- i. **Item 4.1 iv, page 4** – a response was received from the Property and Real Estate Services Division (PRESD). The response was circulated to Members via email on May 02, 2016; and
- ii. **Item 5.6 page 3** – correspondence was sent to the following entities requesting comments on the issue of food fraud:

- Caribbean Industrial Research Institute (CARIRI) (*Comments received*);
- Customs and Excise Division (*Comments received*);
- Trinidad and Tobago Manufacturers Association; and
- Trinidad and Tobago Farmers' Union (*Comments received*).

3.2 The Chairman enquired whether there were any other matters arising from the Minutes. No other matters were raised by members.

CONSIDERATION OF DRAFT REPORT ON AN INQUIRY INTO CRIMINAL CASE FLOW MANAGEMENT

4.1 The Chairman indicated that a draft report on the Committee's inquiry into criminal case flow management in the Judicial System was prepared and circulated by the Secretary. She requested that Members consider the draft report and submit comments on the draft to the Secretary, who will in turn circulate the comments received.

4.2 The Committee agreed that comments should be submitted by June 03, 2016. However, an extra two days would be available to members who wish to contribute but require additional time.

PRE-HEARING DISCUSSIONS

5.1 The Chairman advised Members that representatives from the following entities were expected to appear before the Committee at the public hearing later:

- the Ministry of the Health including officials of the Chemistry, Food and Drugs Division;
- the Ministry of Trade and Industry including officials of the Consumer Affairs Division; and
- the Trinidad and Tobago Bureau of Standards.

5.2 The Chairman inquired whether Members received the *Issues Paper* prepared by the Secretariat based on the submissions received. Members responded in the affirmative.

5.3 The Committee decided the following Members will lead the round of questions directed to the relevant entities:

- Mr. Rambharat – the Ministry of Health;
- Dr. Francis – the Ministry of Trade and Industry; and
- Mr. Coppin – the Trinidad and Tobago Bureau of Standards.

OTHER BUSINESS

Next Meeting of the Committee

6.1 The Committee agreed that its next Meeting will be held on Friday June 17, 2016.

Suspension

6.2 The meeting was suspended at 10:08 a.m.

[Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor]

6.3 The meeting resumed (*in public*) at 10:17 a.m. in the J. Hamilton Maurice Room.

PUBLIC HEARING

7.1 The Chairman welcomed officials of the Ministry of Health, the Ministry of Trade and Industry and the Trinidad and Tobago Bureau of Standards.

7.2 The Chairman proposed that the Committee will speak to each entity individually, commencing with the Ministry of Health followed by the Ministry of Trade and Industry and then the Trinidad and Tobago Bureau of Standards (TTBS).

7.3 The Chairman acknowledged the receipt of written submissions from the following entities:

- the Ministry of Health;
- the Ministry of Trade and Industry;
- the Caribbean Industrial Research Institute (CARIRI);
- the Customs and Excise Division; and
- the Trinidad and Tobago Farmers' Union.

7.4 Introductions were exchanged.

Discussions with officials of the Ministry of Health

7.5 The Permanent Secretary made an opening statement.

7.6 Detailed hereunder are the issues/concerns/queries raised and the responses proffered:

(i) Standards related to food products and labelling

Safety

- a. The Food and Drugs Act and its Regulations were created to assist in controlling food safety and quality. The Act established general standards for food that must be met to ensure it is safe and of good quality.
- b. The safety of meat products is controlled by the Chemistry, Food and Drugs Division (CFDD) and the Animal Health Division of the Ministry of Agriculture, Land and Fisheries. The Animal Health Division is responsible for the disease aspect of safety control while the chemical and microbiological composition is the responsibility of the CFDD.
- c. Products, such as corned beef, that are imported into the country have to meet the requirements established in the Food and Drugs Act and the Animals (Diseases and Importation) Act.
- d. In order for an imported product to receive approval, the importer must obtain an import permit from the Ministry of Agriculture, Land and Fisheries. This import permit will indicate that the product is disease free as a condition for obtaining the permit. The importer is required to produce several documents to the CFDD including a certificate of analysis and a certificate of origin. These certificates determine the quality and safety of the product.
- e. In addition to the certificates that accompany the shipment of products, a visual inspection is done to determine its condition. Inspectors will go to warehouses and ports of entry to conduct visual inspection. Special attention is given to canned products as dented cans is a major issue if they become bloated.
- f. In the testing of the product, certain requirements must be met such as preservative levels, meat content and protein content. The criteria used by the CFDD for testing is



relative to the food item. The CFDD conducts a range of microbiological analysis including *e coli coliform*, *staph aureus* and *salmonella*. Meat products, canned products and low acid foods are red flagged as high risk therefore every shipment would usually be tested. Products are also red flagged if it is being sold at a highly discounted price.

- g. Testing was done at the CFDD's laboratory, however, the laboratory has not been operational since May 2014. Thus testing is currently done by CARIRI and the veterinary laboratory at Mt. Hope.
- h. The CFDD's laboratory had health and safety issues as the building was very old and was closed as a result. The laboratory is currently being refurbished and the finalisation of laboratories on the Caribbean Public Health Agency (CARPHA) compound in Federation Park is almost completed after which inspections will be carried out by the relevant regulatory agencies. The Ministry expects the process to be completed in approximately 6 weeks.
- i. As a result of the CFDD's laboratory is not functioning, the CFDD uses the concept of equivalence whereby when a certificate is issued by an entity outside of Trinidad and Tobago, the CFDD assumes that all the required checks and balances would have been done by that entity. The Ministry stated that while the results may need to be verified, there was no system in place to confirm the information stated on the certificates.

Standards

- j. There are standards or regulations for several food products in the Food and Drugs Act. These regulations list the specific criteria these products must meet. Regulations are created over a period of time and includes a consultation process with the National Food Advisory Committee.
- k. There are some food products that there are no regulations for such as coconut water. Notwithstanding, there are requirements in terms of safety criteria for products that do not have specific regulations.
- l. The CFDD informed of a situation where a product was being sold as coconut water but was totally artificial and did not meet the requirements as per the regulations to be called "coconut water". The company producing the product was a local company and the CFDD conducted an inspection of the company's processing facilities. The

CFDD had notified the manufacturer of its observation, the contraventions and taken action to remove the product from the market. The product was then relabelled by the company as “coconut”.

- m. The CFDD stated that it did not make a public announcement regarding the product as there were some legal issues involved that were under consideration

Labelling

- n. Section 16 of the Food and Drugs Act contains the labelling requirements for all food products. This section requires that labels carry the brand name of the product, the common name of the product, the net weight and the full and complete address of the manufacturer.
- o. On a product’s ingredient listing, components of the product are listed in descending order according to the quantity contained in the product. Currently, the regulations does not require nutritional facts to be stated on labels.
- p. There are allowances in the regulations for products to be labelled in a foreign language if the product originates from a country where English is not the native language. However, it is mandatory for the labelling to contain an English description. Nonetheless, there have been complaints from consumers regarding the absence of English language as the English description is sometimes inconspicuous.
- q. The labelling of imported food items is monitored through label evaluations conducted at ports of entry. If a label evaluation was not conducted at a port of entry and the shipment was released, an Inspector will visit the warehouse where the shipment is being held and determine whether the product is in compliance with labelling provisions.
- r. If any products are discovered during surveillance that do not have an English description, it can be removed. In most instances, the owner of the premises is asked to remove the product as if the product is seized it will be taken to the Medical Officer to certify destruction and then destroyed.
- s. Most owners who are asked to remove products usually comply but there has been isolated instances where the products are removed on request but then placed again on shelves for sale. There have also been instances where the distributor will move the product from one outlet and place it at another outlet.

(ii) The number of individuals prosecuted for contravening Section 6 of the Food and Drugs Act

- a. The Ministry of Health has a legal department but there has been no prosecution of persons who contravened Section 6 of the Act as the process is very lengthy.
- b. The approach taken regarding persons that contravene the Act is that they are warned and if they persist further action such as confiscation may be taken. Most persons after being warned would comply with the Act.
- c. There have been efforts by the Ministry of Health to strengthen the CFDD so it can carry out its mandate more effectively. The Ministry stated that the CFDD has a responsibility to educate consumers on food safety and this is an area the Ministry was giving urgent consideration. The Ministry had also recently received an interim report from an internal team that considered ways in which the CFDD could be strengthened.
- d. Examples of unscrupulous practices that have been noted by the Ministry include; milk containing melamine, honey containing added sugar, seafood being inaccurately labelled.
- e. The incident regarding milk containing melamine occurred in 2008. The CFDD was informed by the United States of America about the incident and took necessary action such as preventing the importation of products from a specific country and seizing products that may have entered prior to being informed of the incident.

(iii) The number of random samples done at ports of entry

The Ministry stated that it will provide details of the number of random samples taken at ports of entry over the past 5 years and the number of breaches discovered from these random samples in writing.

(iv) Remit of Public Health Inspectors

Public Health Inspectors are required to register all food outlets and food handlers annually. Routine inspections are done on all food premises. Routine food and water sampling have been taken. The number of food samples taken in 2013 was 1, 467 and in 2014 was 2, 459. The number of water samples taken in 2013 was 1, 104 and in 2014 was 1, 159. Given the number of food premises, the laboratory is not capable of testing all products and testing is done based on complaints received.

(v) Action taken on food items containing misleading or inaccurate details on its label

If the Division received a complaint about a labelling infraction, the CFDD will visit the premises where the product was purchased. If the product is a local product, the producer's facilities will be examined to evaluate and determine the food safety system and the quality management system.

(vi) Mechanisms in place to ensure the safety of food products

- a. There are a number of organizations that provides alerts to Trinidad and Tobago such as the International Food Safety Authorities Network (INFOSAN) and the Pan American Health Organization (PAHO). INFOSAN does continuous surveillance and provides alerts to member countries about products that are likely to be unsafe.
- b. The CFDD is heavily reliant on Government Certificates, Health Certificates, Certificates of Analysis, Free Sale Certificates, Aflatoxin Certificates and Phytosanitary Certificates to determine compliance and the safety of food products.
- c. The Ministry of Trade and Industry has launched the eBizLink which allows different Ministries and agencies to be privy to cargo content.

(vii) The avenues for receiving complaints and treating with these complaints

- a. All complaints received are addressed in a strict and urgent manner. Complaints regarding food safety are usually addressed within a week and follow up action is generally done.
- b. Complaints can be made to the CFDD (via email [cfdd@health.gov.tt] or a telephone call), County Medical Officers, Public Health Departments and District Officers. Complaints can also be made to the Corporate Communications Department of the Ministry of Health (via email [corporatecommunications@health.gov.tt]). All complaints received are forwarded to the legal department of the Ministry of Health for advice.
- c. One of the issues encountered when conducting tests on food products that are unsealed is the possibility that the product may became tainted after being opened.
- d. A Member inquired whether the Ministry could agree with a more decentralised system, where a local government body could be the first responder to complaints. The Ministry of Health stated that decentralisation can result in a greater degree of

customer satisfaction. The Ministry further stated there has been discussions about decentralisation and a paper is being prepared for the consideration of the line Minister.

(viii) Responsibility for scrutinising wonder drugs and herbal products

- a. The Ministry of Health is responsible for ensuring that products being sold are legitimate.
- b. There are a number of wonder drugs on the market and most of them have satisfied the requirements to be imported. However, the public needs to be educated that healthy eating along with exercise is the basis for a long life.

(ix) The Ministry's position on expired food products

All products that are imported, labelled or packaged are required to have an expiration date. If an Inspector discovers expired food products during surveillance, the products are seized. However, the Committee was informed of a scenario where the expired product was being held by a retailer in order to make claims to manufacturers. Under such circumstances a retailer may be permitted to keep the expired product on the condition that it is removed from their shelves.

7.7 The meeting was suspended at 11:35 a.m.

7.8 The meeting resumed at 11:38 a.m.

Discussions with officials of the Ministry of Trade and Industry (MoTI)

7.9 The Permanent Secretary made an opening statement.

7.10 Detailed hereunder are the issues/concerns/queries raised and the responses proffered:

(i) Information available to consumers to assist in making consumption choices

- a. The Ministry stated that there is not enough information on food safety and standard available to consumers. As such, the Ministry has collaborated with the CFDD in conducting various outreach programmes during the World Consumer Rights Day

2015 as historically the Ministry would depend on the Ministry of Health to transmit information.

- b. Any information the Ministry is in receipt of it seeks to share although it has limited information channels. There was an alleged instance where frozen chicken was being dumped in the country. The frozen chicken was purchased, thawed and then sold as fresh chicken. When the Ministry received this information it was brought to the attention of consumers.
- c. When queried whether there are any legal barriers preventing the Ministry from ensuring that consumers were aware of the amount of sugar in soft drink, the Committee was advised that the Ministry of Health was the competent authority on that matter. The Ministry provides general information to consumers to raise awareness of possible instances of food fraud. It cannot name specific companies because there is the possibility of legal ramifications.

(ii) How was the alleged dumping of chicken discovered and the action taken

- a) The incident was discovered through dialogue with various interest groups in the poultry industry in 2014.
- b) The issue fell within the remit of the Consumer Affairs Division as the Division is mandated to have broad responsibility for consumer action whether it be related to food or not. Historically, food issues are lodged with or redirected to the CFDD but issues related to an entire industry are dealt with by the Consumer Affairs Division. Interactions between the Consumer Affairs Division and the CFDD are done on a selective basis.
- c) When the matter was brought to the attention of the Ministry, it was shared with Public Health Inspectors and the Ministry conducted an investigation. The Ministry was informed that poultry depots were one of the avenues where the dumped chicken were being sold. The Ministry visited several poultry depots but did not discover any of the thawed chicken product. However, there were consumers who claimed that they had purchased chicken parts that were unusually large in size. The Ministry stated that while it was a possibility that the situation had existed, it could not be proven.
- d) The Consumer Affairs Division conducted a public outreach session where discussions were held with community groups and a brochure containing tips on

purchasing chicken was produced. The brochure was distributed to the outlets visited by the Ministry and is also available online.

- e) The Ministry is currently in the process of developing standards for the importation of poultry in the region through a project known as the *Calidena* Project. This project is being done in collaboration with the TTBS, the Caribbean Poultry Association and the Government of the Federal Republic of Germany.

(iii) Whether the testing of food products could be shared between the laboratories of the TTBS and CARIRI

The TTBS does not have responsibility for food products. However, there should be collaboration between the Ministry of Health and the TTBS when standards are developed since the TTBS acts as the country's international representative in providing notification of local standards.

(iv) How does the MoTI ensure the origin of imported food products?

- a. The Ministry depends on a Certificate of Origin to determine the origin of a food product. There are a number of agencies that interact with the Customs and Excise Division and therefore there needs to be an integrated system between these agencies.
- b. The Ministry used the alleged incident of the dumping of chicken to outline why surveillance was necessary at different levels. The product may have been declared as frozen chicken at the ports of entry but after distribution there needs to be a system in place to monitor the outlets and what the product is being sold as.

(v) Treating with consumer complaints regarding food products

- a. The Consumer Affairs Division operates under the Consumer Protection and Safety Act and the Trade Descriptions Act. However, food is not considered to be a good under the Consumer Protection and Safety Act. Notwithstanding, Section 21 of the Consumer Protection and Safety Act allows for the Director of Consumer Guidance to investigate matters regarding food products.
- b. Complaints regarding food products are referred to the Ministry of Health and a memorandum of understanding has been established with the CFDD whereby collaborative work is done with respect to food products.

- c. The Consumer Affairs Division stated that the issue mentioned earlier regarding coconut water was brought to its attention. The complaint was forwarded to the Director of the CFDD, who informed that he was aware of the complaint. The Consumer Affairs Division was also informed that the product was removed and subsequent to this the Division conducted a test purchase of the product labelled coconut water and informed the CFDD where the product was purchased.

(vi) Products being sold with labels without an English translation and action taken by the MoTI to rectify this situation

- a. The Trade Descriptions Act was passed in 1984 and the Consumer Protection and Safety Act in 1985 and the Ministry stated that it recognized that there are gaps between these laws and the current realities. The Ministry had been instructed to design a National Consumer Policy by August 2016. The designing of the policy has already been completed and one of the issues raised in it is that all labels and instructions must be in the English language.
- b. The policy is before the Cabinet for consideration and if the policy is approved, the next step of the Ministry will be to prepare a legislative brief for it to become law.
- c. The MoTI indicated that currently there is nothing preventing the sale of an item labelled in a foreign language.
- d. The Ministry advised that standards for food are formulated differently compared to other products and would need significant input from the Ministry of Health. Labelling changes have to appeal to the domestic and international communities as products being exported have to conform to labelling requirements. A framework for food standards and labelling requires collaboration between the CFDD and the TTBS.

(vii) Interaction between state agencies and the Food and Drug Administration (FDA) of the United States of America

The MoTI stated that the Ministry of Health and the Customs and Excise Division were better placed to answer this query.

7.11 The meeting was suspend at 12:12 p.m.

7.12 The meeting resumed at 12:14 p.m.

Discussions with officials of the Trinidad and Tobago Bureau of Standards

7.13 The Executive Director made an opening statement.

7.14 Detailed hereunder are the issues/concerns/queries raised and the responses proffered:

(i) Merit in transferring responsibility for regulating the food industry to the TTBS

- a. The TTBS stated there is an overlap of concept between the TTBS and the CFDD and that any proposal to place the responsibility of regulating the food industry to the TTBS would require a great deal of consideration and discussion.
- b. The TTBS has recently been exploring the management of technical barriers to trade and realized that the food industry is connected to the relationship between the sanitary and phyto-sanitary measures and technical barriers to trade. Internationally, these areas are governed by the World Trade Organisation (WTO). Domestically, sanitary and phyto-sanitary measures would be under the jurisdiction of the CFDD and the Ministry of Agriculture, Land and Fisheries while the TTBS has jurisdiction over technical barriers to trade. These legislative arrangements would have been made before the WTO was established and therefore would not have considered the WTO's structural arrangement.
- c. Placing jurisdiction for sanitary and phyto-sanitary measures and technical barriers to trade under a single entity needs to be considered in attempting to modernise the local regulatory framework for the food industry.
- d. The TTBS stated that it had conducted workshops on sanitary and phyto-sanitary measures and technical barriers to trade with the relevant agencies and the report of these workshops will be provided to the Committee.

(ii) Collaborations between the TTBS and other bodies

- a. The TTBS and the Consumer Affairs Division collaborated on the Calidena Project. The TTBS became engaged in the project some years ago through its regional contacts as part of the implementation of the European Partnership Agreement (EPA) which had certain arrangements being made through the CARICOM Regional Organisation for Standards and Quality (CROSQ) and other arrangements being made directly in Trinidad and Tobago.

- b. The Calidena Project is an approach to examining the value chain of a particular industry to identify problems associated with quality. In attempting to explore the Calidena approach in Trinidad and Tobago, industries that had exporting potential but were not exporting at the time were supposed to be identified. The poultry industry came up as the most prominent industry with export potential. The TTBS is not active in the poultry industry but proceeded with the Calidena exercise in that area.
- c. The exercise is not directly governed by the TTBS and was intended to be an outreach activity. The TTBS hired an external consultant who collaborated with stakeholders in the poultry industry. The TTBS eventually convened a workshop with stakeholders in the poultry industry to consider quality issues. Arising out of the workshop, stakeholders in the poultry industry indicated they wanted to implement a regional standard for poultry.
- d. When the TTBS considered this proposal, it discovered that there was no mechanism for this standard to be implemented as there were some existing gaps in local legislation. This was evident from the absence of an agency that has direct responsibility for voluntary standards in the food industry. The TTBS indicated that there are International Organization for Standardization (ISO) standards with regards to food but the Food and Drugs Act does not address the issue of standards in a direct manner and the Food Advisory Committee (FAC) advises the Minister on standards but this cannot be interpreted as this committee is vested with responsibility for standards.
- e. The TTBS stated that standards are supposed to be voluntary although there are compulsory standards in Trinidad and Tobago. In general, standards are developed voluntarily and collectively by experts in a particular field or industry. Standards can be incorporated, implemented and enforced through regulations but this is not evident in the food industry in Trinidad and Tobago.
- f. The TTBS gave an example of a recently launched wiring code as an example of an agency adopting a standard.

(iii) Lessons learnt from by the TTBS as a regulatory body which may assist in regulating the food industry

- a. The TTBS stated that metrology standard and accreditation can be applied directly to laboratories and other inspection bodies involved in regulating the food industry.



- b. From its experience in implementing compulsory standards, the TTBS discovered that there is very little relationship between a product and its standards as some products may be simple but have complex requirements.
- c. The TTBS further stated that while there are requirements for inspection, local inspection regimes are limited and may lack the equipment and the processes to carry out inspection. The TTBS gave an example of DNA testing on meat being unavailable locally.

(iv) The link between the absence of food standards and the prevalence of lifestyle diseases in the country

The TTBS stated that it cannot give a definite answer as an investigation will have to be conducted into the matter. The TTBS views standards as being critical to the ability of a country to be sophisticated in its enforcement effort.

(v) The means by which the TTBS influences legislative changes

- a. The TTBS does not have a prescribed mechanism for encouraging legislative amendments. Nonetheless, it has ambitious concepts in influencing the legislative approach.
- b. As a result of the TTBS's work done on technical barriers to trade, it came across a system called Good Regulatory Practice which encourages the adoption of a project approach to the implementation and administration of legislation. This system requires that a regulatory impact assessment be conducted.
- c. The TTBS is represented on a number of governmental committees including the Food Advisory Committee which is responsible for reviewing regulations. The TTBS stated that the Food Advisory Committee is the sole avenue available for amending regulations related to food.
- d. The TTBS also chairs the sub-committee for labelling of organic foods. Organic foods is one of the categories that have a higher level of food fraud internationally. Locally, there is no testing done on organic foods to determine its authenticity. It was suggested that CARIRI may have the capacity to undertake such testing. The TTBS has the capacity to test for certain pesticides if required.
- e. In 2009, the TTBS had representation on the NAFSA Committee and prepared a position paper on food safety from primary production to consumption.

(vi) Prescribed standards for food in accordance with Section 7 of the Food and Drugs Act

- a. The TTBS suggested that the term “standard” is used loosely in the Act as it refers mostly to requirement and not necessarily a Standard. The CFDD does not develop standards. The CFDD develops regulation based on regional and international standards such as the Codex standards from the World Trade Organisation.
- b. The ISO standards are only used if there is no guidelines available through the Codex standards.
- c. There are a number of regional standards that Trinidad and Tobago has to approve through the Council for Trade and Economic Development (COTED) and adopt under the CROSQ Act which was proclaimed in 2005. Although there is a requirement to adopt these regional standards, there is no process in place to do so except by the CFDD applying the standards as regulations.

7.15 The Chairman thanked the witnesses for their attendance.

Requested information

8.1 The Committee requested that the Ministry of Health provide the following information in writing:

- i. the number of random samples done at ports of entry over the past 5 years and the number of breaches discovered from tests conducted on these random samples;
- ii. the existence of any legal barriers that prevents the Ministry from publicly disclosing information regarding the components and the quantity of each component in food products; and
- iii. Whether the Ministry interacts with the Food and Drug Administration (FDA) of the United States of America? Is so, outline the nature of past interactions with the FDA.

ADJOURNMENT

9.1 The meeting was adjourned at 12: 39 p.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

June 14, 2016

MINUTES OF THE SEVENTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6 AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD PORT OF SPAIN ON JUNE 17, 2016

PRESENT

Ms. Sophia Chote, SC	Chairman
Mr. W. Michael Coppin	Vice-Chairman
Mr. Clarence Rambharat	Member
Dr. Lovell Francis, MP	Member
Mr. Prakash Ramadhar, MP	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Assistant Secretary
Ms. Roxanne Fournillier	Research Assistant

ABSENT

Mr. Randall Mitchell, MP	Member (Excused)
Mr. Wayne Sturge	Member (Excused)
Ms. Marlene Mc Donald, MP	Member

REPRESENTATIVES OF THE CUSTOMS AND EXCISE DIVISION

Mr. Glen Singh	Comptroller (Ag.)
Ms. Kathy Ann Matthews	Deputy Comptroller
Ms. Shirley Sheppard	Senior State Counsel

REPRESENTATIVES OF THE POULTRY ASSOCIATION OF TRINIDAD AND TOBAGO

Mr. Robin Phillips	President
Dr. Desmond Ali	Executive Director (Caribbean Poultry Association)

REPRESENTATIVES OF THE TRINIDAD AND TOBAGO MANUFACTURERS' ASSOCIATION

Dr. Mahindra Ramdeen
Mr. Peter Traboulay

Chief Executive Officer
Representative, Blue Waters

COMMENCEMENT

1.2 The Chairman called the meeting to order at 9:22 a.m.

ANNOUNCEMENTS

2.1 The Chairman indicated that Mr. Mitchell and Mr. Sturge had requested to be excused.

CONFIRMATION OF MINUTES OF THE SIXTH MEETING HELD ON MAY 20, 2016

3.1 The Chairman invited Members to consider the Minutes of the 6th Meeting held on May 20, 2016 and inquired whether there were any amendments.

3.2 There being no amendments, a motion for the confirmation of the Minutes was moved by Mr. Coppin and seconded by Dr. Francis.

MATTERS ARISING FROM THE MINUTES OF THE SIXTH MEETING

4.1 The Chairman highlighted the following matters arising from the Minutes:

- **page 13, item 7.14 (i) d.**,- the Trinidad and Tobago Bureau of Standards provided the reports on the workshops that focused on sanitary and phyto-sanitary measures and technical barriers to trade. These reports were circulated to Members by email. The Chairman inquired whether Members were in receipt of the reports to which they replied in the affirmative.
- **page 15, item 8.1,** - correspondence was sent to the Ministry of Health requesting the additional information.

4.2 The Chairman enquired whether there were any other matters arising from the Minutes. No other matters were raised by members.

CONSIDERATION OF DRAFT REPORT ON AN INQUIRY INTO CRIMINAL CASE FLOW MANAGEMENT

5.1 After deliberations, the Committee decided that Members will be given an additional 2 weeks to consider and submit comments on the draft report.

