

VERBATIM NOTES OF THE SIXTH 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, MAY 20, 2016 AT 9.57 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
Miss Cindy James	Research Assistant

ABSENT

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

Madam Chairman: Good morning, I would like us to move through this process quickly because there are members of the public who are waiting on us to make their contribution to the enquiry in which we are about to embark. Has everybody looked at the Minutes of the Fifth Meeting? Do we have any corrections, additions to page 1? May I have a response? No? Shall we move to page 2, any corrections, alterations?

Mr. Coppin: No.

Madam Chairman: Shall we move to page 3, any corrections or alternations?

Mr. Francis: No.

Madam Chairman: Page 4 is very brief, any amendments? No? Okay. May I ask that someone move that the Minutes be confirmed?

[Moved by Dr. Lovell Francis]

[Seconded by Mr. W. Michael Coppin]

Madam Chairman: Let us go to Matters Arising from the Minutes of the Fifth Meeting. Now, at the beginning I had advised members that two files are opened and they are held by Mr. Ogilvie with respect to all incoming and outgoing correspondence pertaining to the works of the Committee, so if at any time you wish to have a look at those files you are most welcome to do so; it does not have to be on the day of the meeting, all right? I believe much of what I have to say was already circulated to you all; for example, did you receive an email dated April 28, 2016 from the Property and Real Estate Services Division? I beg your pardon, May 2nd. Yes?

[Assent indicated]

Madam Chairman: Okay. And, as you know, correspondence had been sent to the entities asking that they make submissions, and so on. So, for the purposes of the record, the following groups were written to: CARIRI, we got comments from them; Customs and Excise, we got comments from them; we wrote to the Trinidad and Tobago Manufacturers' Association; we wrote to the Trinidad and Tobago Farmers' Union, comments were received; and you all should have copies of those documents. Is there any other matter arising out of the Minutes? No?

Now, you would have also received a copy of the draft report on the criminal case flow management. I myself have not yet had the opportunity to look at it, but I would really like you all, when you have a free moment or when you are able to

make a free moment, I should say, to go through this report and give us your input into it, because I think it is important. Unfortunately, the Judiciary did not respond in the way in which we thought it ought to have done, but, nonetheless, I think we got some valuable information from the Office of the DPP and Legal Aid and Advisory Authority. So I would like all members to have a look at that, and send your comments and suggestions to Mr. Ogilvie who will then circulate it. Okay, Mr. Ogilvie is asking that we set a time frame for this. How much time do you all need?

Mr. Rambharat: By next Friday.

Hon. Member: Thursday.

Hon. Member: No, Sir, no, it is a working day. [*Laughter*]

Dr. Francis: At least it ought to be.

Madam Chairman: Oh, you had it scratched off in your calendar as a holiday?

Mr. Coppin: Long time. [*Laughter*]

Madam Chairman: Yeah, I think because we have a short week, how about we say the Monday after?

Mr. Rambharat: Which is a holiday.

Madam Chairman: That is a holiday?

Mr. Rambharat: Yes.

Madam Chairman: Oh dear.

Dr. Francis: So Friday is fine.

Madam Chairman: Okay.

Mr. Mitchell: The Friday after.

Madam Chairman: Yeah. If you cannot make it on the Friday, if you cannot send it in by the Friday but you need like, you know, like another 48 hours or so, by all means, just let us know, but just do not sit there and send us nothing because

we would think that you may have a contribution to make and you just have not gotten around to it, all right? So what we expect today is, we have representatives from the Ministry of Health, including the Chemistry, Food and Drugs Division, the Ministry of Trade and Industry, including Consumer Affairs Division, and the Trinidad and Tobago Bureau of Standards. Did you all receive the issue papers prepared by the Secretariat, based on the submissions received?

[Assent indicated]

Madam Chairman: Well, I do not want us to take too long in this part of the meeting because those persons were told to come for 9.30 and I do not want them to be waiting for longer than necessary. Is there any other business that we need to consider arising out of the Minutes of the last meeting? No? Okay.