PRE-HEARING DISCUSSIONS

6.1 The Chairman advised Members that representatives from the following entities were expected to appear before the Committee during the public hearing:

- the Customs and Excise Division;
- the Poultry Association of Trinidad and Tobago; and
- the Trinidad and Tobago Manufacturers' Association.

6.2 The Chairman advised members that the Committee received submissions from the Customs and Excise Division, the Poultry Association of Trinidad and Tobago, the Seafood Industry Development Company Limited and the Warnerville Grain Mills Group of Companies and circulated to Members. Members confirmed receipt.

6.3 The Chairman indicated that *Issues Papers* based on the submissions received from the Customs and Excise Division and the Poultry Association of Trinidad and Tobago were circulated for the attention of members.

6.4 The Chairman suggested that individual reports on Food Fraud in the different segments of the food industry may have to be prepared. She also posited that the findings of these reports could be linked to one of the Sustainable Development Goals.

6.5 A Member highlighted that this country had done some preliminary work on adopting a National Authority on Food Safety model, which is a globally recognised model. However, this initiative was discontinued in 2009. The Member suggested that legislation should be considered to allow for the creation of a single regulatory authority for food matters as well as for the Trinidad and Tobago Bureau of Standards (TTBS) to perform the functions of the Chemistry, Food and Drug Division (CFDD).

6.6 Members also highlighted the following issues regarding food fraud:

- permits issued by the Chief Technical Officer of the Ministry of Agriculture, Land and Fisheries does not treat with the actual components of food items that are being imported;
- the country's capacity to properly test food and drugs are unsatisfactory;
- according to the Pan American Health Organization (PAHO), 30% of absence from work is related to illness related to food consumption; and
- there is no regulation regarding organic food.

6.7 The Committee agreed that it will continue its inquiry into food fraud during the next session of Parliament and will seek to engage other stakeholders such as PAHO and the Supermarkets Association.

SUSPENSION

7.1 The meeting was suspended at 9:46 a.m.

[Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor]

7.2 The meeting resumed (*in public*) at 10:08 a.m. in the J. Hamilton Maurice Room.

PUBLIC HEARING

8.1 The Chairman welcomed officials of the Customs and Excise Division, the Poultry Association of Trinidad and Tobago and the Trinidad and Tobago Manufacturers' Association.

8.2 Introductions were exchanged.

8.3 The Chairman acknowledged the receipt of written submissions from the following entities:

- the Customs and Excise Division;
- the Poultry Association of Trinidad and Tobago;
- the Seafood Industry Development Company Limited; and
- the Warnerville Grain Mills Group of Companies.

8.4 Opening statements were made by:

- The Comptroller (Ag.) of the Customs and Excise Division;
- The President of the Poultry Association of Trinidad and Tobago; and

- The Chief Executive Officer of the Trinidad and Tobago Manufacturers' Association.

8.5 Detailed hereunder are the issues/concerns/queries raised and the responses proffered by the entities:

Discussions with officials of the Customs and Excise Division

(i) Measures in place to deal with issues related to mislabeling, misdescriptions and the physical quality of imported food

- a. The Customs and Excise Division ("the Division") is deeply concerned with issues of mislabelling and misdescription. The Division operates a shared electronic platform called TTBizLink. When a document is submitted by an importing party to the Division, certain governmental agencies have simultaneous access to key blocks of the information provided in the document. The agency will review the information provided and when the requirements for the transaction is satisfied, approval will be given for the Division to proceed with the transaction.
- b. The Division is responsible for receiving documents for import transactions but the responsibility for verifying whether item satisfies established standards lies with the government agency with responsibility for scrutinising the item. The main agencies the Division interfaces with include the CFDD, the Ministry of Health, the Plant Quarantine Service (Ministry of Agriculture, Land and Fisheries) and the TTBS.
- c. Based on the directions received from the relevant government agency, the Division may exempt a transaction from surveillance, release the shipment to a warehouse or hold the shipment for inspection. After the necessary approvals have been obtained, a Release Order is issued by the Division which permits the imported item to enter the country.
- d. The Division also submitted that its records includes a list of all the products that can be imported as well as the agencies which has responsibility scrutinising these products.

- e. The Food and Drugs Act provides for Food and Drugs Inspectors to examine customs entries, therefore these Inspectors have been included in the customs border control system.

(ii) Instances of attempts to import contaminated food

- a. In response to a question on whether the Division encountered instances of persons attempting to import contaminated food into the country, the Division stated research will have to be done to provide the information.
- b. The President of the Poultry Association stated that he was aware of a case where the United States Department of Agriculture's (USDA) website stated that a product called *poultry offal meal* was exported to Trinidad and Tobago during the period July 2014 to September 2014 at approximately 200 tonnes a month. The Office of the Chief Veterinary Officer would have to issue a health permit for the importation of such a product. However, when inquiries were made, the Office of the Chief Veterinary Officer advised that no permit was issued for the importation of that product and the Customs and Excise Division advised that their records do not indicate that this product was imported.
- c. The Poultry Association stated that it was aware of the tariff numbers assigned to the item in question (Poultry offal meal).
- d. In response, the Comptroller of Customs and Excise confirmed that his Division did receive information on this matter from the Poultry Association. However, he submitted that when an investigation was done, no evidence was found to prove that the product came to Trinidad and Tobago.

(iii) The quality of investigations carried out by the Division

- d. The Investigations Unit of the Division has competent persons but is depleted of resources. When an infraction is detected, specialists from the Division are sent to perform the necessary investigations.
- e. The Comptroller stated that the Division is severely understaffed. The Division requires 460 members of staff but is currently operating with 220.

- f. The Division took measures to increase its capacity but there was a temporary halt in the recruitment of additional employees..
- g. A suggestion was made that the Division should train a group of officers and assign them to deal specifically with food imports and exports. In response, the Comptroller stated that he agreed with the recommendation.

(iv) Whether food imports are safe

- e. The Division has embarked on adopting international trends in certain aspects of its work such as risk assessment and being intelligence based. The Division is attempting to determine how to treat with persons who are non-compliant with the necessary requirements of trade.
- f. Globally there are trusted trader programmes where authorised economic operators are given certain allowances to import/exports after being sanctioned. The Division is currently conducting a basic voluntary compliance programme with 6 of the larger importers in the country.
- g. The Division usually mobilises its resources to deal with influxes of food items so that they do not remain at the ports for a significant amount of time. The Division submitted that there has been no complaints about the measures instituted to deal with these influxes.

(v) Preventing the importation of food items labelled in languages other than English

- c. Given the volume of containers that enter the ports, it is impossible to examine all. The Division is aiming to examine between 20 to 25% of containers entering the country. There may be instances where products that are not examined by the Division are also not examined by the relevant governmental agency. In some instances, the agency may determine from reviewing the documents accompanying the item, that it has no reservations with the item.
- d. Larger importers present less risk and their freight may not be examined based on the criteria of the Division.

- e. If the Division examines a container and discovers food items labelled in foreign languages, it is brought to the attention of the agency responsible. In this regard, the Comptroller informed the Committee of an instance where an importer brought in sardines labelled in Spanish and the matter was referred to the CFDD. The shipment was stored in a warehouse and the labels had to be remade and affixed on each individual tin.

(vi) Claims that food is being imported from outside of the approved sources

- a. The Committee was informed that as it concerns the importation of poultry products, the Division is guided by the details of health certificates that accompany the poultry items and the permit issued by the Office of the Chief Veterinary Officer.
- b. The certificates are initially uploaded to the shared electronic platform but the original certificate has to be produced prior to delivery to the importing party. The Division currently does not have a system to authenticate these certificate

Discussions with officials of the Poultry Association of Trinidad and Tobago (PATT)

(i) Food fraud and imported poultry

- a. The Poultry Association indicated that the main source of imported poultry is the United States of America (USA). Farms in the USA harvest the breast and wing segment at a premium price and the leg and thigh segment becomes a by-product. 40% of the leg and thigh segment produced in the USA is consumed domestically and the remaining 60% is exported.
- b. Certain countries impose tariff barriers on imported products if an excessive amount is entering the domestic market. These barriers result in a surplus of poultry products in US warehouses and consequently it being sold at a discounted price.
- c. In developed countries, the shelf life of meats, including chicken, is 180 days “from slaughter” in accordance with Codex Alimentarius requirements. When the product is approaching or has exceeded the 180 days, the price is reduced.

- d. The Association also stated that all raw chicken products entering Trinidad and Tobago is subject to a 40% tariff. However, by using Neutral Marinade the tariff applied is 20%. Neutral Marinade is a process whereby water and a minute amount of sodium and phosphate is added to the product but the product is still raw.
- e. The Caribbean Poultry Association
- f. The Association applied to the Council for Trade and Economic Development (COTED) requesting that all raw chicken products be subjected to the same tariff and the application was approved. However, the Association is unsure of the status of implementation of this tariff in Trinidad and Tobago. The Association is not aware that the tariff has been increased.
- g. A major issue in the region is that there is no mandatory poultry standard. The Caribbean Poultry Association in collaboration with the TTBS and CFDD developed a regional standard for poultry. This standard was approved by the Caribbean Regional Organisation for Standards (CROSQ) and then by COTED in 2012. However, to date no regional country has implemented the standard. In Trinidad and Tobago, the standard is in the process of being implemented and has reached the stage of legal drafting.
- h. There was an incident where 5 year old frozen chicken from the USA was being offered for sale to regional importers. Chicken imported for manufacturing has been sold in retail markets. This situation happened in Trinidad and Tobago, Jamaica and to a lesser extent in Barbados. This situation does not occur in Guyana or Belize. Belize has an Agricultural Health Authority Act but there is no equivalent in Trinidad and Tobago.
- i. The Caribbean Poultry Association is collecting data regarding breaches of the law as it relates to imported chicken and will present the data to Ministers in regional countries and to COTED.

(ii) The Effectiveness of local authorities in conducting investigations into alleged incidents of food fraud

- a) The Poultry Association of Trinidad and Tobago stated that domestic authorities do not have sufficient personnel to do the required groundwork for investigations as there is a significant number of supermarkets and food

establishments. Consequently, when the Association makes a report, it is difficult to get meaningful action from local authorities.

- b) The Association recommended that a Memorandum of Understanding be established between the relevant authorities that will facilitate inter-agency cooperation among agencies. Officials of these agencies should also be given the power to confiscate goods.
- c) The Association also claimed that it had knowledge of an instance where chicken was being imported from Chile, a non-approved country of origin. The matter was referred to the Chief Veterinary Officer who indicated that this matter was outside of his jurisdiction. When the matter was referred to another agency it was again transferred.
- d) The Association stated that even when issues are identified and reported to state agencies, the timeframe for action is too prolonged. The Committee was further advised that a retailer/seller will only remove offending products when he has knowledge that an authority is visiting his facility.
- e) The Association also contended that it was aware that an attempt was made to import chicken into Tobago from a non-approved country. In this scenario, an official of the Veterinary Public Health Unit had made the observation but was unable to treat with the situation as it was outside of his jurisdiction. The Officer reported the matter to the Association.
- f) The Chief Veterinary Officer has the power to order a farmer to cease or suspend operation as a result of unsatisfactory health and safety standards or unsatisfactory sanitary conditions. The Poultry Surveillance Unit exercises similar authority particularly in relation to poultry farmers. The last known incident of a poultry farm ceasing operations was in 2005/2006 as a result of an issue with the health of the chickens. The farm was isolated and all the chickens destroyed.

(iii) The views of the PATT on the effectiveness of the CFDD in overseeing the food industry

- a. The Committee was informed by PATT that the CFDD's interaction with the poultry industry was minimal.

- b. The Association mainly interacts with the Ministry of Agriculture, Land and Fisheries, the Office of the Chief Veterinary Officer and the Poultry Surveillance Unit. When chickens go to a processing plant the Veterinary Public Health Unit is responsible for oversight. When chickens go to a poultry depot, the Veterinary Public Health Unit and local government officials (public health officers) have jurisdiction.
- c. The PATT indicated that the CFDD has jurisdiction when products are being sold at the retail level and treats with issues related to labelling and processing of a product. The Association stated that the CFDD was lacking manpower.

(iv) The use of growth enhancing products in the local poultry industry

- a. In response to a question regarding the use of growth enhancement products to accelerate the growth of birds, the Association submitted that the practice is illegal globally.
- b. While there are persons who use hormones and steroids to accelerate the growth of chickens, there is no evidence to claim that this practice being done locally.
- c. Local chickens are fed a properly balanced diet based on species and whether they are being reared for eggs or meat.

Discussions with officials of the Trinidad and Tobago Manufacturers' Association

(i) Number of TTMA's members involved in the food industry

- a. The TTMA has roughly 400 members of which approximately 40% are involved in the food and beverage industry.
- b. The Committee as advised that all major manufacturers in the food industry are members of the TTMA. Arawak and Company Limited is the largest local chicken producer. The Nutrimix Group of Companies is also involved in the poultry business. Albrosco Limited is the main producer of pork products and the National Flour Mills and the Nutrimix Group of Companies are the major manufacturers of flour.

- c. The TTMA has conducted educational sessions on food standards for its members on a number of occasions. Last year, 3 sessions on food sensitisation were conducted.

(ii) Unfair competitive practices encountered by members of the Association

- d. The TTMA has encountered issues regarding labelling requirements. There are supermarkets selling products labelled in Portuguese and Spanish and the majority of products being sold on Charlotte Street, Port of Spain are labelled in Chinese.
- e. The TTMA stated that while the Food and Drugs Regulations contain a number of requirements for food labelling, there are more rigid requirements in Barbados, St. Lucia, Jamaica and Guyana. These countries require a certificate of quality from the Caribbean Industrial Research Institute (CARIRI) as well as the CFDD. If these certificates are not produced, the product is blocked at the port. In Jamaica, if products are sent to a distributor and the labels does not contain an address, the product is blocked at the port.
- f. The Food and Drugs Act was drafted in 1960 and there has been few amendments to it, so it may be outdated. Some matters such as a definition of flavoured water are not covered in the legislation.

(iii) The impact of the closure of the CFDD's laboratory has had on manufacturers

- a. The TTMA advised the Committee that while the CFDD's laboratory was shut down approximately 2 years ago, it had been dysfunctional for approximately 10 to 15 years.
- b. Testing is currently done by CARIRI. If the CFDD require an analysis, samples are sent to CARIRI for testing and the report is submitted to the CFDD.

- c. Manufacturers will request export certificates from the CFDD as well as send copies of their labels for review. The CFDD will also be invited to manufacturing facilities to ensure the requirements of the Food and Drugs Act are being satisfied.
- d. An application for a Export Certificate can be made online and having examined a manufacturer's facilities and labels, once satisfied, the CFDD will issue an export certificate. This certificate is be issued for every shipment that requires it.

(iv) Instances of "dumped" food being sold in Trinidad and Tobago

- a. The TTMA stated that there were many instances of products being dumped in the country and it was reported to the relevant authorities by the TTMA.
- b. There was an incident regarding *Timberland footwear* where imitations were entering the country. Subsequently, all the imitations were removed from the market.
- c. The TTMA has a good working relationship with the Customs and Excise Division. On occasions, the TTMA has made reports to the Customs and Excise Division, the TTBS, the Consumer Affairs Division and the CFDD regarding irregularities/issues.
- d. The TTMA stated that the CFDD is under-resourced in terms of funding and human resources. The Association reported that communicating with the CFDD was difficult as it appears that the Division is not accessible by telephone or email. Corresponding with staff of the CFDD via their personal cell phone is now the norm.
- e. The TTMA recommended that issues pertaining to food should be placed under the remit of the TTBS. All other regional countries have vested their Bureau of Standards with the responsibility for overseeing food items/food industry.

8.6 The Chairman thanked the witnesses for their attendance.

Requested information

9.1 The Committee requested that the Customs and Excise Division provide information in writing on the number of cases the Division has recorded of importers attempting to import contaminated food into Trinidad and Tobago. This should include the food items involved in each case.

ADJOURNMENT

10.1 The meeting was adjourned at 11: 45 a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

June 29, 2016

MINUTES OF THE TENTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, HELD IN THE ARNOLD THOMASOS ROOM (EAST), LEVEL 6 AND IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD PORT OF SPAIN ON JANUARY 20, 2017

PRESENT

Ms. Sophia Chote, SC	Chairman
Mr. Clarence Rambharat	Member
Dr. Lovell Francis, MP	Member
Mr. Randall Mitchel, MP	Member
Mr. Wayne Sturge	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Ms. Shanice Ramdhan	Assistant Secretary
Ms. Sacha Singh	Research Assistant

ABSENT

Mr. W. Michael Coppin	Vice-Chairman
Mr. Prakash Ramadhar, MP	Member
Ms. Marlene Mc Donald, MP	Member

REPRESENTATIVES OF THE SUPERMARKET ASSOCIATION OF TRINIDAD AND TOBAGO

Dr. Muhammad Yunus Ibrahim	President.
Mr. Rajiv Diptee	Committee Member
Mr. Prakash Bhagan	Committee Member

REPRESENTATIVES OF THE TRINIDAD AND TOBAGO FARMER'S UNION

Mr. Shiraz Khan	President
Mr. Kent Vieira	Executive Member
Mr. Colvin Jacob	Trustee
Mr. Chervaughn Quow	Executive Youth Representative
Mr. Christian Jacob	Youth Representative

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 9:53 a.m.
- 1.2 With respect to the persistent absence of Ms. Mc Donald, the Chairman announced that she will consider writing to the President of the Senate in accordance with the provisions of the Standing Orders.

ANNOUNCEMENTS

- 2.1. The Chairman indicated that Mr Ramadhar and Mr Coppin had requested to be excused.

CONFIRMATION OF MINUTES OF THE NINTH MEETING HELD ON SEPTEMBER 09, 2016

- 3.1. The Chairman invited Members to consider the Minutes of the 9th Meeting held on September 09, 2016 and inquired whether there were any amendments.
- 3.2. With respect to item 6.1, it was agreed that the word “it” should be replaced with the word “its”.
- 3.3. There being no further amendments, a motion for the confirmation of the Minutes was moved by Mr Sturge and seconded by Mr Rambharat.

MATTERS ARISING FROM THE MINUTES OF THE NINTH MEETING

- 4.1. The Chairman highlighted the following matter arising from the Minutes:
 - **Page 2, item 5.5,** - members were informed that the Committee’s First Report on Criminal Case Flow Management in the Judiciary was presented in the House of Representatives on November 9th, 2016 and in the Senate on November 15th, 2016.
- 4.2. The Chairman reminded Members that in accordance with provisions of the Standing Orders, the relevant Minister (i.e. the Attorney General) is required to submit a response to the Committee’s report to Parliament.
- 4.3. The Chairman enquired whether there were any other matters arising from the Minutes. No other matters were raised by members.

DETERMINATION OF WORK PROGRAMME FOR THE SECOND SESSION (2016-2017)

- 5.1. The Chairman invited members to consider the *List of Issues for Inquiry* (dated December 12th 2016) compiled by the Secretariat and sought the views of members on the next 2-3 issues to be examined by the Committee.
- 5.2. After some discussion, it was agreed that the Committee's next inquiry will focus on the matter of Commercial Banking Fees in Trinidad and Tobago.
- 5.3. Members also discussed prioritising the following topics for examination:
 - a. the effectiveness of systems and policies intended to alleviate anti-competitive practices;
 - b. the effectiveness of tax collection mechanism;
 - c. waste management policies; and
 - d. the feasibility and potential impact of the decriminalization of marijuana in Trinidad and Tobago.
- 5.4. Members agreed that the Committee will invite the following entities to participate in its first public hearing on the matter of commercial banking fees:
 - the Central Bank; and
 - the Bankers Association of Trinidad and Tobago
- 5.5. The Committee agreed given that the possible association between the regulation of commercial bank fees and anti-competitive practices, the latter issue should be examined following its inquiry into commercial banking fees.
- 5.6. It was also resolved that the Committee will write to relevant stakeholders seeking submissions in relation to its inquiry into regulations of Commercial Bank Fees.
- 5.7. The Committee noted that there were different types/categories of financial institutions other than commercial banks that may have fee structures and should be included in the Committee's examination of this issue. Members identified entities such as the Credit Unions, Trinidad and Tobago Mortgage Finance Company Limited (TTMF), The Unit Trust and the Agricultural Development Bank (ADB) and agreed that the Committee will meet with them separately following its meeting with the Central Bank and the Bankers Association.

PRE-HEARING DISCUSSIONS

- 6.1. The Chairman advised Members that representatives from the following entities were expected to appear before the Committee during the public hearing:
- the Supermarket Association of Trinidad and Tobago; and
 - the Trinidad and Tobago Farmers' Union.
- 6.2. The Chairman advised members that the Committee received submissions from the Supermarket Association of Trinidad and Tobago and the Trinidad and Tobago Farmers' Union which were circulated to Members.
- 6.3. The Chairman reminded Members that the Committee also invited the Pan American Health Organisation (PAHO) to participate in its final public hearing on the issue of Food Fraud. PAHO made a written submission to the Committee dated October 06, 2016, however, the organisation declined the Committee's invitation to participate in the public hearing due to certain privileges and immunities granted to PAHO-WHO as an international organisation.

OTHER BUSINESS

- 7.2 The Chairman invited members to consider a resolution that three persons (one from each House) including the Chairman or Vice-Chairman would constitute a quorum.
- 7.3 There being no disagreements, a motion that the quorum be changed from four to three members as stipulated at item 7.1 was moved by Mr Rambharat and seconded by Mr Sturge.
- 7.4 The Chairman advised that the Committee's next meeting date is **Friday February 17th 2017**.

SUSPENSION

- 8.1 The meeting was suspended at 10:22 a.m.
[Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor]

PUBLIC HEARING

- 9.1 The meeting resumed (*in public*) at 10:30 a.m. in the J. Hamilton Maurice Room.
- 9.2 The Chairman welcomed officials of the Supermarket Association of Trinidad and Tobago and the Trinidad and Tobago Farmers' Union.

9.3 Introductions were exchanged.

9.4 The Chairman acknowledged receipt of written submissions from the following entities:

- The Trinidad and Tobago Farmers' Union; and
- The Supermarket Association of Trinidad and Tobago.

9.5 Opening statements were made by:

- The President of the Supermarket Association of Trinidad and Tobago; and
- The President of the Trinidad and Tobago Farmers' Union.

9.6 Detailed hereunder are the issues/concerns/queries raised and the responses proffered by the entities:

Discussions with officials of the Supermarket Association of Trinidad and Tobago

(i) Measures in place to deal with issues related to mislabeling and misdescriptions

- a) In response to a question on the SATT's responsibility for ensuring that its members adhere to standards pertaining to the manner in products offered for sale are presented and labelled, the President of SATT indicated that the Association had no direct responsibility since all supermarkets forming the membership of the SATT agreed to remain competitive individual traders. Notwithstanding the imperatives of a competitive industry, the Association contributes to compliance by sharing information on best practices amongst its membership. The President indicated that this is done voluntarily because there is no legislation "pushing" for the continuous advancement of standards.
- b) Supermarkets are not equipped with laboratories for the purpose of testing therefore questions regarding an ingredient or an additive for the purpose of preservation or extension of shelf life, cannot be competently addressed by operators of supermarket.
- c) The Association reiterated that local regulations do not require food items to include nutritional facts. The regulations stipulate that the labeling of food items must have a trade name, a list of ingredients, correct weight, and label or "any part thereof" must be in English.

(ii) Possible misrepresentations in the labeling of a particular brand of bottled water

- a) The Association was asked to Comment on the marketing practicing of a particular company that manufactures bottled water and claims that the water is derived from an Artesian Well.
- b) In response, SATT reiterated that issues relating to mislabeling and misdescriptions are beyond the Association's scope or competence. However, the president of SATT suggested that such an issue concerned with labelling and advertising is ultimately a trade issue.

(iii) Labelling practices of juice manufacturers

- a) In response to a question regarding the high presence of "juice drinks" on the shelves of supermarkets as opposed to "real juices" the SATT informed the committee that the sale of items by supermarkets is driven by consumer demand. Locally produced fresh juices also have a shorter shelf life than artificial juices. As such, the popularity of artificial juices may be a function of convenience.
- b) In response to a question on whether supermarkets ensure that the difference between fresh juices and juice drinks is clearly displayed, the President informed the committee that training modules created for merchandising and presentation, are available as guides to Members of the Association. However while the SATT may encourage its members to adhere to best practices, adherence to same is a matter of discretion.

(iv) Prevention of food fraud with respect to local and imported food

- a) With respect to foods that are locally produced and its expiration dates, the SATT would rely upon agencies, such as the CFDD, to test the product before it is released for sale.
- b) The SATT indicated that local Cottage Business owners who approach supermarkets for shelf space usually provide registration information and certificates from the Ministry of Health including a food badge. These documents provide verification that they would have been authorized to produce and sell. Thus there is due diligence and adherence to the law among this category of producers.
- c) There are many small businesses approaching supermarkets for the purpose of selling food. The Supermarket is obligated to see that these items were subjected to proper scrutiny in relation to labelling, packaging and handling.

SATT Members ensures that what is offered for sale to their customers from local producers meet good standards.

- d) The Association submitted that there is more control at the local level because documentation required to verify local products is more readily available compared to products which are imported.

(v) Whether Supermarkets have a Moral and or Legal responsibility to protect their customers against Food Fraud

- a) In response to a question on whether Supermarkets have a moral obligation to implement their own procedure to combat food fraud, a member of the Supermarket Association answered in the affirmative. He submitted that supermarkets adhere to best practices. Due to the competitive nature of the industry supermarket operators must demonstrate that they are operating in the interest of their consumers. Some of these best practises include, conducting training programmes for staff.
- b) The responsibility goes beyond moral, it is also legal since Health Inspectors visits supermarkets randomly throughout the year and inspects facilities. The supermarkets adhere to those legal requirements, and go through the processes where inspectors may make recommendations for certain areas to be cleared, cleaned, tested and/or closed until such recommendations have been adhered to.
- c) A committee member referred to the sale of imported honey in supermarkets to underscore that the Supermarket Association also have a legal obligation. The member contended that Ministry of Agriculture, Land and Fisheries has not allowed honey to come into Trinidad and Tobago therefore it should not be on the shelves of supermarkets. Thus, he submitted should Supermarkets import honey for sale, they would be in breach of a legal responsibility.
- d) In response, the President of the SATT acknowledged the importation of honey was prohibited save for imports done via, application under special license.