Mr. Francis: We could get to the business at hand.

Madam Chairman: I am not hearing you.

Mr. Francis: I am saying, we could get to the business at hand.

Madam Chairman: Yes. Well, I think one of the things we would need to do before we reconvene in public is to get an idea of how we are going to approach the enquiry, or the questioning, with respect to the persons who are there. Is there somebody who wants to lead off, for example?

Mr. Rambharat: Well, in another committee, I now remembered, the Chair had identified the lead-on—in this case we are examining various Ministries so way in advance we decided who was going to lead off the questioning, and then once that person is on a particular area then we make the round to see if anybody wants to question on that area, and then we move on to the next.

Madam Chairman: Right. We have three groups here today, so would anyone want to lead off with respect to the questions for the Ministry of Health?

Mr. Rambharat: Yes, I can lead off.

Madam Chairman: Okay, excellent. What about the Ministry of Trade and Industry? [*Dr. Lovell Francis raises his hand*] Thank you, Dr. Francis. Trinidad and Tobago Bureau of Standards?

Mr. Rambharat: Coppin?

Mr. Coppin: My issue is that, is there an issue paper on the Bureau of Standards as well?

Madam Chairman: They did not make a submission.

Mr. Ogilvie: No, they were not asked. They were not invited to make a submission.

Mr. Coppin: I mean I could try. I mean, CARIRI made a couple of suggestions on them and we will start off by making preliminary statements, and I guess—

Madam Chairman: I guess what you could do is you could ask them how many food and drug examiners there are, you know, for each section of the country. Is it that they have five for each section? How often do they go out? How do they schedule their monitoring?—And that kind of thing. That will at least give us an idea of what else we may want to ask, but perhaps you could start with the logistics of it. You want to give it a shot?

Mr. Coppin: Sure.

Madam Chairman: Okay, great. Well, can I ask that this meeting be suspended—oh yes, I have to put on the record the date for the next meeting, which is Friday, June 17. Is that convenient to all?

[Assent indicated]

Madam Chairman: Okay.

Mr. Rambharat: A long weekend—Randall—flying out.

Mr. Mitchell: That you recommend? [*Laughter*]

Madam Chairman: If you have to fly out just make your flight late in the

evening.

Mr. Mitchell: Madam Chair, just going back to the Minutes, the first page, I am wondering why I was not excused, because I think I had a conflicting joint select on that day, and I would have indicated that in the last meeting, that was the Joint Select, Children Bill. Family and Children Division Bill, sorry. So could you just make that correction?

Madam Chairman: Okay, I am sorry, sure, we will make that correction. I am now asking that the meeting be suspended, and that we reconvene in the J. Hamilton Maurice Room. Thank you all.

10.08 a.m.: *Meeting suspended.*

10.17 a.m.: *Meeting resumed in the J. Hamilton Maurice Room.*

OFFICIALS OF THE MINISTRY OF TRADE AND INDUSTRY – CONSUMER AFFAIRS DIVISION

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

**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

**OFFICIALS OF THE MINISTRY OF HEALTH – CHEMISTRY,
FOOD AND DRUGS DIVISION**

Ms. Donna Ferraz	Permanent Secretary
Dr. Clive Tilluckdharry	Chief Medical Officer (Ag.)

Mr. Adrian Mc Carthy	Chief Chemist, Director, Chemistry, Food and Drugs
Mr. Farz Khan	Food and Drugs Inspector II
Mr. Lawrence Jaisingh	Director- Health Policy, Research and Planning
Mr. Christopher Saith	Chief Public Health Inspector

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.

Now, I had indicated that we will start with the Ministry of Health, so may I ask, first of all, Ms. Ferraz, whether you would be minded to make an opening statement, or some opening remarks.

Ms. Ferraz: Thank you very much, Chair. Good morning, again, to the Chair and members of this Committee. The Ministry of Health is the national authority charged with oversight of the entire health system in Trinidad and Tobago. The Ministry plays a central role in the protection of the population's public health, including food safety. And, in fact, the Chemistry, Food and Drugs Division is one of three divisions that has this central role, the others being the Public Health Inspectorate and the Veterinary Public Health Unit.