(vi) The sale of contraband by local supermarkets

- a. The Association was asked to comment on the sale of duck meat originating from Suriname in local Supermarkets given that the Government has banned the importation of duck meat.

- b. The President of the SATT confirmed that the Association was concerned about this situation. He stated that an important question to be addressed was how did the meat enter without being detected at our ports of entry and how did it get onto the list of allowable items?
- c. The SATT President further stated that proper scrutiny of containers at points of entry into Trinidad and Tobago is a real issue. He posited that since only about 20% of all incoming freight is subjected to scrutiny at the ports, opportunities for contraband to enter the country exist.
- d. Furthermore, if the product is not allowed to enter this country, individuals who actually accept the product miss their moral responsibility by not asking their suppliers for the documentation. However, if an individual is a meat supplier and was in possession of a licence and by utilizing that licence he imports prohibited meat that ought to raise a red flag.

(vii) Membership of the SATT

The President of the Association informed the Committee that the Membership of SATT included at least 60% of supermarket operators in the country. The Association's membership does not include stores/supermarkets operated by the Chinese.

(viii) Pricing practices in response to changes in taxes

- a) The Committee inquired whether it was a common practice among supermarket owners to raise the price of food items in stock in response to an increase in taxes. In response SATT submitted that it does not consider such a practice as fraud but as unscrupulous. The SATT President advised that it is customary to have an overlap in stock since businesses do not wait for stock to be depleted to replenish.
- b) The Association claimed that the matter is discussed among its membership and suggested that a mitigation of the transfer of increases in prices to customers for a determined period may address this issue.

(ix) Recommendations to combat food fraud by the SATT

- a) The SATT suggested that the government establish a Food Protection Authority to effectively administer and mediate issues pertaining to food

fraud. This entity would also be responsible for *inter alia*: increasing public awareness about Food Fraud; detection of food fraud and safety violations via audits; collaborating with Customs and Excise and manufacturers' collection of information to refer cases to prosecution with the ability to enforce stipulated penalties; and maintaining a simple data base comprising information to be defined that will assist importers and local manufacturers to improving the resilience of the supply chain.

- b) The SATT is also willing to collaborate with the CFDD to support processes such as testing of food items and regulating compliance among its membership.
- c) The SATT further indicated that there ought to be resolutions to challenges such as the non-standardization of certificates, the lack of routine testing, poor systems for the inspection of containerized cargo, non-functional laboratory facilities, the lack of availability of a testing protocol for food fraud contaminants and the lack of enforcement of the Public Health Ordinance.

Discussions with officials of the Trinidad and Tobago Farmers' Union

(x) The Direct Link Between Food fraud and Health of Citizens

- a. The Farmers Union contended that there is a correlation between food fraud practices and the poor health of citizens in this country. The President of the TTFU referred to statistics from 2011 issued by the Ministry of Health in 2011 on cancer patients in Trinidad and Tobago. According to the statistics, in 2002 1,260 cancer patients were discharged from the hospital and in 2010 it increased to 2,206 and in 2011 there was a further increase to 2,308 cancer patients.
- b. Importation of broiler meats increased to 22,409 metric tons in 2015 from 3,132 metric tons in 2006. The President of the TTFU compared these figures to a document published by PAHO which contained evidence that in 2010, the rate of cancer patients increased in Trinidad and Tobago. He concluded that there is a link between the increased amount of imported meats and the increase of diseases among the population.
- c. In 2010, the Caribbean Food and Nutrition Institute found that this country's obesity rate among primary and secondary school was approaching one in four. The President suggested that obesity in children is related to the high cancer mortality rate as stated in the document produced by PAHO.

- d. The TTFU also submitted that there is a lack of public campaigns aimed at sensitizing the public on better food choices.

(xi) Food Fraud practices in the local agriculture industry

- a) The President of the SATT indicated that the only obvious food fraud practice Members of his Association has observed was the possible use of chemicals to alter the natural colour of fruits and vegetables (e.g. Tomatoes) to make them appear more attractive to customers.
- b) In response, the President of the TTFU indicated that some of the tomatoes SATT claimed was being chemically enhanced, were imported.

(xii) The importation and use of chemicals banned in foreign countries

- a) The Farmers Union indicated that there is a need for proper regulations to be implemented to govern the suppliers of chemicals. The Union claimed that a number of chemicals that are banned in Europe and in the US are being imported into Trinidad and Tobago. The Union questioned who is the entity governing products sold by the local chemical shops/dealers, if the CFDD is not operational? The President of the TTFU stated that it was important for these chemical shops to be monitored since farmers often rely on them for guidance regarding dosage.

(xiii) The impact of the closure of the CFDD's laboratory on Farmers

- a) The Farmers Union stated that the Chemistry, Food and Drug Division has not been in operation for approximately two years. The CFDD is necessary in identifying issues with imported and local goods since the CFDD is the body that can test for chemicals in products locally. The CFDD is necessary to restrict contraband chemicals from entering the market.
- b) Testing is currently done by CARIRI. If the CFDD require an analysis, samples are sent to CARIRI for testing and the report is submitted to the CFDD. However, the President of the Famers Union has advised that testing at CARIRI is done subject to the payment of a fee as opposed to tests done by CFDD which are free of charge.

(xiv) The need for proper legislation controlling food imports

The TTFU also indicated that there seems to be inconsistencies with respect to standards to be met in relation to the import of meat and export of meat. There

are strict regulations farmers must abide by to export an animal. The animal must be tested and accompanied with a certificate from a veterinarian. However, the TTFU questions whether proper documents accompany imported meats

(xv) The use of enhancement products in the meat industry

- a) The Farmers Union President purported that imported pork enters the country coated with a chemical which he contended was harmful to humans and is being sold as fresh meat. This meat is supposed to be processed into a bonded warehouse before it is distributed on the local market. He recommended that the policy governing both local and imported meats be updated/amended.
- b) With regard to the poultry sector, poultry farmers are required to observe specific periods of withdrawal when antibiotics are administered to birds. There are instances where chemicals being used with a set withdrawal period of 14 days, are used up to the day before the chicken is sold. The same unethical practices occur with other animals and the administering of dewormers.
- c) The Union advised the Committee that reports were made to the Ministry of Health concerning this unscrupulous practice. A press conference was also arranged by the Union in 2015 to raise awareness about this matter. The President further advised that on-the-spot testing or random testing for diseases in animals needs to be implemented.

(xvi) Unethical practices on the sale of Tilapia (fish)

A representative of the TTFU advised the Committee that Tilapia is being imported whole scale, thawed and repackaged with additives such as garlic butter and sold to consumers. He warned that during the thawing process there might have been an accumulation of bacteria that is not visible to the naked eye.

(xvii) Whether farmers also have a moral and legal responsibility to protect consumers from food fraud

The President of the TTFU informed the Committee that its organisation only accounted for 110 farmers. He admitted that at this stage each farmer must be responsible for ensuring he adheres to standards and best practice. He suggested that unscrupulous practices can be minimised through education.

(xviii) The presence of genetically modified (GMOs) foods in this country

- a) SATT advised the Committee that GMO food items are sold in supermarkets in Trinidad and Tobago. The Association admitted that the existing legal framework does not contemplate the sale of food items produced through the GMO process. For example, corn flour, imported cereal products and soya beans are GMO foods.
- b) In most instances, the packaging of these items usually states that they are GMO foods.

(xix) The issue surrounding imported milk

- a) The two factors affecting imported milk are GMOs and the misuse of antibiotics. When importing milk it is important to know where that milk originated and how much monitoring was done. Measures can be put in place to monitor and possibly eradicate use of GMOs and antibiotics in Trinidad and Tobago however monitoring imported milk poses a challenge.
- b) Imported milk is subsidized and has resulted in a decrease in local production of milk. A survey in 2006 conducted by the Ministry (of Agriculture) and the Livestock Board revealed that the average cost of producing a litre of milk locally was \$4.50. However in 2017, the farmers are paid only \$3.85, with the help from the Government and Nestlé.
- c) A decline in dairy production locally does not only mean a reduction in local milk production but also a reduction in beef production.

(xx) Perspective of the youth representatives of the Farmers Union on how food fraud may be detected and/or regulated in Trinidad and Tobago.

- a) The youth representative of the TTFU stated that there is heavy reliance on the moral responsibility of farmers since the legal framework which would create a legal obligation concerning food production in Trinidad and Tobago is underdeveloped. He made reference to the pre-harvest, pre-slaughter and the pre-milking intervals for every chemical or drug that is used in the industry and advised that farmers are morally obligated to honour those intervals so there would not be any chemical residue on the consumer end.
- b) Many of these chemicals used are dangerous for human health if the harvest intervals are not honoured. There must be a system set up whereby farmers are made to honour the intervals and to test produce for residue. This may assist with preventing the residue from entering the bloodstreams of the

people. There is no system to facilitate routine testing for residue in produce in this country at the moment.

9.7 The Chairman thanked the witnesses for their attendance.

Requested information

10.1 The Chairman requested that the Farmers Union provide information in writing on data for the importation of boiler meats between the periods 2006 to 2015.

ADJOURNMENT

11.1 The meeting was adjourned at 12: 19a.m.

I certify that these Minutes are true and correct.

Chairman

Secretary

February 14, 2017

APPENDIX IV

NOTES OF EVIDENCE

UNREVISED VERBATIM NOTES EXTRACT OF THE SIXTH MEETING OF THE JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, IN THE J. HAMILTON MAURICE ROOM (MEZZANINE FLOOR), TOWER D, PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, MAY 20, 2016 AT 10.17 A.M.

PRESENT

Miss Sophia Chote SC	Chairman
Mr. W. Michael Coppin	Vice-Chairman
Dr. Lovell Francis	Member
Mr. Randall Mitchell	Member
Mr. Clarence Rambharat	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Asst. Secretary
Ms. Roxanne Fournillier	Research Assistant

ABSENT

Miss Marlene Mc Donald	Member
Mr. Wayne Sturge	Member
Mr. Prakash Ramadhar	Member

OFFICIALS OF THE TRINIDAD AND TOBAGO BUREAU OF STANDARDS

Mr. Theodore Reddock	Executive Director (Ag.)
Ms. Adrienne Stewart	Standards Officer (Standards Written Division)
Mr. Gerald Maxwell	Head Implementation Division

Madam Chairman: Good morning, all. Thank you for attending this session, and I apologize for the late start. The reason for that is because we are required to convene prior to our public hearings, and that took a bit longer than anticipated. I hope that you have not been too inconvenienced by the wait. I am seeing that the table of invited guests is full so that ought to mean that we will have a fruitful discussion today.

How we propose to do, how we propose to deal with it, is we will first deal with representatives from the Ministry of Health, that is to say, including those from the Chemistry, Food and Drugs Division. Then we will deal with officials from the Ministry of Trade and Industry, including the Consumer Affairs Division, and, thirdly, we will deal with the Trinidad and Tobago Bureau of Standards. Now, I am afraid that I cannot read, from where I sit, who is from the Ministry of Health.

[Officials from the Ministry of Health—Chemistry, Food and Drugs Division raise their hands]

Madam Chairman: I see, okay. So to the gentleman at the back you will require a seat at the front table? Can we ask someone to switch with him just for a short period? Thank you Mr. Herbert, that was very kind of you. Before we get off the ground I will ask members to introduce themselves to you, and then I will ask you to introduce yourselves to us. So could we start?

[Members of the Committee introduce themselves]

Madam Chairman: In case you are wondering, we are assisted by Mr. Julien Ogilvie, who sits to my left, who is the Secretary to this Committee, and the Asst. Secretary, who sits to his left, is Mr. Indar Sieunarine. Now I will ask you all, perhaps if we start from my left, your right, I will ask you all to introduce yourselves.

[Officials from the Ministry of Health - Chemistry, Food and Drugs Division, Trinidad and Tobago Bureau of Standards, and the Ministry of Trade and Industry - Consumer Affairs Division introduce themselves]

Madam Chairman: Thank you all for attending this morning. Now, the objectives of this enquiry include the following, and I am going to read it into the record so that everyone will understand what we are trying to achieve. The first objective is to understand the extent to which food fraud occurs, or is perceived to occur in Trinidad and Tobago; secondly, to assess the effectiveness and adequacy of the existing systems, policies and laws aimed at preventing and alleviating food

fraud in Trinidad and Tobago; and, finally, to make recommendations for the improvement of standards in the local food industry, both in the short and long term.

May I also acknowledge and thank those persons from the Ministry of Health, the Ministry of Trade and Industry, CARIRI, the Trinidad and Tobago Farmers' Union, and the Customs and Excise Division, which have sent in written contributions, or written submissions to us.

12.14 p.m. [*Officials of Trinidad and Tobago Bureau of Standards join the Meeting*]

Madam Chairman: Allow me to welcome Mr. Reddock and his team. Thank you for joining us this morning. After you make your opening remarks, Sen. Coppin will have some questions for you.

Mr. Reddock: Thank you very much, Chair. We would like to thank the Committee for considering us in this discussion. I should mention that the Standards Act, which governs the activity of the Bureau of Standards is pretty clear about the fact that we are not supposed to issue standards or regulate in the area of food, drugs and cosmetics. I think that was mentioned by the Permanent Secretary of the Ministry of Trade and Industry, our line Ministry, and we recognize that limitation.

We have some other responsibilities in areas like metrology, accreditation of labs, and those areas are not as restricted as the area of developing standards. That has brought us, from time to time, into the realm of food. We have tried to cooperate with the Chemistry Food and Drugs in these areas and we have found ourselves, from time to time, through our relationship with other bureaus of standards in the region, which do not have the same type of restrictions that we have, in sort of in-between positions, where we have had to shuttle information between our regional body, CROSQ, in the development of standards related to food and Chemistry, Food and Drugs or the Ministry of Agriculture and other entities, which would have had the responsibilities, that we would be, not active indirectly but in relation to the regional standards which we would have responsibility for. We would have to link between the local agencies and the regional counterparts. So in that context, we have had some experience in dealing with some of these matters and hopefully we can provide some answers in this

context.

Madam Chairman: Okay, thank you, Sen. Coppin.

Mr. Coppin: I am glad that you began your presentation by pointing out that there is a distinction between what you do regulate as, vis-a-vis, the CFDD which regulates food, which you do not, save and except, where regional standards, you are required by regional law to develop standards for regional bodies.

You do not have the benefit—I do not know if you do but CARIRI did in fact send us some submissions today in which they looked at the Trinidad and Tobago regulations, the Food and Drugs Act and the regulations and they pointed to the fact that there is in fact a duplication of work being done by yourself and the CFDD. In those recommendations they point to a set of recommendations that they would have. One of those recommendations is to transfer the responsibility for regulating the food industry to the Bureau of Standards. Do you see any merit? I suspect that would in fact entail an amendment of the Standards Act and as well the Food and Drugs Act. But do you see any merit in such a proposal as radical as it is?

Mr. Reddock: I think that is something that would require a great deal of consideration, dialogue and discussion. I think that there are—well I would not say that there is that much overlap. I think that there is overlap of concept.

In recent times, we have been exploring another aspect of our work, which is the management of technical barriers to trade. And since we have been venturing into that activity, what we have realized is that the food industry really straddles internationally, in the context of international work, the area governed by the SPS and also the area governed by the TBT and those are both areas that would impinge on the WTO. So, internationally food is considered to have aspects in both areas. Locally, the SPS would be in the jurisdiction of CFDD and also parts of the Ministry of Agriculture and those areas, whereas the TBT would tend to be with the Ministry of Trade and the Bureau of Standards.

I do not think that the legislative arrangements in Trinidad would have—well, those arrangements would have been made before the WTO came into existence, and probably would not have considered that structural arrangement, and as such, those are issues that would have to be looked at in trying to modernize the Trinidad and Tobago framework for food. And in that context I think the consideration could be made. I do not think it is as simple as saying: well put food under the Bureau of Standards. I think it is a more complex discussion than that

would suggest.

Mr. Coppin: Could you describe to me? I think Mr. Dexter Morgan in fact was speaking about joint collaborations or collaborative work between the two agencies, yourself and Consumer, Ministry of Trade. Could you tell us a bit more about the collaborative work that you do?

Mr. Reddock: I think he was talking at that time about the Calidena process, which actually was something that we had engaged in a couple years ago through, again, our regional contacts and part of the implementation of the IPA agreement, which has certain arrangements that are being made through CROSQ and some other arrangements that are being made directly in Trinidad and Tobago.

So the Calidena is really just an approach of examining the value chain of a particular industry looking for problems with its quality. Of course, quality is an area that we are very active in. And when we were trying to explore the Calidena approach in Trinidad and Tobago, there were certain parameters that we were supposed to explore. We were supposed to look for industries that had export potential that may not be exporting at this time and they have to be viable industries. So when we applied that reasoning chicken came up as the most prominent example. Now, of course, we are not active in that particular area. So we decided to go forward with it anyway, even though it is not an area that we do any regulation or anything in, and we opened the Calidena exercise for chicken.

The Calidena exercise is not directly governed by the bureau. It is supposed to be a sort of outreach type of activity. So, the idea is that we would hire an external consultant who would work with the industry and then eventually we would convene a workshop to look at those quality issues. When we did that, what the industry came up with was that they wanted to implement the regional standard for poultry. When we looked at that, we found that there really was not a ready mechanism for that to be done and that is when we realized that there were some existing gaps in the Trinidad and Tobago arrangement. We are not allowed to issue standards on food. But the Chemistry, Food and Drugs Division does not really issue standards in that context either.

Mr. Coppin: So, there seems to be no agency currently issuing standards for food.

Mr. Reddock: Not the voluntary-type standards. The thing is that a standard is ostensibly supposed to be a voluntary document, even though in Trinidad and Tobago we have compulsory standards. The general concept of a standard is that it

is a voluntary document that is implemented, either privately, or it can be implemented through the state agencies. Standards can be incorporated into regulatory documents and implemented and enforced through regulation in that context. It is not done very much in Trinidad. But we recently launched the wiring code, which is an example of how that can be done by another agency just adopting a standard. But it is not very common in Trinidad and as far as food is concerned we have that particular restriction, which makes it a bit more difficult to do the voluntary work in that manner.

Mr. Coppin: So you are saying it is not done in Trinidad. Are there any lessons that you believe could be learnt from the TTBS that can be transferred perhaps, into the food industry?

Mr. Reddock: Well we think that there are many lessons, actually. I do not know if we have time to discuss all of that right now.

Mr. Coppin: Could you give us some of the big ones, some of the—

Mr. Reddock: There are a couple of the responsibilities that we have, for instance for metrology and for accreditation, that we think could be applied straight across the board to laboratories and other inspection bodies and other types of conformity assessment agencies.

We have some experience in doing that, in implementing our compulsory standards. What we found is that, in doing so there is very little relationship between the types of product. Some products may be very simple but the requirements they have would be very complex and would require very sophisticated, very expensive approaches. We also think that, while there are requirements for inspection, the inspection regimes in Trinidad are very limited and the sophisticated equipment that may be necessary to back them up certainly is not available and the systems for doing so and the processes for doing so, we do not think that they are available either.

For instance, the original question that was posted about beef for instance, that issue came up in Europe and the Irish inspection agencies discovered that a lot of the beef that was entering Europe and being sold was really horse meat, and to do that, they actually had to do DNA testing on the meat itself, and I do not know if that is something that is even available in Trinidad. Certainly for meat, I am not sure that it is done.

So that is just an example of the type of capacity that would need to be

present for the questions that are being asked today.

Mr. Mitchell: Mr. Reddock, would it be fair to say that in your capacity as the experts on standards, that the absence of food standards in Trinidad and Tobago can be linked to the prevalence, in Trinidad and Tobago, of these lifestyle diseases, non-communicable diseases, as well as injuries to persons as a result of the consumption of food?

Mr. Reddock: That is not a question I can answer with a yes or no. That would require a bit more investigation than would have been done at present. However, from where the Bureau of Standards sits we think that standards are very critical to the ability of a country to be sophisticated in its enforcement effort. Standards are very detailed. They are developed by groups of experts in the particular area, and as such they lend themselves better to a more balanced, more sophisticated approach to enforcement, if they are applied in that manner. But as I said, it is not a common occurrence, but the one out of two examples that we have, like the wiring code, I think they are much more effective when they are applied in that way than other forms of it—[*Interruption*]

Madam Chairman: Sorry to cut you across, but may I enquire whether there are ISO food-related standards?

Mr. Reddock: Yes, there are.

Madam Chairman: And who would govern those? Which agency would see that these standards are met and so on?

Mr. Reddock: Well, as I said, once it comes to standards on food there is a very direct limitation that the bureau has. What I also explained too is that there is really no other agency that has that direct responsibility for working with voluntary standards. The food and drugs deals primarily with regulation, as a regulatory body, and the issue of voluntary food standards is sort of in a bit of limbo.

I have looked at the Food and Drugs Act, and it does not really address the issue of standards in a direct way. The Food Advisory Committee is given the role of advising the Minister on standards. I do not think that can be clearly said as a responsibility for standards. It opens the possibility of doing it in that way, but I think that our legislative arrangements are more of a deterrent to the development of food standards than an encouragement.

12.30 p.m.

Madam Chairman: So what I would ask is, how does the bureau go about

encouraging legislative change? What is the mechanism for the bureau to achieve that?

Mr. Reddock: I do not know that there is any prescribed mechanism for doing that. We have some very ambitious concepts as far as influencing the legislative approach. In our work with the TBT, we have come across a system called good regulatory practice that encourages a sort of “projectized” approach to the implementation of legislation, the administrative part of the legislation. It requires that you review what is required; that you do a regulatory impact assessment. Somewhat similar to what an environmental impact assessment would be, but in the regulatory sense.

We have had workshops on this issue. I think we have had three or four of them. They have always been very well received, but once they are finished, we have not seen very much impact on the ground as far as those things are concerned. We actually recently had a workshop that brought together the TBT and SPS groups in Trinidad and Tobago. We thought that that was also very well received, but the thing is that, those things can only sensitize. I think that what we have been trying to do is to probably change the way we have been working, from a general type of approach, to trying something a bit more specific. I cannot say that we have been very successful in that approach either.

Madam Chairman: Okay. Well, could I ask then, are there reports done as a result of these workshops?

Mr. Reddock: Yes, there would be.

Madam Chairman: Would those reports be available on your website for members of the public to view?

Mr. Reddock: I am not sure they would be available on the website, but if requested, we would be able to provide them.

Madam Chairman: Certainly. I think the Committee would benefit from having a look at those reports.

Mr. Coppin: One last thing. I know you said you may not be familiar with the actual provisions of Food and Drugs Act, but there is a section 7, which speaks about:

“Where a standard has been prescribed for a food, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for the food, is, unless the article complies with the prescribed

standard, guilty of an offence.”

I do not know if you know. You may not necessarily be the best person to ask, but are there any prescribed standards for food? And has anyone been prosecuted under section 7 of the Act?

Mr. Reddock: Well, I can answer the second part, because I know that we would not have been doing that type of prosecution at all. If I may, Chair, I would like to pass you over to Miss Stewart, who would be able to comment on that.

Madam Chair: Certainly.

Miss Stewart: Good afternoon, Madam Chair, and members. With respect to the standards under the Food and Drugs Act, the term standard is used somewhat loosely in the Act. It refers mostly to requirements and not necessarily to a standard. So because of that, the interpretation can vary. The Chemistry, Food and Drugs Division does not develop standards. They look at what is available internationally and under the WTO, it is Codex standards that is used.

So, Madam Chair asked about ISO Standards. ISO standards are only used if there is no information available through the Codex, which is, the Codex is through the food and agriculture organization, those standards are written under their purview. So the Chemistry, Food and Drugs Division would develop regulations based on having based standards, international or regional-based standards. They do not declare standards. There is no procedure under the Act for declaring national food standards, through the Chemistry, Food and Drugs Division.

The Bureau of Standards, we do not write standards for food, as Mr. Reddock explained before, because our Act does not allow us to do that. But there are, however, a number of regional standards that Trinidad and Tobago has to approve through the COTED, and adopt under the CROSQ Act, which is an Act which was proclaimed in 2004. So there is a requirement for us to adopt these particular regional standards under the Act. However, there is no process in place for so doing. So there is a gap there. The only way for doing that is for the Chemistry, Food and Drugs Division to take it on as regulations.

So I also come back to the question of influencing the regulations, changing the regulations. The Bureau of Standards sits on a number of committees, including the Food Advisory Committee. The Food Advisory Committee, one of their responsibilities is to look at regulations and reviewing regulations.

So currently, for example, the TTBS Chairs the Sub-Committee for organic

foods, for labelling of organic foods. Now, when we talk about food fraud, organic foods is one of those categories in which there is a higher level of food fraud internationally. We do not know, for example, we have a number of organic food markets in Trinidad and Tobago. There is no testing done by and large over last two years, I would say, because of the fact that the lab has not been operational. So we do not know for sure if those foods in those markets are actually organic foods. There is limited way of testing that, unless it is done through CARIRI. The TTBS also has a capacity to test for certain pesticides as well if required.

So, through the review of the regulations, that is one of the ways that we influence regulations, and change in regulations through the FAC Committee. Previously in 2009, there was the NAFSA Committee, in which Trinidad and Tobago—Bureau of Standards had representation, and we would have done a position paper on those food safety aspects, which looked at food safety, from the farm, to what we call, the farm to the fork. From primary production to secondary level production to when the consumers actually eat the food. So we would have provided a position paper on national food safety agency. So basically that is how we would influence regulations currently.

Madam Chairman: Okay, thank you very much.

Mr. Coppin: One last question. Would you say then that the Food Advisory Committee is the efficient or effective way of influencing regulations, or changing regulation as it relates to the Food and Drugs Act?

Miss Stewart: There is no simple answer to that particular question. There is no other avenue right now that I know of, in which the change can be done. So, the FAC is the avenue for changing regulations that relate to food.

Madam Chairman: Okay. If nobody else has any additional questions, I want to thank you all for coming. Your contribution has been invaluable. We will be continuing with this enquiry, and hopefully our report will be made public, so that you can see how your contribution to the national community, was useful and helpful.

So thank you all for coming.

Mr. Maxwell: Thank you very much for having us, Chair.

Madam Chairman: The meeting stands adjourned.

**UNREVISED VERBATIM NOTES OF THE SEVENTH MEETING OF THE
JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, IN
THE ARNOLD THOMASOS ROOM (EAST), SIXTH FLOOR, TOWER D,
PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, #1A
WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, JUNE 17, 2016 AT
9.22 A.M.**

PRESENT

Miss Sophia Chote SC	Chairman
Mr. W. Michael Coppin	Vice-Chairman
Dr. Lovell Francis	Member
Mr. Clarence Rambharat	Member
Mr. Prakash Ramadhar	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Asst. Secretary
Miss Roxanne Fournillier	Research Assistant

ABSENT

Mr. Wayne Sturge	Member [<i>Excused</i>]
Mr. Randall Mitchell	Member [<i>Excused</i>]
Miss Marlene Mc Donald	Member

Madam Chairman: Good morning, first allow me to apologise for my late arrival. I think we have a quorum, so we can kick off this morning's proceedings. I understand that Mr. Mitchell has sent his apologies, and yes, Mr. Sturge will also not be here. So other members may show up as the morning proceeds.

So I would like to take us to the Minutes of the last meeting. Does everyone have a copy? Okay. I am going to go through it page by page, and if anybody has

any corrections, amendments you would like to draw to my attention, please do so. I take it everybody has read the Minutes? Page 1? You have your copy?

Mr. Coppin: No, I think Indar has to give me one.

Madam Chairman: Oh, dear, okay. May we move on to page 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16? Now, I know this is a tedious process, but I think this is what the law of meetings requires. So we have to do it this way. Will someone move that the Minutes be confirmed?

[Moved by Mr. W. M. Coppin]

[Seconded by Dr. L. Francis]

Madam Chairman: Now, on the procedural brief which I have been very kindly given by Mr. Ogilvie, we have some notes here that the TTBS provided the reports on the workshops that focused on sanitary and phytosanitary measures and technical barriers to trade. They were circulated by email. Did you all get it?

Hon. Members: Yes.

Madam Chairman: Okay, excellent, and also that correspondence was sent to the Ministry of Health, requesting the additional information. Are there any other Matters Arising out of these minutes? No? Okay.

Now, the next item on the agenda is the consideration of the draft first report into the criminal case-flow management. I got your comments. Has anybody else had the opportunity to look at the document? No? Well, then you are not alone, because I have only been able to read it very speedily, and certainly not with the depth and analysis that I would have liked to have. So I think perhaps what we can do is, defer this to the next date, the consideration of this report?

Mr. Rambharat: Well, maybe Mr. Ogilvie could guide us. In terms of time, do we have a deadline to submit in this session? Should it be submitted in this session of Parliament or—

Mr. Ogilvie: Madam Chair, through you, these Committees are not bound by the prorogation of the session. So our work can be carried over to the second session.

Madam Chairman: Is there a difficulty with us deferring it to the next occasion?

Mr. Ogilvie: No.

Madam Chairman: Okay.

Mr. Ogilvie: Some Committees may decide that they want to put in a report before the end of first session, it depends on the workflow and whether the document is ready and of a certain standard to be presented to the House.

Madam Chairman: Well, I do not know if you all will agree perhaps instead of waiting for the end of July, which is when our next session would be, if you can look at it before, and perhaps we can round robin comments and, of course, we are authorized to convene a meeting at any time. So perhaps we should do that, to see if we can finalize the report on this aspect of our enquiries, before Parliament goes into recess.

Mr. Ogilvie: Which is carded for the first week in July.

Madam Chairman: First week in July?

Mr. Ogilvie: Well, that is what the Standing Orders provides for.

Madam Chairman: [Laughter] Well that leaves us with very little time.

Mr. Rambharat: Well, no correct me, we take the break in July and that is now a matter of interpretation, what is meant by the first week of July. But then the break ends first week of August, we will still have that period first September 01st, to September 22nd before we complete this session.

Madam Chairman: Oh, I see. Okay, okay.

Mr. Rambharat: But it is now actively being debated whether we go into that first week in July, we all hope not, but it seems to be the thinking of the Parliament, that first week means, the end of the first week, that the break starts at the end of the

first week. Traditionally, it has been read as the break starts at the beginning of the first week.

Madam Chairman: Okay. Well, let us give ourselves then, regardless of how it is going to be interpreted. Let us give ourselves two weeks to see if we can finalize this, and say that at least we have produced this report, okay? Now, it is not what I had hoped that it would be, obviously because the main stakeholder did not provide the information as requested, but we just have to press on and see it. So I have your agreement then, to try to review and possibly meet on this draft first report within next two weeks?

Hon. Members: Yes.

Madam Chairman: Good, excellent. Now, with respect to our continuing enquiry, we are expecting Customs, Poultry Association of Trinidad and Tobago, the TTMA to appear, and I think we had received a document from the Poultry Association of Trinidad and Tobago and Customs. You all saw that? In fact, we may have gotten the Customs document before the last meeting.

Mr. Coppin: Yes, correct.

Madam Chairman: Yes, just some very sort of summary thing. We received the stakeholder submissions from Seafood Industry Development Company Limited and Warnerville Grain Mills Group of Companies. You also should have gotten that by email?

Mr. Rambharat: Yes.

Madam Chairman: Okay. Mr. Ogilvie and Mr. Sieunarine have very kindly prepared some issues papers, containing possible questions we may want to ask, or areas we may want to focus upon during the enquiry. Anybody has any questions with respect to what I have just said, need anything cleared up?

Mr. Rambharat: Just a general comment. I think that the last hearing was very

well received by the public. It generated—at first the topic sounded so innocuous, but it generated a lot of media coverage, a lot of discussion on social media, to the extent that Solo has now gotten into a different, [*Laughter*] a new controversy, but I think it was important and especially the revelation about the food and drug lab, which generated a lot of interest amongst my colleagues, in getting, you know, getting back to somebody or some way in which we can have trade and health and agriculture, Customs really looked at this issue seriously. So I think it started off, you know, but it generated a lot of discussion, and I think that today's discussion would also generate a lot of interest.

Madam Chairman: Yes, this is what I am saying, I think we may have to do different reports for different areas, you know, of the food industry, because your seafood industry for, example, would not be the same as the cocoa farmers' industry, that kind of thing, but I certainly would like in our report to commend you, Minister, for that excellent suggestion.

I think it is also useful because if we do this right, we could link our report to one of the Sustainable Development Goals, and perhaps I do not know if—I am just speaking off the top of my head here, this is really a Government issue, you know, invite funding and input to create one regulatory authority, because it is quite clear to me from the last session, that one hand does not know what the other hand is doing.

Mr. Rambharat: The fact that this—the laws are ancient, and we have not looked at, for example, poultry. We have not—when you look at the provision, looking at Customs submissions and their reference to the law, the Ministry of Agriculture, Land and Fisheries, the chief technical officer issues a permit, but the permit has nothing to do with the actual substance of what is being imported. All the chief technical officer in the Ministry says is that this country, is a country that we allow

importation from; that is all we do. Then Customs on the basis of that permit and the application of the particular tariff—I am sure the Poultry Association would talk about it, one of the problems is the use of the tariffs, because different tariffs codes carry different duties, and because of the system, Customs would allow, you know, the duty-free tariff on things which should attract duty and so on. That is one of the problems, and then food and drug.

So far we have not examined the actual item and then food and drug is not testing or anything like that. What ends up on the shelf, none of us are certifying the quality. Now, going back to what you said about one body, that is where the NAFSA discussion, the National Authority on Food Safety. That has been a global model and which Caricom adopted, and it is a lot of international funding that went into the work that Trinidad did, and then we stopped in 2009. So what this forces us to do is, to have another look at bureau of standards, for example, simply to amend the law, to allow them to do what chemistry, food and drug is doing, and then to also create this agency, because it is really troubling, the deeper you get into it, the more you realise how open we have left the country.

Dr. Francis: Totally ad hoc.

Madam Chairman: Yeah, and I mean, the thing is, the people who will suffer most, are the poor people who will go and buy the cheaper food product, and then will fall ill and have to deal with the general hospitals and so on.

Dr. Francis: Will we find out something by the accident of somebody else's work? If another agency oversees, does not flag it, what happens?

Mr. Rambharat: There is a line in a PAHO report which really strengthens, the PAHO estimates about 30 per cent of the work-related absenteeism, is related to some condition brought on by bad food. Now, may just be what Trinidadians put on the application for sick leave or whatever, it is as much as 30 per cent of work-

related ills come from what people consume.

Madam Chairman: There is also what I notice especially in terms the organic foods or the so-called organic foods. You have people who are preparing foods which they distribute to, like different shops and groceries and even SuperPharm and so on. There is no regulation with respect to what the food product contains, you know. It might contain lead or zinc or something like that, and we simply do not know. I think that it would have to be some sort of penalty for a business operation, that accepts and sells food which is not properly labelled and that kind of thing, for that to stop. I am not saying do not encourage local people who want to do, you know, small amounts of food and so on, that is fine, but it is that there must be some sort of regulation about that.

I will give you an example. I had been in West Mall some months ago, a store that sells, like you know, like bedding and what not, and this guy came in and he had created his own deodorants. So I just thought to myself, well, you know, nice fella trying to do something on his own. I bought some. Now, all it said was that it was labelled with the scent that it carried. When I used one, it burnt my skin. I kept meaning to go back to the shop to say, you know, “Maybe you should not sell this product” but, of course, I did not have the time to do that. So I am sure that happens with different kinds of products all over the country, you know, then, of course, the State foots the bill to deal with sick persons. So it is actually quite interesting. I bought a few books about food fraud and so on, they make good reading.

Mr. Ogilvie wants me to enquire whether we will be continuing with this enquiry in September? I think we will still be working on it because of the wealth of material that we are getting from these sources. I think it will take us a little while to consider the information, and put it together in some sort of coherent way.

Mr. Ogilvie: So the Committee intends to meet with some additional stakeholders?

Madam Chairman: Yes, absolutely.

Mr. Rambharat: It might be useful, for example, to have PAHO.

Madam Chairman: Yes.

Mr. Rambharat: I am sure they will be happy to come, because they have done—and some of the other agencies that did work on the creation of this one, this NAFSA model.

Madam Chairman: Yeah. Did we say whether we were going to invite the supermarket association?

Mr. Rambharat: We did, yeah, and I sure they are anxious to come. They were listed, yeah.

Madam Chairman: I think they would need to be included.

Mr. Ogilvie: Any other stakeholders? [*Laughter*] So we can start preparing.

Dr. Francis: Do we have any kind of consumer among the group?

Madam Chairman: Lobby group? Not that I know of.

Mr. Coppin: We could enquire.

Mr. Rambharat: Hazel Brown was actively involved and, you know, that fella—

Madam Chairman: Supermarket association, I am trying to think—

Mr. Coppin: I think it might to be wise to have the actually manufacturers.

Madam Chairman: I guess we could give some thought to it and see how we will proceed. Okay, anything you all want to consider or talk about before we go into the session with these stakeholders? No? Well, you all want to take the next few minutes to just quickly refresh your memories from the documents before we go down, because we are expected at 10.00?

Mr. Rambharat: That is the order, right?—for us downstairs?

Mr. Ogilvie: Madam Chair, how are you going to interact with the witnesses? One

group at a time or we could have all of them sit together because it is—

Madam Chairman: No, once there is room.

Mr. Ogilvie: Yeah, well, there will be room to accommodate all witnesses.

Madam Chairman: So that they would have to shift around.

Mr. Ogilvie: Okay.

9.46 a.m.: *Meeting suspended.*

10.08 a.m.: *Meeting resumed.*

CUSTOMS AND EXCISE DIVISION

Mr. Glen Singh	Comptroller, Customs and Excise (Ag.)
Ms. Kathy Ann Matthews	Deputy Comptroller Operations
Ms. Shirley Sheppard	Senior State Counsel

POULTRY ASSOCIATION OF TRINIDAD AND TOBAGO

Mr. Robin Phillips	President
Dr. Desmond Ali	Executive Director Caribbean Poultry Association

TRINIDAD AND TOBAGO MANUFACTURERS' ASSOCIATION

Dr. Mahindra Ramdeen	Chief Executive Officer
Mr. Peter Traboulay	Member of the Association

Madam Chairman: Good morning all, we were just waiting for the media part of the Parliament to tell us when we could start speaking, because this session, as you know, it is being carried on the Parliament Channel, and I believe it is also being carried by one of the radio stations. So I apologize for the short delay.

I welcome you to the second public hearing of the Joint Select Committee on Finance and Legal Affairs, which is currently dealing with the issue of food fraud in Trinidad and Tobago.

For our listening audience or viewing audience, you can contact us during the course of this session or even afterwards via email at parl101@ttparliament.org or you could go to the facebook page and make your comment or you may tweet @ttparliament.

I would like to welcome members of the Customs and Excise Division, the Poultry Association of Trinidad and Tobago and the Trinidad and Tobago Manufacturers' Association. Before I ask you to introduce yourselves, I would like those of us way over at this end of the table to introduce us to you. So perhaps I can start from my right.

[Introductions made]

Madam Chairman: Now, if I go from left to right, will you all be good enough to just say your names and the organization that you represent?

[Introductions made]

Madam Chairman: Okay. Welcome to all of you. Now, I am just going to read out the enquiry objectives which I know you are fully aware of, but if someone is now tuning in to the Parliament Channel, they may not know, so I would read it out very briefly. Three objectives of this enquiry are:

- To understand the extent to which food fraud occurs or is perceived to occur in Trinidad and Tobago.
- To assess the effectiveness and adequacy of existing systems, policies and laws aimed at preventing and alleviating food fraud in Trinidad and Tobago.
- To make recommendations for the improvement of standards in the local food industry, both in the short and long term.

Now, we have so far in addition to having input from persons who attended

at the last session, we have received submissions from customs, the Poultry Association, the Seafood Industry Development Company Limited and the Warnerville Grain Mills Group of Companies. I would like to ask, I suppose the lead delegate from each of the groups represented here, to make a brief opening statement if they would be so kind. So, Mr. Singh, would you do us the honour of starting us off?

Mr. Singh: Thank you, Madam Chair. I represent the Customs and Excise Division, and in relation to the topic at hand I would just like to state, part of the mission of our organization will be to address three salient points: the first being facilitating trade; secondly, the collection of revenue and thirdly practising effective law enforcement. Regarding the enquiry at hand here, we would have been a bit—if I would find the word—put out, so to speak, in trying to define what food fraud would have really represented. So we more or less put it under the umbrella of what we perceive to be fraud in the wider context what we would be encountering on a daily basis within the division, and it will take other forms. And, certainly, there is a place for finding a small niche to say that if it is, even if it takes place, we would be aware and we have certain policies and guidelines in place to actually handle those issues when they come about. Thank you.

Madam Chairman: Okay. That sounds interesting. I am sure that members would want to explore those statements with you further. May I now ask Mr. Phillips if he would be minded to make a statement?

Mr. Phillips: Thank you, Madam Chair, and we want to thank you and the rest of the Committee for inviting us here today to make our contribution. Just a background on the poultry industry in Trinidad and Tobago, it is the largest agro sector in the industry, accounting for, according to FAO reports, of upward of 60 per cent of agricultural GDP.

In Trinidad and Tobago, we consume about 50 million heads of chicken a year or almost one million heads a week, and 80 per cent of that is produced and supplied by local producers. In that context, you could imagine the impact of food fraud that would involve the poultry industry and in that regard, we have divided the food fraud into two major categories: one that impacts on food safety and consumer health and the second one that impacts on trade and the money coming into the exchequer.

We have looked at your objectives and responded in our written submission and would supplement that with what we present here today orally. We have also brought additional information which we would leave with the Committee at the end of the discussions.

In terms of the technical part of it, Dr. Desmond Ali would do the main presentation. His background is that he has a PhD in microbial biochemistry, which really fits—the hand that fits the glove here today in our presentation. In addition to that, he is Executive Director of the Caribbean Poultry Association, so he could give a perspective, not only for Trinidad but regionally and, more importantly, internationally. So that would be our opening remarks. Thank you.

Madam Chairman: Thank you very much. Dr. Ramdeen?

Dr. Ramdeen: Thank you, Madam Chair, for allowing the TTMA to have a presence here to voice our contribution towards this very informative session that I am sure a lot of information that is going to come out from the process of it will be beneficial to all the stakeholders involved.

Madam Chair, without reiterating what was said by the Comptroller and Mr. Phillips, we too at the TTMA have two main perspectives in looking at this whole issue, and predominantly it is about trade facilitation from our perspective. As Mr. Phillips rightly alluded to, it is about safeguarding the interest, the health of the

citizens of Trinidad and Tobago.

We are living in a globalized environment and manufacturers like to operate in an environment that is transparent. It is predictable and this engagement and discussion we are having here this morning speaks to those issues. We are asked to meet certain standards going internationally because we are operating in a globalized environment, and we would want to do everything within our power to contribute to forming and shaping policy that would ensure that there is equitable treatment for goods coming into Trinidad and Tobago. Like Mr. Phillips, I do have a specialist with me here from one of my manufacturers who would probably speak on more of the technical aspects when questions are raised to the TTMA. Thank you very much.

Madam Chairman: Thank you all. Now, I am thinking that perhaps we should start with customs, the Customs and Excise Division.

Mr. Rambharat: Comptroller, I must say I was taken aback by your opening statement, which seems to afford very, very small amount of interest in this topic of food fraud. Correct me if I am wrong. At least 25 per cent of imports into the country relate to food. My understanding of food fraud is that it covers misdescription, it covers the risk of what the physical thing that is brought in being misrepresented in terms of its composition, its quality, its origin; and food fraud covers mislabelling, misdescription and issues of origin. So it is a number of things, a wide range of things, but ultimately food fraud deals with fooling, not only the consumer but the exchequer. If 23 per cent, 25 per cent of our imports comprise things that are food, I think it should command more than a sliver of attention of customs and that is my opening point.

My question is: what is in place in customs to deal with the issues I have raised in relation to mislabelling, misdescription and the physical quality of what is

imported in the country under the description of food?

Mr. Singh: Thank you, Madam Chair. Hon. Minister if that was the impression that was conveyed, I assure you it is the furthest from the truth. That was just an opening line that I would have really put out. All those points that you made reference to would have formed part of what I am going to say. We too are deeply concerned, especially in the case of—you had referred to mislabelling, misdescription—and that is why I painted it in a broader context of all the other issues where we have encountered actual cases of fraud.

If I am to say, if I can maybe paint a picture as to what happens currently when a particular transaction is being entertained by any importing party. As we know now, we operate a platform with a single electronic window, TTBizLink and the Ministry of Trade and Industry and a host of other governmental agencies. Initially that document is submitted to the Customs and Excise Division, which certain governmental agencies have access to key blocks of information in that document. It is forwarded through this portal, through this medium, for all these agencies to view—the respective agencies that is. So if it is a food product, usually it would go to the Food and Drugs Division. They would review whatever they would need to see or whatever requirements for that particular transaction, and until they are satisfied, they will not give the okay for us to proceed further with that transaction.

So, in other words, while it is our duty, our responsibility to receive all documents for import transactions, the onus on the particular circumstance and the particular authority on a subject would reside with that particular agency, whether it be Food and Drugs, whether it is the Ministry of Health, whether it is Plant Quarantine, whether it is the Bureau of Standards, whichever agency will have an interest in it they will view. They will then communicate to us exactly what they

would like to be done.

Madam Chairman: I am sorry to interrupt you, but when you say, “they will view”, what do you mean? Is it that they would look at the document which is on the database or will they go and look at the thing which is waiting to be admitted into the country?

Mr. Singh: Thank you, Madam Chair. So I was at the stage of the documents, just the documents. It may eventually lead to what you are describing. It may eventually lead. I am saying this initial document check, it is done by these respective agencies. They will then indicate to us, in the case of food, many possible scenarios: either they will exempt that transaction from their surveillance; they may say release; they may also say release to warehouse; they may also say hold for inspection and we are guided by whatever direction they give. That is solely their responsibility. So we have gone past the stage now of them giving us this notification, whether it be exempt, release, hold for inspection, release to warehouse.

So the necessities will be done by the broker/importer. They will cause the goods—let us assume it is a container—to be in a particular place. Assume, for example, it is hold for inspection, it means that together with the customs, they will also perform whatever examination is required on their end. They will know what they are looking for and they will give the ultimate sign-off as to release into the commerce of the country. We are guided by whatever they do.

There is a final document which is really a release order, only when satisfied with all the obligations, only then we would issue that release order for it to be entered into the commerce of the country.

Madam Chairman: I am not so sure I am following you, because as I understand it, customs has the legal authority to permit something or someone entry into our

jurisdiction. That is not an authority which is invested in the Food and Drug Division or, indeed, any other government department. So let me ask you this. When the initial information is put on your database: can you give us an idea how long does it take to get a response from the Food and Drug Department?

Mr. Singh: When that document is submitted to the customs, Madam Chair, it is almost simultaneous that it goes across to that agency. So it is almost—

Madam Chairman: Well, how long after do you tend to get a reply?

Mr. Singh: It depends. We do not know what they are looking for. They would be looking at certain particular aspects of it, so it is totally—

Madam Chairman: I appreciate that, but what I am asking is, from your end, you can tell us: is it that you intend to wait a week for the food and drugs people to get back to you on the database so that you can proceed? Is it the same day? What is it?

Mr. Singh: Again, we cannot quantify that time. Usually it is within the same day, but I am saying there are specific circumstances. So we cannot say by four o'clock this evening we will get that document. We cannot say that.

Madam Chairman: Okay. So, essentially, what that tells us—I do not know if you will agree with me—is that the Food and Drug Division will not do an inspection. They would simply look at what is put up on the database and give their go-ahead or not as the case may be. That is so?

Mr. Singh: That is correct, Madam Chair. If only to put it in perspective, there is a document we have here which is a listing of all the products that can possibly be imported, and the food and drugs has the responsibility for what we call chapters 1 to 39 in this tariff. So all such products automatically would go to them. If I am to also mention, it is provided for in the Food and Drugs Act where the food and drugs inspector has the right to examine customs entries, et cetera. It is provided for in

law. As part of our custom border control system, they have been included into that frame, so to speak. So the authority is there for doing it.

Madam Chairman: Sure. Perhaps you can tell us: have you encountered or has customs encountered instances where persons were trying to import contaminated food into the jurisdiction? What are the statistics? How often does it happen? In what particular industry or aspect of the food industry? Can you assist us with that?

Mr. Singh: At this stage, Madam Chair, I cannot because that would require some analysis and, in any event, as I am saying, we would be guided by what they do and I would not want to rely on memory for an occasion as important as this here.

Madam Chairman: Sorry to interrupt you again, but I see Mr. Phillips raising his hand. I think he might be able to assist you.

Mr. Phillips: Thank you, Madam Chair, for recognizing. It is very instructive. We in the poultry industry have a practical case, an actual case. Based on the information that we sourced on the USDA, which is the United States Department of Agriculture website, there was information that they exported a product called poultry offal meal. Poultry offal meal could include edible and non-edible, but the numbers—you are talking about an average during a period of July 2014 to September 2014—of nearly 200 metric tonnes a month. There was no evidence of that, whether the edible or the inedible offal meal coming to Trinidad and Tobago.

We enquired of the Office of the Chief Veterinary Officer, who have to give a health permit. According to them, no permit was given to import such a product. The Customs and Excise Department reported to us that there was no correspondent import of that product. So what happens after that? Is there some way we could contact the USDA or the exporting countries authorities to say well, what happen? They reported that it was exported to Trinidad and Tobago and we are reporting that it never came. It did not disappear into space. So there is an actual information that

is outside there that hit a wall and we did not know how to go over or under or through the wall. So I am not sure if the Customs and Excise Department could give us—what happens next?

Madam Chairman: I do not know. I mean, how does it work when you put stuff on board a ship for export? Is it that you would have to have whatever the product is on some sort of manifest on the vessel, so you could identify the vessel, you could identify what the vessel is supposed to be carrying and that kind of thing? Was there any information found with respect to that?

Mr. Phillips: Well the USDA information is given via tariff numbers, which is what you use for international trade, what you call—it is in that blue book.

Mr. Singh: Yes.

Mr. Phillips:—HS codes. So we went to the USDA website and we got this information. So we enquired, why are they bringing this product into Trinidad? Whether it is inedible or edible it is not something that we would expect to come to Trinidad, yet the Ministry of Agriculture, Land and Fisheries Chief Veterinary Officer advised no such import permit, health permit, was granted for a product like that. So we are not sure exactly what came into the country, if it came at all.

So my question is, in a situation where we actually have some sort of documentation that comes from a very reliable source, the United States Department of Agriculture, which shows that something amiss is taking place, what is the next step? If we do not find any evidence here in Trinidad, do we just leave it there and say, well it never came? Or did it come into Trinidad under a different tariff heading? That is part of food fraud as described by the acting director. So in a case like this, is there another step beyond what has taken place?

Madam Chairman: Well, I do not know if Mr. Singh—I do not want to sound as though I am taking over the questioning, but I just need to ask this burning question

before I allow Dr. Francis to ask his. To me, the logical next step is enforcement of the law, because if it has not come in legally, it means it has come in illegally. So certainly customs would have a role there. Would that not be so?

Mr. Singh: Thank you, Madam Chair. The fortunate thing about this particular matter is that Mr. Phillips, he had engaged me when that information came to hand. Now, a lot of things can happen there. I mean, I am not a lawyer, but most of it would really call for speculation as to what could have transpired. Getting the statistics from the USDA which I agree is a very valuable source, anything can happen. You are right, Madam Chair, that document that you are referring to, the Manifest and the Bill of Lading is what would really say that it has been shipped to Trinidad and Tobago.