In addition to the Ministry of Health, the Ministry of Agriculture's Animal Health Division and Plant Quarantine Division, and the Ministry of Trade and Industry, particularly Consumer Affairs Division, share the responsibility for protecting consumers from any harm that may result from unsafe food and from deception resulting from misrepresentation or fraud relating to certain established food quality characteristics. This Committee, we note, has been convened to discuss matters related to food fraud, but from the outset we would like to lay on the table that food fraud is not defined in the Food and Drugs Act, but there are provisions under section 6 of the Act that may be seen applicable to food fraud, and if I may quote section 6(1):

“Any person who labels, packages, treats, processes, sells or advertises 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 is guilty of an offence.”

The Chemistry, Food and Drugs Division has previously detected several instances of food fraud in Trinidad and Tobago over the last couple of years. I would list them: milk imported into Trinidad and Tobago that allegedly contained the chemical melamine which is used in the manufacture of plastic. This was added to the milk so that when it was analyzed it would appear to have a high protein content. Honey with added sugar, and surveillance done by the Chemistry, Food and Drugs Division and the Ministry of Agriculture has detected instances of sugar added to honey. Sea food fraudulently mislabelled to indicate the incorrect species of fish, and, most recently, a product labelled as coconut water which contained artificial flavours and preservatives.

So we do welcome this discussion this morning, and we are at your disposal. Thank you, Ma'am.

Madam Chairman: Thank you very much. I must say that, before I hand you over to Sen. Rambharat, who, as you know, is the Minister of Agriculture, Land and Fisheries, we decided to have this enquiry because we realized that, generally speaking, other countries had looked at food fraud in the context of national security. For example, those countries like the US where terrorism is an important thing to members of the society, they look at food fraud in the context of that. In other societies, such as China, India, you have investigations of food fraud done after an incident occurs. So if you have, as you say, melamine in milk, and so on, these enquiries are done after harm has come to a group in society.

I think our focus is to see how best our laws and our systems may be improved to ensure that the food which is sold to consumers and citizens of this country is correctly labelled and priced, and that there is no harm which may come

from it. So I will hand you over to Minister Rambharat and he will begin with the questions, after which other members may wish to ask you some additional questions.

10.30 a.m.

Mr. Rambharat: Thank you very much. I will open with a very practical scenario. A week ago I was coming through Princes Town and I saw one of these large billboards with product prices outside a supermarket, and at the bottom of the billboard corned beef caught my attention. Apart from those, for religious reasons, I think a lot of people in Trinidad consume corned beef, and the price seemed to me to be about \$3 cheaper than what I, as a frequent shopper, understand to be the average price of corned beef. And I wondered, because it is not a new discussion, how does the Ministry of Health—and this cuts across the Ministry of Health, Trade and Bureau of Standards. How does the Ministry of Health provide assurance to the public? Section 6 talks about a wide range of things; it talks about character, value, quantity, composition, merit, safety; and using the example of corned beef, what is the standard of product to be regarded as corned beef? What on the labelling do we look for? Is there any law relating to the labelling? And how, and who in this country provides assurance to the public on the composition of what is in that package?

Ms. Ferraz: Thank you, Chair. One of the things that I will note for you this morning is that this is a very technical area, so that depending on the question one of our technical experts will be answering, and I would like to hand you over to Mr. Mc Carthy, and I expect that Mr. Khan might also be coming in to the response.

Mr. Mc Carthy: Yes, thank you, Chair. All right, so we have this law, the Food and Drugs Act and regulations which is a law that was set up really to assist in

controlling food safety and food quality. There are general standards for food that must be met to ensure that the food is safe and of good quality. With regard to a product like a meat product, it is controlled not only at the Chemistry, Food and Drugs Division or under the Food and Drugs Act, but also at the Ministry of Agriculture, Animal Health Division. So, there are two aspects of it: the disease aspect of it, which is controlled by the Ministry of Agriculture, and the aspect of the chemical and microbiological composition.