I would have done some research on this particular matter and there is no evidence to show that it actually came to Trinidad. So whoever would have been using—and again I am suggesting, we can only suggest, no one knows—but I am telling you from our records that particular transaction was not shown to actually come to our shores. You are quite right again, if it is that we would have evidence of it coming, then we would have been in a particular place to take certain action to more or less stem that illegal importation, which is without the necessary permits, without the knowledge of the local food and drug authorities.

10.35 a.m.

Madam Chairman: So what you are saying is that you did conduct an investigation, you did have access to the information on the manifest and the bill of lading, and whatnot, and you concluded that there was no other trail to follow in order to ascertain whether the product arrived here? Is that correct?

Mr. Singh: That is correct, Ma'am.

Dr. Francis: Mr. Singh, good morning, again. Relatively simple questions: first

up, how confident are you in the protocols governing and then the quality of investigations carried out by your division? I am saying that in the context that some of the feedback I received is that these investigations are neither as strict or as thorough as perhaps they should be; that is one. I am concerned about foods that are labelled in languages other than English which can be found on our shelves in this nation. I would just like to know what are your views on that? And I will give you a “gimme”, I will hit you a long hop you could hit for six: how confident are you in the safety of the food imports coming into this country in general? Thank you.

Mr. Singh: Thank you, Dr. Francis. I just want to put the particular section, I guess you are referring to in the Customs and Excise Division, our Investigations Unit—I would disagree with that observation that you made. What I will say is that we are so depleted of resources the quality of the people that we have there I assure you they are some of the best that we have. And I need not go into specifics to tell you how short staffed we are, but from what we have coming out it is terrible—

Dr. Francis: Mr. Singh, it might be helpful if you were to tell us—it might be tremendously helpful, because, okay, let me provide the context. There are views that I have heard, for example, that investigations are carried out by officers supposedly who are miles away that they do not really look at the material they are supposed to look at. We hear these rumours and innuendo all the time. Now, this is a nation that is sometimes prone to rumour, so one does not just simply takes these things, but the public needs to be assured that the division is doing what it ought to do. If there are constraints preventing that then this is the forum for vetting, for explaining those concerns, because they might provide a greater picture of what is facing you. So it would be very helpful if you were to tell us the constraints facing you.

Mr. Singh: Thank you, again, Dr. Francis. I think when you had mentioned the investigations, I was referring to actually a different section, which is after an infraction is detected we would send these specialists to really do what needs to be done. I guess what you are looking at is examination, which is slightly different in our context. Okay? Again, I would say that our investigators, I will not find any fault with my investigators; they go way beyond the call of duty. They are almost working 24 hours; that is not an issue. As far as the staffing constraints are concerned we are below 15 per cent of what our establishment is supposed to be.

Madam Chairman: 1-5?

Dr. Francis: 1-5?

Mr. Singh: 5-0.

Dr. Francis: Oh, 50 per cent.

Madam Chairman: 50 per cent, yes. Okay? So it calls for about 460 in our establishment, I think we are down to 220 to just thereabouts right now. If only to say that we have embarked on a certain course of action where we are more or less conforming with international trends in doing certain things. In other words then, and part of my opening presentation would have been facilitating compliant trade, what we try—the idea that is coming out now we want to get all importing and exporting members of this nation to become compliant. So you would more or less be on a certain level with us where we can de-risk you, so to speak. So we know who we are targeting, which group that we are targeting, in particular.

The incidence of—even the examinations you were referring to, in some cases, and I would tell you in the case of food, this vessel comes up on a Wednesday, and it is a vessel with only food products for Trinidad and Tobago. So it is a case where we have to remobilize our resources on that particular date to handle this influx. We do not want those goods to stay for any length of time on the

ports, et cetera, and that is done without dispatch. I do not think we have any complaints as to what measures we would have put in place to facilitate that type of transaction.

So I would not want to comment further on that part that you were referring to with the rumours because I treat rumours as rumours too, and if you cannot present something to me to tell me that on such and such a date, so it did not come, I could deal with that, but the rumours we will leave it there right now. What I will tell you is that our officers are some of the most dedicated and committed officers you would find.

Dr. Francis: I am happy to hear that. Is anything being done to deal with the personnel issue?

Mr. Singh: Dr. Francis, even as we speak certain measures are being put in place to fill that void, so to speak. But because for a period of time, it was not now—sometime in the past—recruiting really was not done because of the way that the division was supposed to go, we all know what happened with that. So there was a temporary halt on recruitment, and what is happening now even though some members are coming in they are fresh, they are being trained even as speak. We have a batch in training now, but it takes a certain amount of time to really get an officer up to an acceptable standard where you would really understand all the vagaries of what is required in the job, okay? So we are filling it gradually but it will take some time to get where we want to be. If only to say though, that we have adopted some new international techniques as far as the operations are concerned, and I was referring to the compliant nature of trade, on the one hand.

The emphasis now, and I know it may not be in its full operation right now, but it has to do with a lot of risk assessment, intelligence based, and if we have narrowed down, more or less, the noncompliant people, we are trying to find the

formula as to how we are actually going to target what we perceive to be the noncompliant section, because the world is going into compliance. The world is heading into a place now where there are what we call trusted trader programmes, authorized economic operators where you are given certain leeway, we have certain faith, certain confidence in you where you can operate after you have been sanctioned. We have a rudimentary voluntary compliance programme that is going on right now with six of the larger importers of products in Trinidad and Tobago, and it is working beautifully for us. This is the way that we see it will be going in the future.

Madam Chairman: Okay, Mr. Singh, I know you all are doing a lot of good work—sorry, **Dr. Francis**, I did not see your light was on, go ahead.

Dr. Francis: He has not answered my second question on labelling. Mr. Singh?

Mr. Singh: The labelling?

Dr. Francis: Labelling. Sorry, Chair.

Mr. Singh: Thank you for reminding me. I saw the first session where that, I think, would have actually been—

Dr. Francis: Yeah, I have been concerned with it for a while, so, yes. I keep asking the same question.

Mr. Singh: Okay. I want to tell you another importance statistic. Now remember, we were at the point where we would send these documents for vetting by the respective governmental agencies and they may determine whether they want to examine, whether they do not want to examine. We also have certain criteria in our selectivity process for examination. For the volumes that Trinidad and Tobago would normally do it is impossible to examine every container in Trinidad and Tobago—that is a given. We are aiming for between maybe 75, 80 per cent without examination. That is our aim, okay? So we deliver these goods without

examination. What I am saying, if it is that the authority, the food and drug authority, having viewed whatever they would view and determined that they also do not have an interest in it, the chances are, and I am saying a hypothetical situation, the chances are that that particular product may never be examined by both Customs nor the respective governmental agency.

The reverse is also true, that we may not have an interest for examination based on our risk criteria, but the respective agency may want to examine that; in such a case we leave it up to them, they will do whatever it is that they are looking for. Why am I telling you this? That in some cases, especially with the larger importers which would present a lesser risk to us, we may not, based on our criteria, examine those containers, okay? Again, I would tell you that if we were to examine a container and we see what you are referring to, the foreign labels and so on, the duty is on us to draw that to the attention of the respective agency that is responsible, whether be it Bureau of Standards, or in the case of food, whether it is the Food and Drugs, and in such case we will refer that to them.

Madam Chairman: And have you ever encountered such a situation?

Mr. Singh: From my recollection, Madam Chair, no. My own recollection, I have not.

Madam Chairman: And you are aware that in supermarkets in this country there are products labelled in French, Spanish, Arabic, different Chinese languages, possibly Hindi, and other languages that I cannot read? So do you have a way of, or an idea of how this might be prevented, the importation of this kind of product?

Mr. Singh: Again, that will be based on intelligence. That is the only way we can successfully target that operation, bearing in mind the volume that I am saying. To my mind, and I do not want to speak for the Food and Drugs, even at that stage I am certain things can be done when those offending products are seen. Many, many

years ago, Madam Chair—I just want to correct what I just said concerning the foreign labels—I remember an importer brought in a shipment of sardines and the labelling was in Spanish; in that case it did not reach the shelves because we would have referred it to the Food and Drugs then. It was stored in the warehouse, and I understand then—I was about a junior officer then—I understand then they had to remake labels and every single can of sardine had to be affixed with that label before it went out. That is what I could tell you from my experience what would have transpired.

Mr. Coppin: Good morning, Mr. Singh. I know you would have said that a lot of the responsibility for inspection lies with the relevant Ministry, in this case would be the Food and Drug Division. From my own understanding though, as it relates to origin and countries from which we are allowed to import poultry, I have before me the animal disease and import control regulations, as well as the Importation of Poultry and Non-Poultry Products Permit Notice, I know the Poultry Association would have referred to in there, which I do not think you have a sight of, in their submission, one of the concerns they have is that import of products from non-approved sources as defined in those said regulations, section 15 of the control regulation speaks to poultry may only being imported from one of the countries specified in the Sixth Schedule, and those countries are, Antigua, Australia, Barbados, Belize, Canada, Denmark, Jamaica, Montserrat, Netherlands, New Zealand, Northern Ireland, St. Kitts and Nevis and Angola. From your experience is there any merit in suggestions or claims that apart—that there are imports currently in this country from non-approved sources as defined in those control regulations and the notices? Is there any merit in those claims?

Mr. Singh: Madam Chair, if I may, if we are speaking about poultry products, in particular, the usual procedure for that—to answer your claim Mr. Coppin, let me

say this first and then I will have to get back to your question. In the case of poultry products and the submission of these documents, as I mentioned to another agency, even at the point of delivery of the goods certain documents are required even from the Customs end; we need to see those documents physically, okay? The first being the health certificate from the exporting country, and, secondly, the permit from the local authorities here—usually, it is the Ministry of Health?

Mr. Phillips: Office of the CVO.

Mr. Singh: Right, okay, Chief Veterinary Officer, and we are guided by those two documents. In fact, that particular permit is one that we will actually mark off to say that this shipment is conforming with that. The specifics of the countries that you made mention, you are saying that those are the countries, only from those countries products can come?

Mr. Coppin: Yeah, there are some other ones, Dominica, St. Lucia, France, St. Vincent, Great Britain, Sweden, Grenada, United Kingdom, Guyana, United States and Israel.

Mr. Singh: So, reliance is placed really on those certificates that are submitted to the Customs. If I may also, Madam Chair, those initial documents that I was referring to, it is not just a Customs entry document, all supporting documents for that transaction are also uploaded by the customs broker. So if it is that a health certificate is required it has to be uploaded, if an import permit has to be provided it must be uploaded, so we would see all the attachments on that particular transaction as a bundle of documents for that particular occasion.

Madam Chairman: But how do you authenticate the certificate because anybody could upload anything on any information system?

Mr. Singh: At the point of examination, those original certificates will have to be provided just prior to delivery. So whether it is examined or not we still deliver.

Madam Chairman: I am not following you at all.

Mr. Singh: We are talking about uploading in the initial phase—

Madam Chairman: Right, so the importer comes in and the broker is there and he has a bunch of documents, one of which is the health certificate, and this document is accompanied by supporting documents, which may or may not be authentic in themselves, is there any way through the unified system that you have described, for you to go up on the system and try to find out whether the documents you are seeing or which have been produced to you are in fact genuine?

Mr. Singh: Thank you, Madam Chair. You must also remember that the access to that system is only by special designated personnel from even the governmental agencies, so there has to be an element of trust even from the personnel who are reviewing, say from the Ministry of Health or the plant quarantine, whoever.

Madam Chairman: Mr. Singh, I am asking a straight question, you know. I think you can give me a direct answer.

Mr. Singh: Well, you see, you were referring to two different scenarios; one was the uploading which is a requirement for initial submission. I was also making reference to the delivery which is an operation removed from that initial uploading at which case the originals will be presented.

Madam Chairman: Yes. What I am asking you is, when you receive the originals how do you authenticate them? Or, how do you know that they are authentic? Is there some method whereby you can go to some sort of international governing website and determine whether what you are seeing is in fact a certificate issued from a particular industry in a particular country? Is that a capacity which Customs has?

Mr. Singh: Not at this time. Not at this time, Madam Chair.

Madam Chairman: I see.

Mr. Singh: If we have to do that we will to go through again with the local agency.

Madam Chairman: Okay, thank you. I think we have spent a great deal of time with Customs so far, and I know that as we ask questions, more questions will burgeon from this end of the table, so perhaps we should move on to Mr. Phillips, and then if we have some time we could tie it in with Customs.

Dr. Rambharat: Mr. Phillips, last September when I looked at the performance of the local poultry sector I saw that between 2010 and 2015 we had a sharp increase in imported poultry to the point that imported poultry may be about 20 per cent of the market, but more recently I noticed an even sharper increase in the importation of poultry. What are the issues relating to imported poultry on this question of food fraud in the country?

Mr. Phillips: That is a very good question, but, you know, it is very strange you ask that question, because based on the earlier discussion we are not sure—the data that we presented which highlighted that, again, was sourced from the United States Department of Agriculture, which is a very reputable source. Unfortunately, we have no corresponding data on imports into Trinidad from the Customs and Excise Department, or any other department to correlate or to see the matching. It has already been said here this morning that the 200 metric tonnes per month that was coming in of poultry offal never came into the country.

So, the numbers indicate that, based on the USDA export data, but I am not sure if the Customs Department information will confirm that, validate that, or say it did not happen, because at least in one case there is a big question mark over it. But what has happened is that—I think the chicken is coming because we see evidence of it, mainly chicken leg quarters. First of all I have to explain what the main export/import source for us is the United States of America; they have what you call market segmentation where they use—the term is they harvest the breast

and the wings which they get a premium price for, and then leg and thigh, as we call it here, they call it leg quarters, becomes a by-product. In fact, in the United States only 40 per cent of the leg quarters they produce is consumed domestically, so they have to export 60 per cent.

What happens from time to time is countries like China, like Russia, impose non-tariff barriers to defend their market if they find it is too much imported products coming into their market, mainly from the USA and sometimes from Brazil, they put non-tariff barriers in the way. Now, when a market, as in the case of China, 1.3 billion people; or in the case of Russia, 300 million people close their market, even for a short period of time, two, three, months, it creates a massive surplus in the warehouses in the United States.

So, therefore, leg quarters, which even at the discounted prices sell for in the United States, ex factory or ex warehouse, US 60 cents a pound; currently it is as low as US 20 cents a pound. The other factor is that in the developed countries the shelf life on meats, inclusive of chicken, is 180 days from date of slaughter. The product must be consumed within 180 days of date of slaughter, so when that product is approaching, or has exceeded the 180 days there is heavy, heavy, further discounting taking place. So one importer indicated to me that last year with this mountain of chickens they have in the United States, leg quarters, he got leg quarters for between US 18 cents and US 20 cents a pound. So that is way below cost even in the United States but it comes down here at 20 cents, whatever the tariffs are, it is supposed to be 40 per cent, it makes that product very, very, very inexpensive.

How do we deal with that? Well, that will be a policy decision. So that accounts for that part of it. In addition to that, there is raw chicken product, as all agricultural products coming into Trinidad that we have put on our WTO listing,

affords a 40 per cent tariff, but there is a way around it called neutral marinade, which is basically applying water, a little bit of sodium, a little bit of phosphate, and it becomes—comes in under a different tariff quote, 16.02, and the 40 per cent tariff applied now becomes 20 per cent.

Whether it is neutral marinade or it is just raw chicken, as far as I know, nobody checks to confirm whether it is, but it is a raw product. And we have applied, when I say we—the Caribbean Poultry Association of which Trinidad and Tobago is a member—have applied to the COTED to bring all raw chicken up to have the same application, and the COTED approved it. I am not too sure where the status is in implementing it in Trinidad and Tobago, but, as far as I know, it is still at the 20 per cent.

So, those are the two main reasons: one, there is a way around the 40 per cent tariff, reducing it to only 20, and, more importantly, as of now, especially since the beginning of this year, there is a massive glut of chicken in the United States as a result of China and Russia closing their borders to US chicken for a period of time causing big, big discounts. We in Trinidad and Tobago are in the process of implementing poultry standards approved by COTED in December 2012. We understand it has reached the stage of legal drafting. The quicker we implement that, the better it will be because our consumers should not be eating chicken that is deemed unfit for human consumption in the developed world, and that is what our consumers are exposed to right now, because once that chicken is over 180 days it is deemed unfit for human consumption. There is a case in Guyana where the chicken actually arrived in Guyana with “pet meat” stamped on the box, because in the United States if it reaches 180 days they cannot get an export market that is willing to accept it where they do not have the 180 days standard, it is sent to their pet food industry. It actually went, it was stamped “pet food”, and it arrived in

Guyana. The Guyanese were wise enough to dump it into the sea, but this is—so if it is going to the pet food market you could imagine the value. If they can get a higher price outside, like in Trinidad and Tobago, they take the higher price. So instead of selling it to the pet food market for 5 cents or 10 cents they sell it to Trinidad and Tobago for \$.20 cents, if they get 10 cents more per US per pound they are better off.

Mr. Coppin: Mr. Phillips, reading your position paper here again, I just want to, for the benefit of the listening audience as well, perhaps just to read a bit from it. It says:

The Caribbean Poultry Association, through the on-going vigilance of its members and working with the state sector inspectors have detected the following food fraud practices: products consigned for pet meat use being diverted to human use, marketing expired products over 180 days after slaughter and processing, thawing of imported frozen products being sold as fresh chilled products, mixing thawed foreign products, frozen products, with domestic fresh chilled products, and marketing as fully local fresh chilled products.

My question is, you say you have been investigating with the local authorities, could you tell me a bit, after the investigation what happens? You know, after these revelations are made, what effectively happens? Do they just go away and say, okay?

Mr. Phillips: The challenge that has been explained to us by the authorities is a similar situation to the Customs reporting this morning, they are understaffed, they do not have enough personnel to go around to do the necessary groundwork. There are about 500 supermarkets in Trinidad alone, far less the various food establishments. So, therefore, we will report it but getting the officers there to go

and confiscate the product, if that is what is necessary, is hard. That is why one of our recommendations, and this did not come from us, this came from inside one of the institutions, that they set up an MOU, a memorandum of understanding between the various organizations, and with some additional training somebody from public health could go and see something that they can deal with. They could be given the authority as somebody from the Department of Chemistry, Food and Drugs to go and seize products.

11.05 a.m.

Mr. Phillips: They would go in for their own job in an establishment, see an infraction, they know it is an infraction, but it is outside of their purview, outside of their jurisdiction. So what we need to do is set up MOUs. One of our recommendations is to set up MOUs and precept all of these officers across the Ministry of Agriculture, Land and Fisheries, across the various departments of the Ministry of Health, which would include Chemistry, Food and Drugs, Public Health, Veterinary Public Health, and also the local government authorities where they also have those types of inspectors, so that we have more feet on the ground. The problem is, as the Customs Department was explaining, there is a shortfall in the personnel out there to actually police all these issues.

Currently, for instance, we have a situation with chicken. We again have identified chicken coming in from a non-approved source, namely Chile, and when we contacted the CVO he said it is outside of his jurisdiction and contact somebody else; then we called them, they contact somebody else. So even when we identified the problem and it is recognized and it is reported, sometimes the reaction time takes too long. Once people know there are infractions and the authorities are coming into their facility, they would do what is necessary to take the offending product off of the shelves.

Mr. Coppin: I was quite alarmed. In fact, one of the discoveries you say, or the Caribbean Poultry Association say they have made, relates to the import of duty-free frozen products intended for further manufacture, being diverted to the retail market, school feeding and the food service. There is someone from the Caribbean Poultry Association here, is there not?

Dr. Ali: Yes.

Mr. Coppin: Do you still have evidence of this type of practice or do you have any evidence in your database?

Dr. Ali: Thank you for the opportunity. Let me say that the issue of food fraud affects the poultry industry in the region dramatically. The poultry industry in the region is the largest agribusiness, and we employ a lot of people and we produce 82 per cent of animal protein that the Caribbean public requires.

We are facing two problems here. I have actually seen up the islands, 20-kilo boxes of chicken stamped “For pet meat only” by the USDA, and over stamped for export to the islands and being sold up the islands. So that is one of the problems.

You have to understand the structure of the industry. The poultry industry is growing all over the world and growing at a very fast rate. Every country seems to want to become self-sufficient in poultry and also to export. The Russians who used to import nearly one million tonnes a year are now down to 300,000 tonnes and they are falling dramatically, and they will be exporters. The same with the Chinese.

In the US and Canada almost the entire cost of production of a bird is amortized under white meat on the wings and on the breasts. Everything else can be sold at whatever price the market will bear. Ex Georgia Dock, the product is sold, as Robin said, at 60 US cents a pound. The minute that the product is frozen, the price drops to 40 US cents per pound. After 180 days—and this magical 180 is

not our invention; that is a Codex Alimentarius requirement. We are a member of Codex Alimentarius, and Codex Alimentarius says that 180 days after slaughter and frozen, poultry becomes inedible for human use. The reason for that is simple, that the fat in the poultry starts to go rancid and there is the greater opportunity of the meat becoming contaminated during the process of storage. Right now as I speak the Americans have nearly one billion pounds—one billion pounds—of dark meat in storage that they cannot even give away. So the minute it goes after 180 days, the price falls through the floor, because it is either going for pet meat or it is going to a country where there are no standards, and that is the problem we are facing.

The problem we are facing here in Trinidad and Tobago and in the Caribbean is that there is not a poultry standard that says what poultry meat is, how it is to be handled, how it is to be slaughtered, how it is to be sold. We in the Caribbean Poultry Association spent a number of years working with all the industry, all the Bureaus of Standards, all the Chemistry, Food and Drugs Departments to develop a poultry standard that is the regional standard. It has been approved by CROSQ, the Caricom Regional Organisation for Standards and Quality. That was sent to COTED at the 35th COTED in 2012. It was approved by COTED in 2012. To this day 2016, not a single country in the Caribbean has implemented it, because CROSQ standards and COTED approval are not mandatory, like in the EU, here in our region they are optional. A country is free to approve or not to approve it.

What happens here in Trinidad and Tobago, people import frozen leg quarters more than 180 days; they probably get it at 15 cents. I have had offers of chicken, frozen leg quarters, for five cents a pound out of the US, but the chicken is five years old. That chicken is imported ostensibly for manufacturing, so it comes in at 5 per cent duty, and what do you see? You see full page ads from the companies that are importing that chicken ostensibly for manufacturing, being sold

openly for retail. It happens in Jamaica, it happens here. It happens to a lesser extent in Barbados. Guyana and Belize seem to be much better off than we are, and that is because Belize has BAHA, they have a BAHA Act, we do not have a similar Act.

So it seems to me that the real problem here is that we have to approve a poultry standard by which we can judge our own product and by which we can judge the imported product. At the moment the CVO and the Chemistry, Food and Drugs Act are operating in a vacuum. There simply is not a standard that they can work from.

Madam Chairman: Dr. Ali, thank you very much. That was extremely helpful because I saw on Facebook, I think sometime last week—you know, there are these fora now where people put up stuff for sale, like expats putting up stuff for sale and so on, and one of the things put up for sale was five-year-old chicken. So it is interesting that you should mention that. But do you catalogue the instances or the breaches of this code? Do you catalogue it so that it can be shared and given to some agency to investigate and so on?

Dr. Ali: Thank you, Chair. We have members throughout the region, and our members are all looking at this issue of imported chicken and where there are breaches of the law, and collecting that data. I will be presenting some of that data certainly to the various Ministers in the countries and also to COTED.

Madam Chairman: Thank you very much. I know that some of the members here are required to be in the House of Representatives at 1.30, so while this is going very well I think we have to move on to the representatives from the TTMA.

Mr. Ramadhar: Chair, if I may be permitted, I think it would be very helpful if we got from Customs, from the Poultry Association and from the Caribbean Poultry Association as we move forward, a list of what is required to improve our position

forward, as we have the Minister here so that policy decisions can be taken. As Minister of Legal Affairs we had engagement with them, and work had already started along that route, but I think it is important now for us to put a line—what next, as we proceed. Thank you very much.

Madam Chairman: Certainly. It seems as though it is left to me to start the conversation going with the members of the TTMA. What I want to ask you first of all is how many of your members are from the food industry?

Dr. Ramdeen: Thank you, Chair. The TTMA has roughly 400 members belonging to the TTMA, with approximately 40 per cent of that belonging to the food and beverage sector.

Madam Chairman: Who are the largest ones in each, I would say chicken, pork or whatever it is.

Dr. Ramdeen: Of course Arawak group is the largest chicken producer in Trinidad and Tobago, but we also have Nutrimix and the like. In terms of the area of pork we have quite a few people, but Albrosco are the ones who do a lot of the pork sausages and these kinds of things. Of course things like flour we have National Flour Mills, Nutrimix. All the large players in Trinidad and Tobago belong to the TTMA.

Madam Chairman: Does the TTMA have any sort of educational sessions for its members, so that they may know that the world is moving toward certain standards and that their product may be required to meet those standards?

Dr. Ramdeen: Yes, Madam Chair, we do have on many occasions. Last year alone we had three sessions on food sensitization, what is happening with the US with the regulations taking place here, and prior to coming to this meeting we were discussing as a team that we need to get all the stakeholders together to have a further discussion and probably write—September we were alluding to?—to have a

sensitization to the membership about what is happening in this particular area of food fraud.

Madam Chairman: Okay. Your members would be persons who are selling or trying to export processed food. Am I correct?

Dr. Ramdeen: Predominantly we are manufacturers and exporters, yes.

Madam Chairman: Yes. Okay. Have they brought any complaints to you with respect to unfair competitive practices that they may have encountered?

Dr. Ramdeen: Yes, Madam Chair, we have quite a number. You alluded to some of them earlier on when you spoke about labelling requirements. You are absolutely right. I could go on the supermarket shelves and get things in Portuguese, in Spanish. If you go to Charlotte Street, most of the things are written in Chinese. So those are some of the labelling infringements that we have, among others. I have one of my representatives here who could probably speak some more on the specific labelling infringements in his particular industry and area.

Madam Chairman: Certainly. Good morning Mr. Traboulay, thank you for joining the discussion this morning. But would you like to take it up from where Dr. Ramdeen ended?

Mr. Traboulay: Yes. The food and drug regulations as currently pertains, there are a number of requirements for food labelling, which we as manufacturers have to comply with. In fact, we as exporters also have even more rigid requirements in countries like Barbados, St. Lucia, Jamaica and Guyana, which we have to comply with as well.

Recently for export, let us say to Guyana, we would have had to send certificates of quality from CARIRI as well as from the Food and Drugs, export certificates saying that the shipment meets a certain standard. However, end products coming into the market there does not seem to be a reciprocal requirement

from Trinidad. In Jamaica, if you send a product into Jamaica without address for a distributor, the product is blocked at the port. In St. Lucia, if you send a product there and it does not have a certificate of analysis from CARIRI, not even our own, it must be from an independent lab such as CARIRI, it is blocked at the port, but the reciprocal does not exist.

In a sense the food and drug regulations locally were drafted in 1960 and there have been very, very few amendments over the years, minor amendments really. A lot of the law is in fact outdated, a lot of the standards which define what the product should be by certain standards are outdated. Some of them are not even covered any more, such as, we talked last time about flavoured water. There is no definition in Trinidad and Tobago law of flavoured water.

Madam Chairman: I am interested in this particular thing that you said. You say that you have to make sure that you have the certificate from the Food and Drug Division, but last week during the session that we had here we were told that the Food and Drug Division does not have an operational lab, that it was shut down I think by the union two years ago. So over the last two years, what has been happening? How have you managed to get these certificates?

Mr. Traboulay: Madam Chair, what has been happening is that the Food and Drugs lab—actually it is quite right—was shut two years ago, but actually has been non-functional maybe 10, 15 years now. The testing has been done by CARIRI. We would send for the export certificates, copies of our labels for review, by the Food and Drugs. We would invite them to our plant to examine our facility to make sure that we are manufacturing under the requirements of the food and drug law, and based on that they would issue the export certificate. It is something we can apply for online, and having their records of our labels, that they have, in fact, examined our plant, they would issue the export certificate for every shipment that

we need it for. There is a small fee for that. So based on that; that is what we have been doing. If they require an analysis, we would have to send the samples to CARIRI and submit the report to them.

Dr. Francis: Good morning again. In our previous hearing with the Bureau of Standards et al, we were informed that foodstuffs that were dumped, and I do not mean dumped in the economic sense, I mean dumped in the literal sense as in a dump, were subsequently being sold in Trinidad by some interesting sleight of hand. Have you encountered cases of this? Have you flagged them? What happened next?

Dr. Ramdeen: There are many occasions that we could cite where dumping in the literal sense would have taken place, and yes we have brought it to the relevant authorities. In some instances the goods have been taken off the shelf. A couple of years ago we had a situation with footwear, Timberland, false declaration or imitations that were coming in, and all were taken off the market. We do have a very good working relationship with the Customs Department. Every so often we would inform the Comptroller of what is happening, we would inform the Bureau of Standards of what is happening, and we would inform Chemistry, Food and Drugs, as the particular scenario rests with their authority.

Unfortunately there is a big problem working with the Chemistry, Food and Drugs. They are under-resourced, both financially, human resource capital inadequacies and they are just not up to scratch. You cannot even get the Food and Drugs Division by phone. They do not have a phone working, they do not have their emails working. You have to call the respective people on their personal cell phone, it is that bad. It is really and truly a difficult challenge for us dealing with the Chemistry, Food and Drugs Division.

So whereas we may identify certain irregularities in the market and we bring

it to the attention of the authority, and if it is a food item the Chemistry, Food and Drugs Division in this particular instance, there is very little that could be done. We also would bring to the Consumer Affairs Division at times, and it is a little better with the Consumer Affairs Division, but the real challenges continue to rest with the Chemistry, Food and Drugs Division. I do not know if you want to add anything.

Mr. Traboulay: Yes. I have been dealing with the Food and Drugs Division for maybe 30 years, in manufacturing, but what Dr. Ramdeen has just said is quite right.

There are two challenges, one, as was mentioned, under-resourced, under-equipped, under-funded. Sometimes I also wonder if the will exists quite frankly. Besides that too, there does not seem to be an appreciation for trade issues and, therefore, delays in certain certifications are done when products may be in some port waiting for something from Food and Drugs, and just waiting there collecting demurrage and so forth. This is why the TTMA and many members of the TTMA have advocated that food come under the TTBS rather than being under the Food and Drugs Division.

Let me explain something like that. Right now the food and drug regulations are one of law. If you are going to change it, it has go to Parliament and so forth. However, the Bureau of Standards has many, many standards that they can change at will, because of the way they operate. So in a way many countries, St. Lucia and so on for example, have the food under the bureau, St. Kitts under the bureau, Jamaica under the bureau; they can change their requirements, their standards and keep with the times very easily. Whereas here we are 50, almost 60 years old in our regulations, and we have not changed our food standards.

If it was changed and the bureau had the authority to establish standards, we

could have also kept pace, know what are the preservatives that are no longer used in the world; that we are still using. For example: what are the limits of use of certain ingredients that are no longer being used at the levels we are allowed to use here? Things like that. We could have done those things very easily, but having to change a food standard or a food law, a food standard under the bureau that takes 60 years to get it done under the Food and Drugs Ordinance.

So there was this advocate that many countries—I think we are probably the only one, Desmond, that still has it under Food and Drugs, all the other Caribbean islands have it under the Bureau of Standards. We are the only one in Caricom that still has it under Food and Drugs. Everybody else is bureau, for the same reason of keeping up with the standards and making sure that we have a relevant system.

Madam Chairman: I just want to bring this back to Mr. Singh. I understand what you have told us about being extremely short-staffed and so on, but do you think in the interim while some regulatory system is being created and put into place and that kind of thing, there would be any possibility of training some of your personnel and assigning them to deal with food imports and exports?

Mr. Singh: Thank you, Madam Chairman, I can answer in the affirmative. From the discussions that have been taking place nationally I think it is very opportune now that we embark on some form of further training to increase the sensitization levels. I will take that on as a recommendation and we will do it.

Madam Chairman: Thank you.

Mr. Rambharat: Just to come back to Customs, just taking the point that I think it is either Dr. Ali or Robin made. We are talking about food fraud, I also have seen what I would consider to be food laundering. So the leg and thighs come in, the quarters, and I heard the discussion about coming in under a particular duty for manufacturing, but then it enters the market without any further processing. Why I

say “food laundering” is that my understanding is that this previously frozen meat is thawed out and sold as fresh poultry, or even in some of the more reputable establishments it is mixed with local chicken, because of course I as the consumer I stick to breast and wing, because I know that that is local; the import is the leg and thigh. But it is mixed, so you will get a pelau pack that is part five-year-old frozen leg and thigh from the US and part local breast and wing. I consider that to be food laundering. It is disguising and fooling the consumer.

My understanding too is that the same thing happens with pork. Pork for processing comes in duty free into the country, but the importers are putting that pork on the retail shelf. In the form in which it is brought in there is no alteration, no further processing and it is competing with local pork. So that of course has to do with where it ends up after it leaves Customs, and I imagine you would say to me that you have no role in that. But the overarching concern I have so far is that the single electronic window is merely a paper transaction. It is only an examination of documents. I see it as a triangle in which Customs has a role, Agriculture has a role. But correct me if I am wrong, when Agriculture works on the single electronic window, Agriculture is not seeing the tariff code; it does not. That is not what Agriculture is looking at the documentation for. Then Food and Drugs has a role and a very different and limited role.

But in all of this, nobody is examining the actual physical product that comes into the country—that is the first thing. So while the documentation may talk about pork and chicken and whatever else, flour, rice, sugar, I am not getting the assurance that anybody in this country is looking at what is coming into the country—if chicken is chicken, if fish is fish. I know the crab meat that is being sold is fake, but nothing on the packaging tells the consumer that this is not real. If you go anywhere in North America where you see chicken being sold in a

supermarket, you see “previously frozen”. There is a sign that says “previously frozen”, because the market recognizes there is a quality difference and a price difference between fresh chicken and previously frozen chicken that has been thawed out.

That is where my concern from the outset was and where it remains, that absolutely nothing in what I have heard tells me that the consumer has the assurance that what they are consuming is safe, what they are consuming is what it is and the price they are paying is what it should be. Then a side of that, part of that, is the fact that local producers are suffering; the local pig farmers are suffering, because for Christmas this duty-free pork was being retailed at four pounds for \$50. Local pig farmers who feed their animals with grass, and in many cases imported feed, cannot compete with a highly subsidized product imported duty-free and landing onto the shelves to compete when it should not be. And that is difficult, and that is where the difficulty lies to the local producers and the consumers. That is where my concern is.

To the TTMA—I am amazed. Water is water, flavoured water is soft drink, and that is how I feel as a consumer. That consumers are being misled and taken advantage of, and I am not going to talk today about bottled water, which is one of the biggest frauds being practised on the consumers in this country.

Mr. Coppin: Question to the Poultry Association again. I know the Manufacturers Association representative would have spoken about their lack of confidence in the Chemistry, Food and Drugs Division, but in your estimation does the Chemistry, Food and Drugs Division exercise effective oversight of the local poultry industry through inspections, seizing of items and pursuing legislation—in your estimation.

Mr. Phillips: The situation with the Chemistry, Food and Drugs Department is that under the laws of Trinidad and Tobago they have legal oversight. Their interaction

with the poultry industry is minimal. Our interaction with government authorities are, one, through the Ministry of Agriculture, Land and Fisheries and the office of the Chief Veterinary Officer and the Poultry Surveillance Unit they have jurisdiction over our farms. Two, once the chickens go to a processing plant the Ministry of Health takes over through the department of Veterinary Public Health. Three, if the chickens go to what we call pluck shops in Trinidad, poultry depots, that again could be Veterinary Public Health or it could be according to its location under the jurisdiction of local government, with their public health officers.

Chemistry, Food and Drugs should have jurisdiction when it is in the retail section. So they would look at things like labelling and issues as described by us here today and by the various other contributors, as regards mislabelling, defrosting and freezing and ingredients and all of that. Their situation as we understand it is that they do not have enough feet on the ground to be able to efficiently do what is required.

11.35 a.m.

And your member, Mr. P. Ramadhar, made reference to that he would expect after all our deliberations here today that we get recommendations to put forward. And we in the poultry industry, supported by the Caribbean Poultry Association, agree with that 100 per cent and we have put forward our recommendations in all the areas that we have identified.

And in the case of, specific to your question, we have recommended a MOU, a memorandum of understanding, between the different government agencies who actually go to these establishments whether it is public health, veterinary public health, public health local government, Ministry of Agriculture, Land and Fisheries personnel in their various departments so that we can get better cover. It would take a little of extra training for all of them so that they will have—and precept

them to take the necessary action. They see an infraction, they should be authorized and precepted to take whatever action that they deem necessary in accordance with laws of Trinidad and Tobago. Unfortunately, they go and they see and they cannot do anything because it outside of their purview.

The first case of chicken coming from an unauthorized country, in this case chicken, was identified in Tobago by a member of the veterinary public health department, Ministry of Health, saw it and he could not do anything about it other than to call us and tell us, look he has observed this and we should find the methodology to take action. And again of course, Tobago is another jurisdiction and we are not too sure exactly what happens over there. So it gets very, very complicated. So you have people who, by their training, know that it is an infraction, but by their job description cannot do anything.

Mr. Coppin: So, I want to return perhaps maybe to the first level that is the locally produced poultry. I think you said the Ministry of Agriculture, Land and Fisheries has some sort of oversight at the first level. Do you know how many producers, farmers have been requested, if at all, to seize or suspend any operations due to unsatisfactory health and safety standards or unsatisfactory sanitary conditions, local producers?

Mr. Phillips: Yeah. That is the jurisdiction of the CVO and the poultry surveillance unit would be specific to the farms. The last known incident I know happened in, I think, it is 2005/2006 where there was an issue of the health of some chicken on a farm and they went on the farm, they isolated the farm and they destroyed all the chicken on the farm. There was some situation there are reportable diseases and once you have a reportable disease that is the action that they would take. So they would isolate the farm, they will actually create a quarantine zone on that farm and find the most feasible way to deal with the issue

on the farm including depopulating the farm if that is what is required.

Mr. Coppin: I do not know if you would tell, but—one sees on the Internet sometime examples or instances of drugs being used to accelerate the rate of growth of chickens and that sort of stuff, I do not know if you would tell me, but is that a practice in Trinidad and Tobago—the use of enhancing, growth enhancing products in the poultry industry?

Mr. Phillips: What I can say is, that practice, first of all I want to say, is illegal and I think in every jurisdiction in every part of the world. Not that people do not break the law because we know they do, but in terms of the context of it is that, the main thing is the use of hormones supposedly and steroids. What I can say is that the genetics of the chicken that we have been using to produce two products from the poultry industry, one is meat and the other one is table eggs. If I was to go back a hundred years, the chickens that were producing eggs and the chickens that were used to produce meat was the same, exact chicken, basically the same genetics. But what was observed very early on in the evolution of the poultry industry is that some chickens had a better predisposition to grow faster and be better fleshed, and other chickens had a predisposition to produce eggs. So we have basically a 100 years ago one basic species producing eggs and meat. But because of the selection of chickens for the purpose, one line for meat, one line for eggs, table eggs, we find today that they are almost like two different species.

For instance, a 100 years ago the same chicken took 16 to 20 weeks to get to four pounds. The female line will produce during its lifetime somewhere 80 to 100 eggs during its lifetime, but we have selected the chickens. The left line going for meat production, the right line going for egg production. And what has happened circa 2016? We can get, because of the selection genetically and the enhanced feed that we feed them and management and better environment where the chickens are

farmed, 350 eggs per hen. Remember it was started at 80 to 100, it is already 350 and some above that. But if you keep the males of that line it will still take 16 to 20 weeks for it to reach four pounds and it will have what you call keel bone. You would not see the rounded breast that you see when you go into the supermarkets here because that line was selected for table egg production. They wanted eggs out of that.

If we look on the other side of the line that was selected for meat production, if you keep the females long enough, they will produce eggs, but because of enhanced nutrition you might get 100 to 120 eggs, but you would get four pounds in 40 days or less. So it has nothing to do with hormones. It has nothing to do with adding steroids in the feed. It has to do with 80 per cent enhanced genetics selection and two 20 per cent nutrition, enhanced nutrition, and that is where we are today.

Mr. Coppin: So just for my clarification, you are saying that there has been no examples of performance enhancing or growth enhancing hormones being used in Trinidad and Tobago from your knowledge?

Mr. Phillips: From my knowledge, no. Categorically, no.

Madam Chairman: Well in any event would such things be put in the food? Would it not be from the food given to the chickens?

Mr. Phillips: The feed that we feed is a properly balanced diet based on the application. The feed that we feed the chickens that produce eggs is a completely different ration from the ones that we feed to the meat chickens or that we use to feed pigs or we use to feed dairy—ration, completely different rations. Rations are specific to the application or to the animal species that you are feeding and whether you want eggs or you want meat. All we use is grain, chiefly corn and soy, we fortify it with vitamins and minerals and trace minerals. So it is a very balanced

diet specific to application for which we want the outcome to be. So if we want a meat chicken, we know we have to feed a high protein, high energy feed. If we are feeding a chicken that we want eggs, we have to increase the calcium and the phosphate in it because they are producing eggs which calls for a higher demand for that type of ration. So to answer your question, no, there is no addition even at the feed level.

Madam Chairman: Understood. Well I think we should try to wrap up because as I say, some of the members have to attend the House of Representatives.

Now, before I wrap up, I just want to say to Mr. Singh that we have not misunderstood you. We understand that a lot of what you do or a lot of what your officers do must necessarily be informed by the information coming from other agencies, but it is extremely important to us to see how you understand your role if any changes are to be made with respect to controls being established in relation to food. So I hope you will not go away from here thinking that these people are asking you questions had no idea what custom officers do. We have a fair idea.

So I want to thank all of you for your extremely useful input. This has been an excellent session. I think that persons looking at the Parliament channel or perhaps listening in on the radio may have a lot of questions and comments, and if we get any of those which I think you might be able to answer, you will perhaps be hearing from Mr. Ogilvie with those questions so that we can answer any queries from members of the public. So thank you all very much for coming today and this meeting is adjourned.

11.45 a.m.: *Meeting adjourned.*

**UNREVISED VERBATIM NOTES OF THE TENTH MEETING OF THE
JOINT SELECT COMMITTEE ON FINANCE AND LEGAL AFFAIRS, IN
THE ARNOLD THOMASOS ROOM (EAST), SIXTH FLOOR (IN
CAMERA), AND IN J HAMILTON MAURICE ROOM (IN PUBLIC),
TOWER D, OFFICE OF THE PARLIAMENT, PORT OF SPAIN
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD,
PORT OF SPAIN, ON FRIDAY, January 20, 2017 AT 9.45 A.M.**

PRESENT

Miss Sophia Chote SC	Chairman
Mr. Randall Mitchell	Member
Mr. Clarence Rambharat	Member
Mr. Wayne Sturge	Member
Mr. Julien Ogilvie	Secretary
Mr. Indar Sieunarine	Asst. Secretary
Miss Roxanne Fournillier	Research Assistant

ABSENT

Mr. W. Michael Coppin	Vice Chairman [<i>Excused</i>]
Mr. Prakash Ramadhar	Member [<i>Excused</i>]
Dr. Lovell Francis	Member [<i>Excused</i>]
Miss Marlene Mc Donald	Member

Madam Chairman: Good morning all and welcome to the public hearing of the Joint Select Committee on Finance and Legal Affairs: Enquiry into the issue of food fraud. I know that members of the Supermarket Association of Trinidad and Tobago are here and we are very grateful that you have made the time to come to meet with us because I know that you had come on an occasion before when we had not been able to move forward. So, I want to express my special appreciation for your attendance today.

The hearing is being broadcast on the Parliament channel, Parliament radio which is 105.5 FM and the YouTube channel *ParlView*. So, please, be aware that if you have to smile at the camera make sure it is your nicest smile and remember that when you speak, the persons listening to you, there are persons who are listening to you who may not be able to see your face when you speak, so you have to remember to speak to all of these audiences.

I welcome as well the Trinidad and Tobago Farmers' Union and the members of the public who I see sitting in the room. I will ask, even though your names are to the front, because we have some people who are simply listening by the radio I will ask each of you from left to right to, please, introduce yourselves. So could we start with you, Mr. Bhaggan?

Mr. Bhaggan: Prakash Bhaggan, SATT committee member.

Madam Chairman: Is your mike on?

SUPERMARKET ASSOCIATION OF TRINIDAD AND TOBAGO

Dr. Muhammad Yunus Ibrahim President, SATT

Mr. Prakash Bhaggan Committee Member

Mr. Rajiv Diptee Committee Member

TRINIDAD AND TOBAGO FARMERS' UNION

Mr. Shiraz Khan President, TTFU

Mr. Kent Vieira Executive Member

Mr. Colvin Jacob Trustee

Mr. Chervaughn Quow Executive Youth Representative

Mr. Christian Jacob Youth Representative

Madam Chairman: Thank you, gentlemen. Well, I suppose I should have introduced myself before getting into all of this. I am Sophia Chote. I am a Senator and I am the Chairman of this Joint Select Committee.

I am now going to ask members present to introduce themselves to you starting from Dr. Francis.

[Introduction of members]

Madam Chairman: Now, some of you may have known or met Mr. Ogilvie, who sits to my left, before because he is the man responsible for making all of this happen. He coordinates the work for the Committee and I suspect that you may have been sending in your correspondence to him or certainly speaking to him on the phone or emailing him. So, Mr. Julien Ogilvie sits to my left.

Because we have had such a long lapse since our last meeting I am going to read out the three objectives of the enquiry so that we can focus our discussions accordingly.

The first objective is to understand the extent to which food fraud occurs or is perceived to occur in Trinidad and Tobago;

The second is to assess the effectiveness adequacy of existing systems, policies and laws aimed at preventing and alleviating food fraud in Trinidad and Tobago;

And thirdly, to make recommendations for the improvement of standards in the local food industry, (both in the short and the long term).

I acknowledge the receipt of your written submissions. We have them and we have read them, but we certainly feel that a more in-depth discussion may be had by a meeting such as this.

So, I am going ask for opening statements from each of the groups represented. So, Dr. Ibrahim, would you be so kind as to make some opening remarks on behalf of the Supermarket Association? Sorry. I beg your pardon.

Mr. Khan: Do you normally start with a prayer or something like that? A session like these, do you start with a prayer because from the legacy of Butler, you see,

even though you are going into battle you always start with a prayer and ask for strength to do that. So, I do not know if it is a policy or not, I just ask.

Madam Chairman: It is not, and I think nothing prevents us from praying quietly in our minds.

Mr. Khan: We do that too.

Madam Chairman: And I do not see us going into battle here. [*Laughter*]

Mr. Khan: No problem. It is just a suggestion.

Madam Chairman: Certainly, thank you. Yes. Dr. Ibrahim.

Dr. Ibrahim: Thank you, Madam Chair. Good morning to all present, members of our committees. On behalf of the Supermarket Association we thank you for this opportunity to add in the discussion on the health of our nation and more so for the protection of our consumers. SATT remains to be a unified body whose purpose is to lobby on behalf of its members on matters that affect us and our trade especially with the government agencies who we see as partners, suppliers and the consumer as we identify as our major stakeholders. Categorically, we must say that SATT is a non-profit organization and we are not in the practice of singular buying, food procurement or production, price-fixing nor are we in the habit of margin setting. In fact, one of our agreements and our tenets is to remain as competitive with each other, because at the end of the day, the consumer is the one who benefits.

We must say at this point that we are at the end of the food chain or the product cycle. Recognizing this, we will realize that our assumptions as retailers is that all of the products, every last one that we sell in our own individual stores have been tried, tested and screened by the relevant authorities.

If we take a look at what we are defining as the food fraud, a definition of food fraud, and we recognize what the Supermarket Association does as singular members, we really exercise due diligence as much as we can when it comes to the weights and displays and turnover of our product.

Food fraud by itself is indeed a food industry issue, eh. It is important to emphasize that although the cause or motivation is economic or financial, the reality is that the effect is often a public health threat. The UN Sustainable Development Goals numbers 2 and 3, which are extremely pertinent to this discussion, states the goal is for no hunger, good health and well-being, emphasizing the importance of having an available, equitable supply of food and a good nutritional content for the public, for the entire population.

In Trinidad and Tobago, we have recognized that even in the discussions from what we have read on our committee on the past meetings with the other stakeholders for this discussion, we recognize that we have a weak regulatory system where the absence of policies centred around food fraud, the lack of enforcement of outdated legislation compounded by an under-resourced Chemistry/Food and Drugs Division potentiates the risk of food fraud and the health of the nation.

Ideally speaking, food entering Trinidad and Tobago must be accompanied by the following: a certificate of health; certificate of free sale; an import licence especially for meats. And these documents are examined by food inspectors through the single electronic window currently.

The inspection of containerized cargo must be carried out by the public health inspector at the ports at Point Lisas and Port of Spain or at the recipient's warehouse prior to clearance.

Suspect food then can be sent for testing at the Chemistry/Food and Drugs lab or the Trinidad and Tobago Public Health Laboratory. The Public Health Ordinance, Ch. 12 No. 4 under the unsound—Food and Drugs Act provides somewhat of a legislative framework to dispose of suspect food in the interest of the public's health. Now that is ideal. We, in summation, must recognize that the following challenges do exist which are: the non-standardization of certificates; the lack of routine testing; poor systems for inspection of containerized cargo in non-functional laboratory, and availability of a testing protocol for food fraud contaminants and lack of enforcement of the Public Health Ordinance for persons in contravention of this sound Act. That would summate our introduction on the topic.

Madam Chairman: Thank you very much. Before we go into the meat of the discussions, I will invite Mr. Khan as president of the TTFU to make a few opening remarks.

Mr. Khan: Okay. Thank you very much for having us. The farmers union and the farmers of Trinidad and Tobago are very privileged to be here this morning to be part of this. Because for a number of times in years gone by, farmers have not been involved in the discussions that affect the sector in more ways than one. And this morning we, as a farmers' union and farmers' rep and farmers ourselves, are clearly going to show the link with food fraud of the imported food linked back to the health of the nation in more ways than one, and more so the rampant increase of

imported food in a number of ways within the last 10 years. We have figures to show.

What is critical to this whole discussion is the link between food fraud and the health of this country. The health of this country is spending more money on dealing with sick people rather than improving the sector. The health bill is much bigger than the agriculture bill. And every doctor or nutritionist and my friend Dr. Ibrahim right on the side here will tell you how important nutrition is to good health.

We intend to show the linkages and proof of our information by sharing with you later on when the questions are asked. But what is critical at this point in time, hence the reason why I have two youth members on my team, is that we have not been, as a country, as governments before and Government present, been able to attract young people into agriculture. We have an ageing agriculture sector and the CSO report in 2004 will tell you that, and since that time to now, we have never had an agricultural survey done.

So, we think that it is critical at this point in time we make a serious input into the discussions in trying to change the way business is done, not in the interest of people's pocket, but more so in the interest in the health of the country and our citizens, the farmers, the poor people of this country, the working people who—you know it was mentioned in a report that almost 300,000 of—30 per cent of our population live under the poverty level. Right? It was on a Sunday's newspaper that was printed and shared to the world. So we are saying at this point time, the Trinidad and Tobago farmers that is, that we should take a close look to that. And also, when people are living under those conditions, diseases and sickness will attack there first.

I learnt in this honourable House—is a house they say it is or?—Committee, that something as critical as the Chemistry/Food and Drugs has not been functioning since 2014. And I think as a country who looks to be a developed nation, why it is that that has to be allowed into 2017? I cannot, as an ordinary citizen, understand that.