So a product like corned beef that is imported into the country has to meet the requirements of the law under the Food and Drugs Act, and also the Animal Health Division of the law. So, the very first thing that happens in terms of approval of that particular product is that you must get—the importer must receive an import permit from the Ministry of Agriculture, and that import permit would indicate that the product is free of diseases. One of the requirements to get that import permit you must have a health certificate. So, the Ministry of Agriculture deals with that aspect of it. The other aspect with the chemical composition and the microbiological content is dealt with by the Ministry of Health, Food and Drugs Division, and we do require several documents from the importer, including certificates of analysis and certificates of origin. Some of the certificates required will determine the quality and safety of that product. I think Mr. Khan wants to add.

Mr. Khan: If I may just add, section 16 of the Food and Drugs Act and regulation contains the labelling requirements for all food, and within that piece of the legislation it speaks about the brand name of the product, the common name of the product, the net weight, the full and complete address of the manufacturer. Also, in testing of the product, it must meet certain requirements. For example, the preservative levels, and the meat content, and the protein content, and that is done

at the Chemistry, Food and Drugs Lab. Apart from that and apart from the certificates that accompany the shipment, visual inspection is also done on the product to determine condition. So, inspectors would go to the different warehouses or at the ports of entry whereby the product would be visually examined to determine the condition of the can. Especially with canned products, you have to be very careful with dented cans and cans that may be bloated which may end up being a major issue for us. So, that would be done in terms of the inspection, pre and post inspection also, to ensure that the product that reaches on to the shelves satisfy our requirement as per the regulation contained within the Food and Drugs Act and the regulations.

Mr. Rambharat: Just one follow-up question, so, the Chemistry, Food and Drugs Division has the lab?

Mr. Mc Carthy: Yes.

Mr. Rambharat: And that lab is functioning?

Ms. Ferraz: May I? At this time the lab is not functioning, but the importers are requested to take foodstuff, if they need to get certificates—it is—to CARIRI, and as well we do have some testing done by CARPHA, is it?

Mr. Mc Carthy: No.

Ms. Ferraz: No, not CARPHA—at the veterinary school at UWI at this point in time.

Mr. Rambharat: When was this lab last functioning?

Ms. Ferraz: About a year ago.

Mr. Mc Carthy: Two years.

Ms. Ferraz: Two years?

Mr. Mc Carthy: It was in 2014. May 2014.

Ms. Ferraz: Sorry, May 2014.

Madam Chairman: May I just ask, what caused it to stop functioning? And why has it taken so long to start back running?

Mr. Mc Carthy: The building is a pretty old building. There are issues regarding health and safety. So, generally that is the reason why the lab was actually closed by the union in 2014. We have made attempts, of course—we had planned to refurbish the lab. The refurbishment has begun, and in the interim we also looked at having a temporary location in place, which should have been in place by now but there were unforeseen circumstances.

Ms. Ferraz: May I add, Chair, that extensive refurbishment is currently ongoing and that there is the finalization of labs on the CARPHA compound in Federation Park; that is almost completed, after which we will have to have inspections by certain regulatory agencies, but we do expect that in about six weeks' time this should be completed. In the meantime, we do get certification of lab test reports, as I said, from CARIRI, and as well the vet lab at Mount Hope.

Dr. Francis: Through you, Chair, good morning. Questions: I was piqued by the mention of visual inspection, so I was not surprised to hear that the lab was not functioning. Question one, what was the regime of testing done at the lab when it was functioning? Question two, in lieu of the lab not functioning now, how is the public to be assured that the quality of food, in particular, being imported is of the requisite quality?—sorry, to repeat the word twice—and, well, I will give you an easier one. How is the public to be assured, in the larger framework, that the food coming into the country is safe for consumption given the current paradigm? Thank you.

Mr. Khan: In terms of the process as it pertains now, in light of the lab not functioning, what we normally use is in terms of the certificates, and if it is we get a particular certificate from a government entity, then there is the issue of

equivalence in terms of the systems and also the lab quality systems also. So, we use the whole concept of equivalence, and once it is issued by a government entity then we take it as being that all of the checks and balances would have been done to assure that the food that enters into Trinidad, and for human consumption, would have satisfied our requirements as well as the international requirements for safe food. That is one.

In terms of the criteria that we use for testing? It varies depending on the commodity item, in fact. So, we do the range of micro B, microbiological analysis, e coli faecal coliform, staph aureus, salmonella. Those are the basic micro B tests, and then based on the requirements of the law and the regulation, we test for basically preservatives, protein content, any sort of extraneous matter, especially with the corned beef, we check to see whether there is the percentage of extraneous matter in corned beef especially. Food colouring being a major issue, and any sort of additives that are added to the product also would be tested, if it is the lab were functioning. But the certificate of analysis provides the guarantee to us then, or some sort of security that the food that enters into the country would be safe for human consumption.

Dr. Francis: So, at this point is it safe to say that we are dependent on the efficacy of other agencies to ensure, as in foreign agencies? Would that be a fair or an unfair statement? And, as a second, related to the testing area, is there a regime for testing, for example now, I think even people, to borrow Minister Rambharat's anecdote about corned beef, even people who eat corned beef are suspicious of it. Is it the case that we test when the lab is operating, all potted meat? Do we test meat? Is there a regime or a framework for testing? Or, do we test everything that is imported? Or, are there specific types of foods that are red-flagged for testing?

Mr. Khan: Okay, definitely meat and canned products, low acid foods, canned

foods that normally seem to be high-risk. So, for every single shipment we would have tested those products. But I want to remind us that we use the CARIRI lab, and companies and manufacturers can in fact take their products to the CARIRI lab to do the testing. We, in fact, recommend that certain products be tested at CARIRI and then we look at the results and then determine whether we can release these products for sale to the domestic market.

Mr. Mitchell: Good morning, again. I just wanted to piggyback on Mr. Rambharat's first question, and I thought it had to do with standards, so let me give another example: coconut water; you taste coconut water from a coconut, that is from the source, it tastes one way, and you go to the supermarket and you buy a bottle of coconut water and it tastes diluted. Who sets the standards as to what can be called and what can be sold "coconut water"? What is the minimum or the maximum dilution? What is the benchmark? Or, let me start, is there a standard?

Mr. Mc Carthy: So, you use the word "standard". There are standards for several food products, and under the law it is known as regulations. So, that is specific. The criteria that those products must meet, under the Food and Drugs regulations. But, we do not have regulations for all food products. This is something that we do over a period of time through a consultation process, through the National Food Advisory Committee, which is managed by the Chemistry, Food and Drugs Division. With regard to the specific question coconut water, we have no specific standards or regulations for it at present. But, I said there are general criteria that all foods must meet in order to ensure the safety. For products that do not have specific regulations, we have requirements in terms of the safety criteria, which is really the microbiological aspects that they do.

Mr. Mitchell: Now, I do not want it to seem as though I am hitting coconut water producers. I mean, we all want to encourage the production of coconut water in

Trinidad and Tobago, so I am just using it as an example. So, is it fair to say or is it correct to say that a manufacturer of coconut water, or a packager of coconut water, can sell to the public water additives and flavouring, call it coconut water, and not be guilty of food fraud?

Mr. Khan: Okay. So, coconut water by definition is basically, we are looking at the endosperm of the coconut. It cannot contain any other ingredient apart from coconut water if they say it is pure coconut water. If it comes in a can then it may contain preservatives. Presently, we are dealing with a situation whereby there is a case of a product being called coconut water, when, in fact it does not contain any coconut whatsoever. It is totally artificial. We have done an inspection at the particular processing facilities, we have notified the manufacturer of our observation, the contravention as per the regulations, and actions have been taken to remove the product from market, and for the company to in fact re-label their product. So that the consumer is advised and knows exactly that it is not coconut water, because it is not coconut water. It is a concentrate that is being used in the product that is totally artificial.

Madam Chairman: If I may just ask, this was a locally produced product?