Additionally, there are a number, a number, a number of businesses that take advantage of the shortage of foreign exchange to hide their goods. We have a situation in the farming community where we bought, and I have proof of it, I just could not bring it here today, that we bought drugs last year, early last year with the

same batch number, with the same expiry date, with the same lot number, and it was increased by 25 and 35 per cent simply with a sign on their counter saying, “Due to the foreign exchange problem we have to increase our prices”. And I think that is very, very wrong. And today our request will be to importantly get involved with the food prices commission that we had requested in 2007, finding the solution, at Trincity, put in place, but never functioned.

And those are some of the things that will assist Trinidad and Tobago, not the farmers’ union, but the citizens of this country in dealing with food fraud. And we hope that coming out of this we will not have to repeat a session such as this in the not too long distant future from now, because we tend to—in fact, when I sent out a facebook page, and I am going to this, they all tell me, about 15 people sent back that “You are wasting your time”.

Madam Chairman, I really hope that we are not going to waste our time today because we as farmers, time away from our farm is money lost, and I am really hoping and praying all the time when it started I am praying that we do not end up like other talk shops and really solve some of the problems that the farmers in this country which will generate betterment and development for the citizens of Trinidad and Tobago. Thank you.

Madam Chairman: I like that prayer that you offered because I too would not want leave here thinking that we had wasted our time by inviting you to share your thoughts at this Committee level. So, I am hoping that we can get some good material from both organizations that may be useful for us in our report and recommendation. So thank you, gentlemen, for your opening remarks.

Now, the way it works is that you have to make sure when you speak you put your microphone on because it is not going to be recorded otherwise. And generally what happens is, members will direct their questions to individuals through the Chair, that is to say, me, and when you want to direct a question or if you wish to direct a question to any of the members sitting here, you also do so through me. Okay? So, I am going to ask first of all whether any member sitting here has a question for either of the groups represented. Mr. Sturge.

Mr. Sturge: Good morning. Dr. Ibrahim, from your opening statement, would it be correct to say that there is little or nothing you can do to effectively combat food fraud with respect to goods imported? Because you rely, in essence, on other agencies to do that for you?

Dr. Ibrahim: Yes. That would be true.

Mr. Sturge: And with respect to goods that are not imported, what exactly do you do to combat food fraud?

Dr. Ibrahim: Dates for foods that are locally produced goods, we actually would rely upon the same agencies, such as Chemistry/Food and Drugs, to check the product before it is allowed to be released for sale. Most cottage-based industry individuals, they go through the tedious processes, to the best of our understanding and knowledge when it comes to production, you know, of foods and treats on a local level. They have available to us, their registration information, their clearance information, their certificates from the Ministry of Health and, of course, the clearance on the food badge, that they would have been able to produce and sell.

So, we do due diligence for the cottage-based industry individuals as we get that ruling. As the products come to us, so do we make available these types of documentation. Throughout the membership you would have many people coming from different locations and locals for the purpose of selling food and we would ensure, because it is now a liability on ourselves if it is we do not have those items facing proper scrutiny such as labelling, packaging, handling, and ensuring that what we buy and what we put for sale and consumption to the consumer has met those standards. So we do have more control on a local level because of the document line. However, it is the importation aspect that we realistically do not have the control in our corner.

Mr. Sturge: Can I just ask one more question, one more issue? And I will limit it to an example I got from someone whilst I was shopping for groceries on a Sunday. The lady pointed out to me that there was an advertisement next to the Blue Waters section saying that, Blue Waters is 100 per cent artesian, water from artesian wells. I do not know that we have artesian wells in this country so I am going to ask you if we do. And if we do not then, I guess, Blue Waters might be importing water, which I doubt. Can you provide any light on issues like this?

Dr. Ibrahim: Well definitely, my limited understanding of what artesian water would be, would be natural filtered water through mountain, rock collected in an underground well and so on. It would be beyond my scope or competence to actually classify water at this stage. However, that would definitely be an issue for labelling and advertising. That would be a trade issue most definitely. From what I

know about artesian water being classified as, I do not think that that particular brand may meet that concept. It all depends on how we classify artesian.

Mr. Sturge: Thank you.

Mr. Mitchell: To the Supermarket Association. In your opening statement, at the beginning of it you seemed to rely on the legal systems and procedures to prevent food fraud, but then at the end of it you accepted that there were problems with those legal systems and procedures. To you, do you believe that you all have a moral obligation to put in your own systems and procedures to prevent food fraud from happening?

And let me just go on, because internationally it appears to be best practice for supermarket chains to go back into the value chain to determine quality and to ensure best quality. So, I am asking you now whether it is a moral obligation or whether it is a practice of the supermarkets in Trinidad to go back into the value chain. Perhaps to visit those who you import from, ensure that everything is up to our legal standard.

Mr. Diptee: Good morning. First of all, we do consider it a moral obligation amongst ourselves as supermarket operators. In the event that we detect unscrupulous packaging and food items to that extent, what we would do, we would consult our membership. We would circulate the information amongst ourselves to be able to inform the industry, first of all, about the ongoings, the unusual ongoings. We would communicate with our suppliers to raise the red flags as these items may appear. So, yes, we would go back into the value chain.

10.55 a.m.

We would make phone calls, we would make visits, if necessary. Also, given the competitive nature of the industry that we operate in we encourage and adhere to best practices, because as the competition increases, we have to be able to show the public that we operate in the interest of the consumers, and engage in best practice to that effect. So, yes, that goes back down to the moral obligation that you are talking about. We also conduct training programmes and even foreign training programmes to the extent that our staff is able to engage in those practices that highlight the instance of fraud in particular. Most fraud that occur are mainly limited to packaging and labelling issues. Those occurrences, although rare, are never intentional on behalf of the supplier.

Madam Chairman: Maybe it is the lawyer in me, but I do not quite understand how you can make the assumption that misrepresentation of fact is not intentional. Is it that there have been investigations into food fraud and it has been discovered that there was negligence as opposed to intentional misrepresentation?

Dr. Ibrahim: On that point, yes, Madam Chair. It is a good question simply because, what we are talking about and what is realistically within our remit and it answers the last two questions also in addition to yours, it is an approach to that. When we do our due diligence based upon documentation and so on, of the production, we have gone as far as creating modules for training for the purpose of merchandising, seafood handling, meat handling, that has the scrutiny of our national training agencies in addition to a Caricom standard. But to go back to your question specifically, when it is that we see our purview it can only be what we see. Our purview of control, when it comes to this wide arena and wide topic of food fraud, realistically speaking comes down to the labelling; it comes down to the weights. Remember that we are not equipped with laboratories for the purpose of testing. Okay? If it is that a question comes up based upon an ingredient or an additive for the purpose of preservation or extension of shelf life, that is way beyond our remit with respect to that. We can only say what we are capable and tooled for.

Madam Chairman: Okay. I think Minister Rambharat has a question.

Mr. Rambharat: I just want to open with two questions. The first is—well, to say first that I was taken aback by your opening and the extent to which you sought to limit your responsibility. That is the first thing. And second, I was even more surprised that we entered into this moral obligation, and I would start off by saying—unless I misunderstand completely, and I will get to my second question. I think your obligation is far more than a moral obligation to the consumers in the country. I think it is a legal obligation.

The second question I want to ask, based on your opening, is what is the role of the Supermarket Association of Trinidad and Tobago?

Dr. Ibrahim: As stated in the opening, we basically are a non-profit organization, lobby group, solely for the purpose of maintaining the regular trade and regular commerce between the supplier to the consumer. The lobbying in the sense of legislative frameworks and also for the purpose of coming together for the betterment of our industry and standards.

Mr. Rambharat: Your membership, in terms of coverage of what I will call the—I know that the supermarkets are large, medium, small, and there are some shops and parlours, and all of that. Your coverage in terms of the country—I do not know if you could quantify it in terms of consumers, the geography, but you represent what percentage of the trade in grocery items in Trinidad?

Dr. Ibrahim: For the local brands of stores, our membership encompasses way beyond 60 per cent of those individuals, and so be it when it is that we do lobby and we do face issues the entire industry who follow us and who come to us in times of need they stand to benefit also. So, open communication exists between all stores who are our members with the non-membership stores standing to benefit also.

Mr. Rambharat: So, do you believe—is it your business what happens at, say a large supermarket in Trinidad? Is it your business what happens at a large supermarket in terms of what is offered for sale, the way it is presented and labelled, and so on, do you consider that to be part of your responsibility or your role?

Dr. Ibrahim: Direct responsibility, no. This is why we stated at the beginning that we have always agreed to remain individual traders and as competitive as we are. We can only have best practices when we do share our information. And it is really and truly on a voluntary level, because there is no legislation pushing for the continuous advancement of standards. It is actually the competitive spirit that has pushed us to the level of where we are at right now, where handling and storage has grown over a period of time, and how food is displayed and so.

Mr. Rambharat: Just to give you a real example, we are faced in the country with a request from Suriname for quite some time for duck meat to be imported from Suriname, and based on visits that have been made to Suriname the Government previously determined that duck meat should not be allowed. And there has been a persistent lobby to allow it in, and at this time the Government is giving further consideration to it. But, in December duck meat from Suriname was in the supermarkets in Trinidad to my surprise, and I suppose to the surprise of people intimately involved.

Now, we have a strong duck meat sector in Trinidad that is in the minds of the local producers quite capable of filling the need of the local consumer, so there is no issue. The local producers are confident of their ability to fill that market. More importantly, if the Government and the people who are charged with the

responsibility for the safety of meat products are not convinced that that meat has so far met the standard, does it not trouble you as an association that this meat finds its way onto the shelves of your members?

Dr. Ibrahim: Most definitely, and in so doing, we have to ask ourselves just two questions on that. How did it get pass our scrutiny at our ports of importation? And, furthermore, that would not be just from place of origin only, but it will also be on the allowable list, and the country would also have to be demarcated for clear import. I think it goes back to the reality of what was discussed in one prior meeting when it was recognized that 20 per cent of containers probably face proper scrutiny while 80 per cent is out. Now, once that is allowed to happen and the proper paper trail is not demanded from the relevant authorities, you will have slippages for that there. Furthermore, if it is that it is unacceptable and not allowed just yet in Trinidad and Tobago, those individuals who actually accept the product miss their moral responsibility or bypass that when it is that they did not ask their suppliers for the documentation. So, it is a little tricky situation, because if somebody is a meat supplier they have been granted a licence already. Or, if by utilizing that licence the meat actually passes through them and is allowed to bypass, that is a red flag in itself.

Madam Chairman: Dr. Francis, I believe you had a question.

Dr. Francis: Actually more than one. Good morning again, Dr. Ibrahim. There was no direct response to member Rambharat's suggestion that Supermarket Association has a direct legal responsibility to the wider public. So, I am going to ask, do you accept that your responsibility goes beyond an amorphous moral responsibility to? And to Mr. Khan, to get a farmer's perspective, do you think that the issue of food fraud in this nation is solely concerned with imported food, or is there a local food component in this? Thank you.

Dr. Ibrahim: Most definitely, Sir, it is and it does go beyond moral. It is also legal, seeing that the Health Inspectorate visits our stores randomly throughout the year and inspects our facilities. We adhere to those legal requirements, and we go through the processes where they make recommendations for certain areas to be cleared, re-cleaned, tested and closed until. So, yes, it is beyond the moral—no, it is legal and moral, I cannot say it is beyond the moral. So, we do adhere to that and we agree. I do not want to take away from the second question, which was asked of Mr. Khan. But, the local goods, and let us take agricultural goods, we were asking

ourselves a question the other day, and looking at the actual definition of food fraud, it is a deliberate act for the sole purpose of economic gain.

We have had in this country and other countries around, who produce agriculture, additives that can be placed on plants and picked fruits to appear redder, riper, plumper, yellower—or more yellow, if that is a word. If it is that we are stating that the appearance of that fruit now, or that vegetable, is red, in the case of tomatoes, but realistically speaking it is not ripe, that is the only level of local food fraud that we may see, or we have identified on our end, which, in my opinion has to stand up to the level of scrutiny by the public.

Madam Chairman: Yes. Mr. Khan, could we have your input on that?

Mr. Khan: Yes, thank you very much, again. Now, I just want to respond to my friend here, that some of those tomatoes that you are talking about is redder, and plumper, and firmer—it is really imported tomatoes that you think comes from Trinidad, it is imported. It is just like the apples that we see on the roadside for months, packed up on the same shelves and being sold. You are seeing the tomatoes and the other kinds of things that are being imported are doing the same thing in terms of the chemical treatment.

Yes, Dr. Lovell, there is a level of food fraud with our local farmers. More so, because we tend not to have proper education from suppliers of chemicals. We have a number of chemicals that come into this country, and hence the reason why we placed Ken Vieira on the chemical board to look into those things. There are chemicals that are banned in Europe and in the US, finds its way into Trinidad and Tobago. They find their way in Trinidad and Tobago, and it is not being used in some of those countries. Now, when you have a farmer seeking information for some new pest or disease that comes about, he goes to the supplier and gets a chemical. Who is looking after that chemical shop, and what it is that is coming in here, if it is banned in other countries, why it finds its way into Trinidad and Tobago? We need to have proper regulations insisting that they are standby in terms of being honoured.

Now, you have a situation, and Chemistry/Food and Drugs is not operational, who are giving the permission for when these come in to place into the market? Who is looking at it? Where is the evaluation? I listened to the last JSC from here with the Bureau of Standards, and they have a serious fault in terms of being efficient in some of their testing and going about our resources to go out and do testing. I find it

very difficult to have these agencies not efficient in terms of identifying some of those problems, that not only for imported goods, but also local goods, because the Bureau of Standards, Chemistry/Food and Drugs, they can test your product locally. There is another problem, we have a strict regulation to export an animal out of Trinidad and Tobago. You got to have the animal tested, you got to have a certificate from the veterinary. But when things come into the country, who checks? Where are the checks and balance for things coming into the country? I have a problem here in that we had—as a Muslim I can talk about pork, because our pork farmers are to the back.

Last year there was a big problem—not last year, 2015 there was a major problem in Trinidad and Tobago for the Christmas season where pork producers stayed back into their pen—we went to the hon. Minister we got a little bit of assistance—because of the importation of pork into this country. I have figures to show that, which, when asked I will produce. If not, once the Chairman gives me permission I can produce it. But what you have happening, is that the pork that comes into the country is being dipped into a chemical, which is bad for the human body, and is being sold as fresh meat. But, that meat supposed to come in for processing into a bonded warehouse, not for the local market. But, it finds its way out there and thereby putting your country at risk in terms of health. So, the problem you have with food fraud, both local and imported is that we have no standards, no policy to put what we have in place in law into effect.

Madam Chairman: Okay, I have a few things that I want to ask at this point. Who was refurbishing the pork?

Mr. Khan: Not the farmer.

Madam Chairman: If refurbishing is the proper word to use.

Mr. Khan: Not the farmer, the distributors. It had, it was sold at supermarkets and on roadsides.

Madam Chairman: Who were the distributors?

Mr. Khan: Pork is normally a roadside product sold, fresh pork. So if you take something and dip it into a solution and it becomes fresh you then sell it at the roadside. Additionally, it is labelled and there are billboards all other the country where supermarkets are selling pork much cheaper than what is being produced locally, because it is dumped pork into the country.

Madam Chairman: Was any report made to the Ministry of Health with respect to this?

Mr. Khan: We have made a report to the Ministry of Agriculture; we tried getting to the Chemistry/Food and Drugs. I personally tried calling the office to make some reports, we went and had public press conference on it; since 2015 and up to today it happened that we have farmers with 600 pigs in their pen, 50 pigs, 100 pigs, people who eke a living out of farming to survive, end up with their animals and thereby putting your farmer at a big risk of underselling to match the import. Because if you have imported pork selling at \$8 a pound and you have local—it cost a farmer \$20 to produce a pound of pork, how do you compete with that?

Madam Chairman: Sure. Now, I just want to clear up one thing which came out at one of our previous hearings, which is that apparently the Food and Drugs department in the Ministry of Health has been non-functional for something like two years because it had been shut down—

Mr. Khan: 2014.

Madam Chairman:—by Mr. Duke, because it was said to be an unsafe working environment. Now, the funny thing about it is, apparently the Bureau of Standards has an excellent lab, but, of course, they are not legally responsible for doing the testing. So, there is this sort of makeshift arrangement which, I believe, still holds when foods have to be tested. I think they are sent to CARIRI for testing, am I correct? Is anybody able to throw some light on that?

Mr. Khan: The CARIRI do the testing but at a cost, and hence the reason why a lot of people refrain from going there and bypass all the laws. You have to pay at CARIRI. It is not free as in Chemistry/Food and Drugs, or Bureau of Standards.

Madam Chairman: Sure. Now, Mr. Vieira I wanted to enquire of you, now that you sit on the board which looks at chemicals which are being brought in, whether in feed, or on plants, and that kind of thing, have there been chemicals identified which have been brought in which would be harmful to the population were it to get into the food supply?

Mr. Vieira: As I sit here, we have had just one sitting of the pesticide board, but there were 12 products to be assessed, and of the 12 there were some concerns with about three of them in that light. I do not think that the issue really sits at that committee, though, because they would do the proper screening and they would identify. Where the opportunity exists is, as in the case of the ducks, somehow or

the other the not accepted chemicals are finding its way through our borders and getting to a point where it could be offered for sale to the customer, and that is, I think, a more significant issue. As identified, there is no permission to import the duck, but how the duck reached into Trinidad in order to be placed on the shelves in the supermarket?

There is a discussion as well with regard to fish, and tilapia in particular, where there is a large membership shopping kind of opportunity, and they actually bring frozen tilapia into Trinidad, and we package it—tour it out and repackage it and have it with garlic butter and other things in a tray, suggesting that you could just take it home and stick it in the oven, but they have serious food safety issues there. In thawing it out the bacterial proliferation and stuff like that, you know, those are the issues that the consumer—and it is nicely packaged and everything, but, as I say, the bacterial component of it which is not really visible to the eye, is not made known to the consumer, and so these things are available.

Madam Chairman: Yes. Just before I get to Dr. Francis' question, it seems to me hearing what is coming from both groups, it seems as though there is no regulation, or if there is regulation it is an informal regulation from the association which suggests that there is no penalty if something illegal, or if something poisonous is put out into the markets for people to consume. Is that an accurate statement?

Mr. Khan: It is. In fact, at this very said sitting we learned that chickens were being dumped and being used for pet food or finding its way onto the market in Trinidad and Tobago. I want to share something with you, if permission is given. I have a document here that was printed on April the 2nd, 2013 in the *Express* newspaper, and it says:

Lifelong weight risk tends to begin early. In 2010 the Caribbean Food and Nutrition Institute found Trinidad and Tobago obesity rates in primary and secondary school approaching one in four.

These are not my saying, eh. I am just reading.

Last year the Government took out US \$110 million loan solely to improve childhood obesity care—Madam Chairman—Trinidad and Tobago tabled at number 10 last year, but far from being cause for celebration the country rate has not improved.

Now, this is obesity in children, and I want to link that to a document that PAHO sent out stating that Trinidad and Tobago has the highest cancer mortality rate in the

region. This is a PAHO document, and that is why I am linking the whole thing with the food fraud back to the health of the country, and if you look at the cancer and the cardiovascular diseases, we moved from—and the thing about it is that this data that I am giving you came out of the Ministry of Health, and they have data only up to 2011. We can go Australia, America, New Zealand and get data as up to 2015 or 2016, but in Trinidad and Tobago, it seems like when you want true data it is very difficult to find. So, there it is that this document up to 2011 it shows that in 2002 we had only 1,260 cancer patients that were discharged from the hospital. Then in 2011—it went to 2,206 in 2010 and 2,308 in 2011. We had a massive jump.

Madam Chairman: Yes. I think we are all agreed on that, because we have been reading the information in the public media as well. Minister Rambharat.

Mr. Khan: Madam Chairman, if I could just get one second minute from you again?

Madam Chairman: Ah ha.

Mr. Khan: I have data of the US—I am not talking by guess, and I can show on this data here where the importation of boiler meats moved from in 2006 from 3,132 metric tons that was imported into this country, into 2015—I have not had the last month in 2012—to 22,409. You are talking about a 750 per cent increase of meats. So why I am trying to raise this, in 2006 we started with 8,000, but in 2010 it went the 21,000 metric tons. And there it is that when you look at 2010 figure from PAHO and other people, is when the disease started to increase. Now, if I go to go through all the details of the figures it would take me all day, but I am just showing you the link of where we need to have, and very urgently, because these figures are showing, together with the importation, the increase of these diseases.

Madam Chairman: Right, Mr. Khan, I am very interested in what you have to say, but unfortunately the time for our Committee sessions tends to be short because elected Members of Parliament have Parliament this afternoon at 1.30. So, do not think by any means that I am trying to cut you short. I am extremely interested in what you have to say, as are the other members here. With respect to those statistics, do you think there is any way you can bundle them up and give us a copy of what you have?

Mr. Khan: I would love to.

Madam Chairman: It certainly is quite important for us to have. Now, before I go to Minister Rambharat, I had seen Dr. Francis touch his microphone, is there a question you wish to ask?

Dr. Francis: Just a comment. Mr. Khan, you sort of bottlenecked the whole issue of food fraud on the local front, centering it on chemicals, use of chemicals that might be dangerous. I want to add that there might be, and there might have been in the past, there might still be now, a number of cultural practices that also constitute food fraud by farmers. For example, at one point those who exported cocoa from Trinidad, the international market was skeptical about buying cocoa from Trinidad because farmers were helping to modify the shape of their beans by using mud, de-privileging our cocoa on the international market, even though we have the highest quality in the world. But, I want to ask, Dr. Ibrahim just accepted that the Supermarket Association has a moral and a legal responsibility in terms of safeguarding the public from food fraud. As the head of the farmers' association do you accept the same responsibility? Now, we understand that you are at the end of a long chain, and we might be questioning the regulations and the policies that create the scenario within which you operate, but do you also, like the Supermarket Association, accept that farmers have a responsibility where this is concerned?

11.25 a.m.

Mr. Khan: Dr. Lovell, just to inform you. As of Sunday coming, Kent Vieira is contesting the seat for presidency of the Agricultural Society. And "Inshaa' Allah" he will be the President of the—and then it will have a lot more closer collaboration. Because what we are trying to do around this table is invite and pull people together so that we can have a little more responsibility as the farmers' organization and the union and the Agricultural Society, that we can—towards education. Our main plot in this new quest for the Agricultural Society is more so to educate and bring our farmers to an understanding of where we can go.

I take responsibility for a minimum portion of that because we only have 110 members in the Farmers' Union. But the thing about it is—and I can take responsibility for myself because I produce one of the best goat milk in the country and goat meat. I prize myself of my goat milk better than Viagra, and my goat meat, Dr. Ibrahim here will tell you what lovely goat meat I produce.

So the thing about it is that we all have to take responsibility and the thing about it is that we should not, and think that the one farmer that was using mud to mould his

cocoa is not everybody, because we still remain the best cocoa in Trinidad and Tobago in the world. The thing about it is that, yes, in everything there is going to have some unscrupulous practices, but what we need to do is minimize that through education. And what we are doing here today is by giving the farmers an opportunity to come out and have more opportunities like that, because I would tell you something.

We had a meeting with the Minister of Trade and Industry on April 17th of last year. Up to now, we have written a number of letters to our Minister is trying to nail her down to a meeting because the trade is responsible for the importation. And what we need to look at, Madam Chairman, there is a system in place that some people outsmart the system. We have honey appearing in our country from China, but not from China. It has gone to another country and relabelled and bring into here. That is dangerous. Actually you are drinking plastic. We have plastic rice coming out of China making our way, and probably Dr. Ibrahim should be able to address that for us. So there is a number of things happening that we need to look at.

Madam Chairman: Sure. Dr. Ibrahim it just struck me as Mr. Khan mentioned honey. I thought honey was one of the things that you could not move from country to country. That has changed?

Dr. Ibrahim: No. That has not changed. That is actually correct. We are not allowed to import honey and if so, it has to be under special licence. I mean, the Minister of Agriculture, Land and Fisheries would second that.

Madam Chairman: So if it is imported, how does it find itself on the shelves then? Because I have seen imported honey on the shelves of different supermarkets.

Dr. Ibrahim: That would have to be an application under special licence if it is allowed.

Madam Chairman: I see.

Mr. Khan: Madam Chairman, could I—

Madam Chairman: Just a second, no. I will get back to you Mr. Khan.

Mr. Khan: It is the same honey thing.

Madam Chairman: I am not cutting you off. Mr. Rambharat had a question.

Mr. Rambharat: Thank you, Chair. Yes, I had on my list honey and I will get to honey just now. Or maybe I can deal with honey right away. I have spoken so much about honey. But that is a classic example of how, and I spoke at the Supermarket Association dinner in November 2015 and I asked the Association to help with

respect to honey in particular. I also spoke about fish and some other products. And honey demonstrates that the Supermarket Association has more than a moral obligation but a legal obligation. Because there is no imported honey in Trinidad, there should be none. The Ministry has not allowed honey to come into Trinidad. That is your typical case of how things fall down.

I have said in the Parliament, for example, that we have a very good honey sector that has stood up to all the challenges. Honey is a very important economic activity in rural communities and Trinidad produces a superior product that up to today has remained pest free, disease free and pesticide free. But I have gone around the country and at that dinner I made reference to certain brands that are on the shelf and there are two issues with the imported product.

One is, of course, it is illegally in the country. And then the other product which I dealt with last year, for example, is a major US wholesaler that is based in Trinidad selling a brand of honey that is 48 per cent sugar. And we have specifications. And that to me typifies the food fraud and any—and we have what are called honey blends, we have pancake syrup that is described as honey, and the law is very clear that any honey product being sold in Trinidad must be labelled with the apiary number and a series of things.

So honey demonstrates the Association having a very clear responsibility in my view and I may be wrong. But I just want to quickly highlight four examples of how both the Association and the retailers could deal with the issue of food fraud. In this room, we have heard from the Chemistry, Food and Drugs Division, we have heard from Customs and we know the borders of this country and particularly the ones on the Port are porous. We know that the Chemistry/Food and Drugs lab has been down. We know that the testing is not—we have heard all of that.