Mr. Khan: Yes ma'am.

Madam Chairman: Could you tell us what it was being sold as? What was its name on the shelf?

Mr. Khan: It was coconut water, then the company modified it to state "coconut".

Madam Chairman: To what?

Mr. Khan: Just coconut. That is the common name, just coconut.

Madam Chairman: Oh, I see. Okay. You mean just "coconut"? So, that is the brand name?

Mr. Khan: No, the common name was coconut. From coconut water, the initial

common name was coconut water; the company made a modification and then listed the common name as coconut.

Madam Chairman: Well, is there anything that would prevent that being sold as a food item? Because if it does not include coconut water then we are looking at what, sugar and water?

Mr. Khan: It could be called as a flavoured water, but it cannot be called coconut or coconut water by the requirements and regulations.

Madam Chairman: So, do the labels carry an indication of how much sugar and whatever other additives may be included in that bottle?

Mr. Khan: On the ingredient listing it has to be stated in a descending order. So, you start with the greatest amount of ingredient and you go down to the least. Presently the regulation does not require nutritional facts. So, that is something excluded from the label, but the ingredient listing and the manufacturer must declare all ingredients that are used in the product so the consumer is fully aware of what he or she is consuming at that particular point in time.

Mr. Coppin: I have been looking at the Act and the regulations this morning, and I know there is section 5 which speaks more about the unfit and the safety aspect. But, the food fraud, as defined as Ms. Ferraz was saying, is more aptly suited for section 6 of the legislation, as it deals with misleading products or labelling and that sort of stuff. My question really is, because there appears to be insufficient regulations as it relates to the food sector, so there are only some foods that are actually regulated and that there are standards, as for instance in the alcohol and that type of industries. But, generally regulations are not well developed, so it begs the question to me, what are the numbers, or have there been successful prosecutions under section 6 of the offence, given the fact that there is really no regulation which speaks to what makes a person guilty or contrary to that

legislation? What are the number of persons who have been actually prosecuted under section 6 of the legislation?

Mr. Mc Carthy: We do not have anybody who was prosecuted under that section of the regulation. And, in fact, we generally do not—the approach that we take with regard to persons who contravene the law is to warn them, and if they continue we seize, and then we would take action. But most of the times when we reach that far persons would have already complied.

Mr. Coppin: So, in effect there is a law which really cannot be operationalized, because there is no regulations?

Mr. Mc Carthy: All right, let me just go back. In terms of regulations, I said that is really standard for the foods. That is contained in the law right now for certain food products, not for all food products. So, an example is the coconut water, there are no specific regulations or standards for coconut water, but I said there are general requirements that all foods must meet in terms of the safety—particularly the safety aspect of it, and the labelling.

Madam Chairman: Could I ask this: upon the discovery that persons had been selling coconut water which was not coconut water, was there any step taken to advise the public that this particular brand was not what it was supposed to be?

Mr. Khan: I do not think there were any public announcements that were made regarding this particular product via the different media forum.

Madam Chairman: Then my next question is, why? Or, why not?

Ms. Ferraz: As far as I am aware, the division found that there were some legal issues related to it, to the actual publication, and that is being looked at at this time.

Mr. Coppin: So, of the four examples, Ms. Ferraz, that you identified—milk, melamine added; sugar added to honey; sea food following the label; and coconut water—is it that these people have just been warned? Is that the extent of their

sanctions?

Mr. Khan: Okay, in all instances even if I draw the reference of the coconut water or the so-called coconut water, we had a nationwide surveillance, a market surveillance, whereby the product was in fact seized and removed from the shelves at the different establishments. So, that was conducted within a week's time. As regards our operation, we would normally seize, and that tends to be quite effective when it is that we seize the items. There was one incident a very long time ago whereby equipment was seized also. So, the producer could not keep on manufacturing until they complied with the requirements of the law. But seizure is normally our first and sometimes second strategy to safeguard the consumer from unfit food or food that may deceive the consumer.

Madam Chairman: When you seize it, what do you do with it?

Mr. Khan: In most cases we had seized and we would ensure that it would be destroyed it at some particular point in time.