Let me give you four quick things. Mr. Diptee mentioned labelling and labelling to me and he just mentioned it in parts. But that is a very critical point at which food fraud takes place and the Chairman in previous sessions talked about that and when we talked about labelling in beverages, for example 100 per cent fresh juice. Well, I had 100 per cent fresh juice this morning and I know what that tastes like. So beverages, but this issue of labelling—in fact, you know my eyesight is not what it was 30 years ago and I have problems reading labels on our products. And those are labels in English. And a lot of the labels are coming in languages that I cannot read

and its font sizes that I cannot read. And I believe that the retailer and the Association you have a responsibility on the issue of labelling, that is one.

This issue of meat, I could and you know that in North America if meat has been frozen and thawed out and offered for sale, there is a label on that meat and whether there is a legal obligation or moral obligation it is the same to me. Meat that has been previously frozen and has now been thawed out should in my view be labelled, “previously frozen”. Because in a previous session in this Committee we talked about, I talked about food laundering, meat laundering and the mixing of local chicken, for example, with previously frozen foreign chicken and the thawing out of meat and the placement of that meat for sale in a way that it appears to be fresh meat and the consumer does not know better. So in meat I think you have responsibilities in relation to expiration date, in relation to packaging date and a lot of things.

The third thing relates to expired food. I mean, when I go to the supermarket I buy yogurt frequently. When I go to the supermarket and I see the yogurt at quarter of the price I normally see it at, I know for a fact that it is expired or soon to be expired. Now I will give you a story because I lived out of Trinidad for a little while. One day I came home and I saw all my bread on the floor of the kitchen. My children had learnt that week about expiration dates and they decided to enforce the law in the house and they took all the bread that I had in the freezer and they checked the expiration date and as far as I am concerned frozen bread does not expire and they decided to dump it.

But the practice and it goes across the board and you are talking about people with eyesight problems, people buying in a rush and not being informed that this product has either expired or is soon to be expired and in many cases at least this retailer offered the product at a discounted price. In many cases, the retailers do not change the price on account of the shelf life. I know there is another argument about expiration dates and when it really goes bad and all of that, but that is an area in which I feel the Association and the retailers could play a role.

And then the last one is on the area of organic. Organic has to be one of the most abused concept in food and we know in Trinidad we do not have a regulatory framework, a food standard framework dealing with organic versus non-organic. But really I can think of very few food producers in Trinidad and Tobago who are actually producing organic foods. And again the consumer is going to be

misinformed, may make a purchasing choice that they should not be making and some local producers may be suffering on account of something being misrepresented.

So I do not—I go back to my opening point, I do not believe it is a moral obligation. I believe it is a legal obligation, a responsibility and I feel that the Association could do more in relation to their membership in assisting with this issue of food fraud, recognizing that up the chain the difficulties are greater when we talk about the importers and the Port and the Customs and the Chemistry/Food and Drugs Division. I believe you are the group that stands between fraudulent or misrepresented product and the consumer and your responsibilities are great.

Madam Chairman: Mr. Sturge has a question.

Mr. Sturge: To the Supermarket Association for the benefit of the public. Do we have genetically modified food in our country?

Dr. Ibrahim: On that point, it is present in Trinidad and Tobago. When we do our research and we recognized that the UPC codes, user price lookup code for items, always done currently on a voluntary basis, on an international level, codes that are either five digits long and start with a nine on food and vegetable that we actually see in most stores are GMOs. But there is a grey area, it is black and white because it is not allowed. There is no legal framework for the offering of GMO in Trinidad and Tobago.

However, we cannot get away from it and something needs to be done to bring that level up, simply because, let us look at any major foreign cereal brand. We are consumers of cereal based upon corn and flour. This corn and flour is GMO corn and flour that are being used abroad. Coming back to even Sen. Rambharat's point, we have the labelling of those GMO foods coming from abroad being labelled clearly but yet we do not have a GMO status, official status for Trinidad and Tobago and it is sold on shelves.

Mr. Sturge: So what you are saying is that when I go into Massy on Sunday I can clearly identify which foods are genetically modified and which are not.

Dr. Ibrahim: If it is processed foods packaged in the United States and Canada, you will see the labelling clear especially on the cereal boxes, for example, yes you would.

Mr. Sturge: Just one more thing. There have been instances in the past where, for instance, there is an expectation the Government may raise prices or impose taxes

on foodstuff and you already have that stock in your supermarket before the measures are implemented. Yet the day the measures are implemented, you raise your prices. Do you not consider that fraud?

Dr. Ibrahim: That question has been raised several times over the last three years, especially with the removal of items from the VAT list, for example. It would appear not as fraud but somewhat unscrupulous activity. Now, that does not also apply to food as across all trades. There must be a position whereby we have a backstop of something to sell. We do not run out before we buy. So you will always have that window that there is an overlap. In today's day and age nobody overstocks.

Mr. Sturge: Right. Having regard to your answer, do you not believe that the Supermarket Association should get together to ensure that this practice does not occur?

Dr. Ibrahim: We do speak about it—

Mr. Sturge: That is all? Just talk.

Dr. Ibrahim: And we do formulate measures whereby the prices with our individual relations with our suppliers, where the price passed on or mitigation of price passed on for a period of time would address that problem, yes.

Madam Chairman: Could I just reassure you because I suspect that the members of the Supermarket Association may be thinking, we are businessmen, our business is selling food and it seems as though there are obligations being placed on us when in fact there are none. And it really depends on the moral position of each supermarket owner with respect to whether he or she would purchase goods from a certain supplier, whether he or she would purchase goods not properly labelled or GMO products. I want it to be clear that we are not ascribing blame to you. What we are trying to get from this, I think, is whether there should be some, I do not know, it is just a thought, some umbrella regulatory body which would call supermarkets and farmers into account to make sure that they adhere to certain standards. I see Mr. Vieira raising his finger. Would you wish to say something at this stage?

Mr. Vieira: Yes.

Madam Chairman: Mr. Vieira.

Mr. Vieira: I just wanted to highlight a programme that the Ministry of Agriculture had. When we first found the mealy bug in Trinidad, Barbados closed all their

imports from Trinidad into Barbados. And in order for trade to continue the Ministry embarked on a programme of certifying farmers. Now, unfortunately, the Ministry has a bias towards crop and crop production. The issues of livestock and stuff like that never really fell under the ambit of this programme. But I think it worked well, in that, on a monthly basis the field technicians would go to the farmers, would take their records, would observe what chemicals they are using and stuff like that. And it helped to raise the standard of the farming.

So that is one such opportunity that could be encouraged and enforced in that sense. The whole issue of GMOs and the opportunity for it to be available for the consumer, the manufacturer of feeds for livestock in Trinidad used soya bean meal as their opportunity for protein. And soya bean is a significant GMO product, internationally. In fact, tilapia has gotten a bad name because tilapia fed on soya bean based feeds, they tend to have a higher Omega-6 than Omega-3 balance. And so in some quarters they say where fish supposed to have a higher Omega-3 than Omega-6 or a better ratio so as to assist in terms of cardiovascular disease and stuff like that. Because of the Omega-6 being higher than the Omega-3, it really has a kind of reverse and as I say if you look on the Internet they are saying tilapia is not good to eat and stuff like that.

But the issue is really, again as I say, in terms of the responsibility, whether it be legal, moral or otherwise of the Supermarket Association. We have other players in Trinidad as it pertains to food as I say it may be a more primary product in terms of the import of the soya bean but it directly affects, because when the farmer buys the feed to give to his livestock in turn they are exposing themselves. I will tell you just as I explained with the fish, likewise as Shiraz has been trying to promote, we are what we eat. And if we make bad eating choices then we have developed lifestyle diseases.

When the PNM Government came into the power and there was the removal of the VAT and the whole shake-up, the hon. Prime Minister said that we had to look—but there was no real campaign in developing how we should improve our nutrition and what we should look at. So even this whole opportunity and this discussion about food fraud really has further implications where we could better sensitize the public about better food choices in that sense.

Madam Chairman: Thank you. We have a question passed up to the front by a member of the public and the question is: do supermarket owners ensure that they

receive any certificates from their suppliers, for example, fit for human consumption certificates from the US FDA? Would anybody from the Supermarket Association care to answer that? I do not want to make Dr. Ibrahim feel that he has to answer every question.

Mr. Bhaggan: Thank you very much, Madam Chair. At the inception, all foodstuff that come into a supermarket or retailer, I think is the better word, that is fit for human consumption has to originate either as we have said earlier out of Trinidad or produced in Trinidad, either manufactured in Trinidad or produced from the farmers or agriculturists in this country. And where the imported product is concerned in the first instance it has to meet certain requirement by the various government agencies to the extent even with meat. With respect to the Muslim sector, you have to display in your supermarket or in any retail outlet selling products, whether it is halal, before you could put it out for sale. The same applies with foodstuff coming out of the developed countries or most countries coming in, there is a reliance that the various agencies will have sat and we have spoken to that ad nauseam at least within this room this morning that they have to meet certain requirements and the various agencies have to approve it. That then moves to the suppliers/vendors who would sell it to the retail sector including the supermarkets. With respect to local meats produce, again there is a procedure and the supermarket, to add on what our president said, that we have developed within recent times as an Association publications that talk about nutrition, food preparation, food consumption. In fact, we have just developed a website as well to add to some of the questions the various Ministers and Senators asked about, informing the consumer and there are discussions now to take that further but that is for a another place. So, yes, where it is required, either it is produced I suspect to the various agencies that have that primary responsibility and/or where the supplier locally from a manufacturer's point or importer produce the various pieces of documentation for the retailers, not only the members of the Supermarket Association.

Madam Chairman: But you see on the last occasion, I think we had people from Customs here and essentially they were talking about a sort of unified computerized system and we were trying to ascertain well, yes, information could be put into this system but is there any way to check if the information being put into the system is

accurate in terms of its certification. And I do not think we had got a clear answer on that one.

Now, I want to direct our minds for a bit to two things which people would purchase if they have children. One, milk and the second is juice. With respect to juice, why is it our supermarket shelves are filled with juice drinks as opposed to juice? Is there a problem with juice products being available? And secondly, if you look at the milk section of a supermarket, you really cannot tell how much real milk you are getting in the packet. Am I making myself clear?

Mr. Khan: Yes, Ma'am.

Madam Chairman: Is there any way that that could be answered for our listeners?

Mr. Khan: Madam Chair, if I could go a little before Dr. Ibrahim, I had planned to talk about that, right. In terms of the milk, we tend to have importation of milk but there is not only the GMO guard that we have to take into consideration, it is the over abuse of antibiotics. When we are importing products how much information is placed there or how much monitoring goes into knowing where that milk comes from? Whereas in Trinidad and Tobago we can put measures in place to monitor that and probably eradicate it. Now, we have gone from producing 50 per cent of milk consumed in this country in 2000, down to just less than 3 million litres of milk in this country. We lost almost 95 per cent because of the importation.

Madam Chairman: When you say lost, what do you mean?

Mr. Khan: Because importation has heavily subsidized, imported milk into this country has put our farmers out of business, actually run them out of business. I have a sheet here, but based on the milk you asked I want to specifically talk about that use of antibiotics. It was made known in Europe that some countries were over using it and people eventually died. How much protection is made on the citizen of this country to ensure and that is the same question you asked. What is there to protect the citizen, the poor people of this country of using this?

Now, what caused that to happen, Madam Chairman, in 2002 we did a cost of production survey and our Minister is fully aware of that, so the country should know. In 2006, we did a cost of production survey of saying it cost the farmer—this was done by the Ministry and the livestock board with an independent non-farmer person. It cost the farmer, average cost in 2006 to produce a litre of milk, was \$4.50. Up to today in 2017 the farmers are now being paid, with the help from the

Government and Nestlé, only \$3.85. This is reality, if I had my Qur'an I would hold it up to you.

The reality is that nobody wants to continue to live in that condition. Nothing has been done. But what happened is the importation of heavily subsidized milk and cheap milk, probably not healthy milk, I am not going to think, is coming into the country and taking over the local production. So what is happening within that period of time, importation took over the thing because it was cheap and we lost our farmers, our dairy production gone down that way. But when you lost that dairy production, you did not only lose dairy you know, you also lost the beef industry because Minister Rambharat will tell you that all the young males that come from all those dairy cows would have gone into the meat market.

So you have a situation here that a number of things went wrong and the ship is out so far it is going to take a lot to bring it back on the shore. But we need to put things in place that our younger people would be encouraged and my normal term is that we got to make agriculture sexy, but who has the reins to correct this to encourage that sort of production inside of here. And I am hoping that today we enlighten the place, the country I mean, to see the reality of figures. It is not just that I am talking.

11.55 a.m.

Madam Chairman: I get your point. With respect to the Supermarket Association, Dr. Ibrahim, could you, very quickly, give us some assistance with respect to the juice and milk issues?

Dr. Ibrahim: Sure. Primarily speaking, we have to put out—as we run our businesses we have to put out what is required or what is requested from the consumer. When you made the comment concerning the juices as opposed to drinks versus juices, the demand between both is heavy. However the supply on the pre-packaged end is much higher than the demand. The local producers of juices who keep their juices fresh and have limited shelf lives, the product does exist, and we have very many brands of that. However, for the purpose of consumption and the purpose of consumer use and ease of use, the consumer has accepted and driven that part of the market for the purpose of convenience, and that is the reason why you actually see the consumer choice based upon convenience.

Madam Chairman: But is it made clear in the supermarket displays? Because, you see, if one of us goes into a supermarket we may say, okay, I understand there is a difference between juice and juice drink, right?—so we will take up the package

and try to read it. But is it a matter of labelling or putting up a sign to say, “This is not juice, this is juice drink?” Because if you look at the part in the supermarket where they section off the products, you will see along that aisle, a sign saying “juice”. Now, someone who is busy or somebody who does not know, may say, okay, well if the supermarket is saying that this is juice, it means that this is the real thing. Does the Association ask its members to ensure that when consumers are being directed to certain products, that the directions are accurate?

Dr. Ibrahim: Within the training modules created for merchandising and presentation, yes, those elements are present. Upon us enforcing the best practices, that is actually left to the independent store.

Madam Chairman: Yes. Now, does your Association include the large number of, what appears to be Chinese-operated groceries?

Dr. Ibrahim: To this date, with the heavy proliferation of them, especially—those brands of stores, especially over the last five years, to this date they do not remain members of our Association.

If I may, there were a couple points since Sen. Rambharat had asked a couple issues and I would like to clarify, if I may be allowed to. First and foremost, we agree, and we have already established the fact, it is a legal and moral responsibility for ourselves to conduct the best practices, especially when we realize that the health of the nation is very much so in our hands with respect to food, cross-contamination and so on.

As it applies to all the topics discussed, with respect to the close-to-date expiration, best-buy-before, the meat issues with respect to the thawing process and so on; local versus foreign meat, there is not just the mixing issue, there is also the reality that the local brands do provide us with both fresh and frozen products. We tend to go along—and we do go along—with the labelling requirements that are stipulated by the Food and Drugs Division or—is it the Ministry of Health?—Ministry of Health. However, we must recognize that when it comes to labelling, the requirements for our labelling in Trinidad and Tobago, I do not think it will meet the international scrutiny, simply being that our labelling requirements here is to actually show products present and products present in the order of most to least in all the ingredients. Furthermore, there is no need for nutritional information on our labelling products at this point in time. I think that was reiterated in an earlier meeting. And once it is that the trade name, the ingredients and the correct weight

and the label is in “or any part thereof” in English, that meets the local standard right now. Right?

Madam Chairman: Mr. Mitchell—I am sorry. Are you finished?

Dr. Ibrahim: Not quite, but you can go ahead.

Madam Chairman: Mr. Mitchell had a question.

Mr. Mitchell: I have several questions. You said earlier that it is your competitive spirit among the members that drives the continual improvement. But what you are really competing for is profits and it is not farfetched to assume that some of your members, or other supermarket owners would take a shortcut to profits by participating in food fraud. I want to know whether the Association has received complaints about your members or other supermarkets. I also want to know the frequency—if you are aware of members or other supermarkets being sued for injuries caused by food fraud.

I want to know with respect to the Chinese groceries and the so-called Chinese groceries and other groceries where you go in and you see labels in Chinese or in Arabic, what do you do when faced with complaints about that? And, lastly, in a previous hearing we had evidence from the Bureau of Standards and it appeared, to me at least, that the Bureau of Standards, they have an excellent track record in establishing standards and causing the adherence to standards. There was also the suggestion that perhaps the Bureau of Standards could take over the laboratory responsibilities with respect to imported foods. But in your submission you indicated that you had some sort of reservation or objection to the Bureau of Standards taking over that remit. Can you tell us why?

Dr. Ibrahim: Okay. In an attempt for a pull everything together, let us just remind ourselves that the Supermarket Association is in no way a registered regulatory body. However, on our last point of submission that we made late last year for the previous meeting, we had suggested that for moving forward that we establish a Food Protection Authority in Trinidad and Tobago, which can either fall under the TTBS or the CFDD to effectively administer an immediate—issues of food fraud but which can be eventually expanded to include the related issues of food safety, food quality and food defence, all being separate entities and separate topics by itself. And we mentioned that the entity would be responsible for developing public awareness of the issues involved, detection of food fraud and safety violations via audits, collaboration with Customs and Excise, collaboration with TTMA and also

the establishment of a consumer hotline, collection of information to refer cases to prosecution with the ability to enforce stipulated penalties, maintaining—and this is very simple here—but maintaining a simple data base with information to be defined that will assist importers and local manufacturers to improving the resilience of the supply chain to food fraud.

The Supermarket Association, not being a regulatory body, we have positioned ourselves whereby we would actually uphold and we would love to have the opportunity to be involved as a service industry, to be somewhat of the regulated industry whereby the Association can assist the Ministry of Health; it can assist Customs and Excise and we can assist for food safety and food fraud issues whereby we can be a rubberstamp check for the purpose of establishing outlets for the purpose of selling food. Now this is a very wide scope. Food is sold roadside in Trinidad, from cooked to uncooked and it is also sold in stores. If it is given the opportunity to allow inspectorate teams to certify with the proliferation of many new stores in this country to be actually labelled a supermarket and be fit for OSHA standard and any other given standard or have health and safety, we would love to be given the opportunity to go forward along those lines.

As it applies to the last question: what is the Association's reservations with the Bureau of Standards becoming responsible for food quality? We believe that the Supermarket Association does have a role to play in addressing these shortcomings by working hand in hand with the CFDD to take part in aiding those processes like testing and having a key role in regulation. We would be part of a collaborative inspection team establishing synergies that would focus on improving the capabilities in this area: detection, reporting, arbitration and inspection and collaboration. Given the opportunity to establish a functional framework for all of this, it would contribute greatly to the nation's food security.

Madam Chairman: Thank you. I wanted to ask one of the youth members brought by the Farmers Union what was his or their perspective on how food fraud may be found out and/or regulated in Trinidad and Tobago.

Mr. Quow: Thank you very much, Chair. On this question, and on some of the questions that we discussed today, especially with regard to the moral and legal considerations of farmers, I would say that our legal obligation is a bit diminished because of the system that exists surrounding food fraud and food production in

Trinidad and Tobago, so we more have to lean on the side of morality—on the moral obligations.

For instance, we have the pre-harvest interval that we use on chemicals that—I mean we use in our industry. There is also the pre-slaughter interval and also the pre-milking interval for every chemical or drug that we use in the industry. A lot of these chemicals, they range from five days to about two weeks, and we, as farmers, we are morally obligated to honour those intervals so there would not be any residue on the consumer end.

Now, on the side of the system, there is not a proper system set up to test for residue in any goods—I mean, you do not go to the market and see a label on a bundle of celery. However, if the system was set up in such a way where we can send persons there to randomly check and test these goods for residue, for instance for a very dangerous, in my opinion, active ingredient, which is Glyphosate, which was developed I think in the 1970s by Monsanto—if we do not—and this chemical is, in my personal survey, probably 80 per cent of the herbicides on the market, and there are many other active ingredients that when you research them you see that it is dangerous for human health if you do not honour these harvest intervals, or slaughter intervals, or milking intervals. There must be a system set up where we can make farmers, or make anyone, legally obligated to honouring these intervals, so that the residue would not end up in the bloodstreams of the people of Trinidad and Tobago and the world.

Madam Chairman: That is actually very interesting. If there is excess or unused chemicals or pesticide, what becomes of it? Where does it go?

Mr. Quow: Well, in Trinidad—when you say, excess, in the plants or in our stores?

Madam Chairman: Well, in the plant after you have used it and you find, okay, well I was supposed to use one gallon and I bought two.

Mr. Quow: From my research, what the labels would say is that there is no activity in the soil in laboratory testing on the side of the producer of those chemicals, or the plants' natural system would excrete the excess chemicals.

Madam Chairman: Is that so?

Mr. Quow: Well, I am not a scientist so I cannot tell you if it is there, but, as I said, if we have the systems to test—as a matter of fact, I was doing some research recently and I saw that in Europe—because this is research from just reading labels of the chemicals that I used—there is a specific note there on one of the chemicals

that if I, as a farmer, intend to export to Europe, there must be a minimal amount of residue in my goods. There is no way for me to know how much residue of that particular product here, if I choose to, as a young person, go into the European market and export my stuff there.

Madam Chairman: Um-hmm.

Mr. Quow: So to answer your question directly, I cannot know at this point, whether or not there is residue in my goods.

Mr. Khan: Madam Chair, he mentioned plants, right, but it is also a lot in animals, because, as I said earlier on about the antibiotics used, there is a withdrawal period on all bottles, all labels of, especially the chemicals that come in. In his case, in terms of the vegetable, it has that withdrawal period of time which most people—I came out of the poultry industry because I did not want to be a part of destroying the people of Trinidad and Tobago, because there were some chemicals that were being used and they set a withdrawal of 14 days, but you use it today, and tomorrow they pick up the chickens.

In terms of de-wormers, you de-worm an animal today, you cannot have that meat consumed within, according to the different product, different days. But in mass production that is being overlooked, and that is a problem we have. And he is correct. What testing do we have—on-spot testing or random testing—in terms of diseases in animals. Our labs have not been efficient to test—random testing of diseases in animals. In fact, some years ago we had a breakout of brucellosis, and it was discovered by the workers drinking the milk that got sick at an institution.

So we need to have these systems up and—the policies are there, some of it, but it is not being enforced, just as the littering Act and all the different Acts. It has it in place but we are not enforcing it and like we do not have the institution or the fortitude to do it. We need to get those things happening because we are getting bad names for selling something that is not healthy on the market, but actually the testing is not there to assist the farmer. Okay, take for instance in Ken Vieira's presentation of the fish, what is there to test that fish or have a testing done? It is done worldwide. And I am sure in some of those labs you go there, you will find a Trinidadian doing the testing—in one of the overseas labs. We need to get the thing working here for us to protect, not the farmers' pockets, but the citizens of Trinidad and Tobago, the poor people of this country.

Madam Chairman: Okay. Gentlemen, I want to try to wrap up by 12.15 because, as I say, a couple of our members have to be in another place shortly. But I will invite closing remarks from the President of the Supermarket Association, as well as closing remarks from the President of the Farmers Union. So gentlemen, you can choose which one of you wants to go first.

Dr. Ibrahim: Thank you. The reality here is not necessarily in the spectrum—the part of the spectrum that we are looking at when it comes to the conquering of food fraud. What we see to be able to achieve this is literally a multipronged approach whereby all agencies have to come up to speed and to be capable of the tasks ahead. The Supermarket Association remains committed to helping the country and the community along the way in any way it can to better the standards for the purpose of keeping the health of the nation. On that point I would like to just—Mr. Mitchell had asked a question and I would use it as part of my summation here. The reason we raised the point of not migrating the testing lab to go across to the Ministry of Trade is that we see that the Ministry of Health, in all of their faculties, being better poised and tooled to be able to deal with any problems that may arise out of food fraud.

To close, we need to, not just for this topic here, but we really have to get on the topics of detection and we really have to get on to the topics nationwide on adherence to law. If it is we do not conquer detection and adherence to law, we, as an industry and as a wider society, will continue to slide along the spectrum to the bad end of the spectrum. Thank you for the opportunity once again to speak on the concerns of the nation. Thank you very much.

Madam Chairman: Yes. Mr. Khan?

Mr. Khan: Thank you very much again, Madam Chair. Madam Chair, when we first prepared to come to this consultation, I know it was mentioned that the Supermarket Association was going to be here, but we had prepared for an extensive discussion because of agriculture not treated with respect in the years that have gone by. It continues to be treated as the bastard child of the economy and we would like that to change coming out of this session.

One of the things that I think is critical for us to also bear in mind is that we have a prevalence of violence, and so on, in the country, and farmers are faced with a number of larceny problems also. So we think it is very critical that we highlight the responsibility of that happening if there are no markets. Right? So we need to

control some of those markets that are really assisting the larceny of goods in this country. Right? And I hope that the Supermarket Association has ways and means that some of its members would not encourage some of those things.

Additionally, our young farmers continue to face the brunt of a number of problems: one, lack of land, and we know the Minister is working on it; a lack of support in terms of financial and economic help, in terms of going forward. I think that this session here, if it is one thing it is going to do is to show that agriculture is very prominent in the country and come Sunday, with the team of Mr. Vieira and I contesting the ASTT election, that we will create that unity again and try to move things a lot more forward in terms of benefiting the country, in terms of providing more healthy and reasonable food to this country.

Madam Chairman: Thank you, gentlemen. I have to say that the information which you shared with us today was tremendously helpful and hopefully when we conclude our report, it would be made available and you can have a read and give us your feedback as to whether we represented your views accurately or whether there are recommendations which you wish to add to the ones which we will make. Please feel free to write to us with respect to any matter which you felt had not been cleared up properly during the course of this session today. We will take whatever you send in to us on board and we will use it as best as we can when we come to deliberate on the contents of the report.

So, I want to thank you all for attending. I also want to thank those of you viewing on the Parliament channel and on YouTube and to those of you listening on the radio. So this Committee stands adjourned.

12.19 p.m.: *Meeting adjourned.*