Mr. Coppin: For me, under section 6, it appears that it is a very strict liability offence. We ask—this enquiry is about food fraud, which speaks to intentional and deliberate—so there must be some intentional proof being established for prosecution. But, this legislation seems very basic. It just seems as if there is misleading information labelling, then that person ought to be prosecuted. My question is, what are some of the challenges you have faced in prosecuting persons found to be guilty under section 6, or likely to be guilty under section 6?

Mr. Mc Carthy: The law is really inadequate with regard to that area.

Madam Chairman: No, with all due respect, sir, I do not think that Mr. Coppin is suggesting that at all. He is pointing out that there is provision in the law by which persons may be prosecuted. Why is this not done? That is what, I think, we are trying to ascertain.

Mr. Mc Carthy: The process is a very, very lengthy process, and we prefer to take that approach where we seize and warn before we take that route.

Madam Chairman: Is there a legal department within the Ministry of Health?

Ms. Ferraz: Yes, there is a legal department. But if I may also add, Madam Chair, that there have been some efforts within the Ministry, I would say going back to about 2012 or so, to look at how the division itself can be strengthened to be able to acquit its mandate more effectively. We recognize that there are some issues related to processes, some issues related to structure, and the work has been ongoing, but albeit at a slow pace.

Additionally, the division is not entirely, to me, forward-facing in terms of the amount of interaction that they may have, even with members of the public, to educate them so that the consumer can also have a certain degree of responsibility where food safety is concerned. And by that statement let me say that I am not trying to lessen what their responsibility is. It is an area that we have now picked back up to look at in a more urgent manner. And, in fact, we have only recently got an interim report from an internal team looking at how the division can be strengthened. So, I would want to say to Mr. Coppin that we do recognize that there are some things that could be strengthened, we are looking at it, and what I think I am hearing you to say is that you think one of the first things we should do is use what we have within our authority at this time, to act in a more deliberate manner. So, I am taking that on board.

Mr. Coppin: Also, just for my own understanding, the Food and Drugs Act was passed in 1965, that is over 50 years, now, I do not know if section 6 has been in operation since then, but that is 50 years of wasted opportunity, opportunity to operationalize this piece of legislation. Could you give me any statistics, absent of the four instances or examples you pointed this morning, of this legislation, this

section being attempted to be operationalized?

11.00 a.m.

Ms. Ferraz: You would recall that I said that the Chemistry, Food and Drugs Division is an area that we are looking at with a bit of urgency at this time and one of the aspects is indeed surveillance. So that the numbers, I will not be able to give you this morning.

Madam Chairman: I had a question. The other thing that you mentioned was the discovery of melamine in the children's milk. Could you tell us when that was discovered?

Mr. Mc Carthy: That was in 2008 and the way we found out about it is an alert from the United States. We took the necessary action in terms of preventing the import of products from a particular country and also seizing products that may have entered the country at that time.

Madam Chairman: There are products in supermarkets and small businesses throughout this country which carry labelling in foreign languages, whether it is Arabic, Chinese, sometimes in Spanish. What is the Ministry's position with respect to those items?

Ms. Ferraz: May I ask both, Mr. Khan and Mr. Saith to respond, please.

Mr. Khan: Presently, within the regulation it gives the allowance for a product to be labelled in the foreign language where the country that the product originates from is not English. However, it also gives and makes it mandatory that any label of the product with the exception of the bottom of the product must have the English writing. So, a lot of the time we get complaints from the consumers and when we go and we do our normal surveillance we would realize that the product is labelled in English.

Sometimes it is a bit inconspicuous to the consumer to see exactly where the English is stated. So the regulation gives that leeway and that poses a challenge for us as regulators also, because we find it to be very difficult for the consumer to find the necessary ingredients, the location of the ingredients' listing or any other information as required by the regulations or the provision of the regulation.

Madam Chairman: So how is that addressed?

Mr. Saith: Based at the ports of entry, especially certain regions at the ports of entry we will hold containers at the port. We do examination at the ports, in terms of the label evaluation, to determine compliance with the regulation. In instances whereby we are unable to do it at the ports of entry it is released to premises or the warehouse where it is held until an inspection is done by inspector to determine compliance with the particular provisions in the law.

Mr. Coppin: I see in your response that you do random sampling at the ports of entry as it relates to the compliance with provision of the Food and Drugs Act. In the last five years, do you have statistics as to how many random samples were done at the ports of entry?

Mr. Khan: Unfortunately, I do not have it at this point in time, but we can present that particular data to the Committee.

Mr. Coppin: But do you have any information as to how many breaches of the Act were discovered during those random samples?

Mr. Khan: Again, unfortunately, I do not have that information available for the Committee at this point in time.

Hon. Member: Good morning again.

Ms. Ferraz: Madam Chair, through you, I think our Chief Public Health Inspector would wish to also provide some information.

Madam Chairman: Certainly.

Mr. Saith: I would like to make some comments in relation to basically most of what the speakers were saying, right, starting with Minister Rambharat. First of all as a Public Health Inspector seeing a product that is being offered for sale at a much discounted price will send up red flags in my mind. Why is that being sold so cheap? Okay? So as part of the remit, as public health inspectors we are required to register all food premises and all food handlers on an annual basis. That is part of our surveillance system. And as part of our food safety measures we will do routine inspection of all food premises.

In addition to the routine inspection, we will also monitor premises if we have complaints for one reason or the other, and we usually get a lot of complaints from the members of public for one reason or the other with respect to products, sanitary conditions and what have you. We will monitor and investigate those complaints with respect to food safety. Now all this will tie into food fraud and as you can appreciate the very nature of food fraud might be sometimes very difficult to actually identify. For example, Madam Chair, you indicated, one of the objectives of the meeting is to look at the laws and systems in place and things like that.

Now, we are taking for granted, I mean, I do not want to cast aspersions on people, but sometimes we are taking the results from other labs in other countries. What we need to do now is double check, what we say, double check, but I think right now we may not have the system to double check. For example, if you look at corned beef, is it actually corned beef? The beef in the corned beef, right.

With respect to—not straying too much, with respect to our surveillance for the corned beef itself you will want to know if the tin—it is expired or if the product is expired and is still being offered for sale. Is it a dented tin? Is it damaged in one way or the other? So some of the things we would monitor. What

are the conditions under which it is being sold in the grocery?

What I want to mention too, with respect to the labelling, the question that was asked as part of our surveillance as well, if we see products that are totally non-English we will remove it off the shelf. In most instances we ask the owner of the premises to remove it because we can also seize it and destroy it, but that is a lengthy process. We have to seize it, take it to the County Medical Officer to certify destruction and then we have to supervise destruction. So in most instances the owners will comply when we ask them to remove items from the shelf. So basically we seize them off the shelf.

Madam Chairman: I am sorry to interrupt you. So they just remove it and when you leave the premises they put it back?

Mr. Saith: Like I said, we monitor and people complain and things like that. Like I said, we could destroy it, but most instances when they remove it, they normally do, because we monitor to ensure that. But it may have been isolated to be honest with you; it may have instances that people may put it back. Sometimes the distributors will move it from one outlet and send it to the country side and sell it at some other outlet which we kind of monitor, because we observed that has been happening from time to time.

Now with respect to sampling, like I just indicated we take routine food and water samplings. Right now the lab is having a little issue with the lab, but just to give you some quick figures: number of food samples taken in 2013 was 1,467 and in 2014, the number of food samples taken was 2,459. With respect to water samples, in 2013 we took 1,104 samples and in 2014, 1,159 samples. This is routine random sampling. As you can appreciate we have thousands of food premises. The lab did not have the capacity to really test everything, so we get complaints via complaints or, for example, doubles, there is an issue with doubles,

we may do a special programme and test and things like that. So that is part of our surveillance programme to ensure the level—at least the “John Public” gets a safe product at the end of the day.

Madam Chairman: One thing I wanted to ask is, when you look at labelling if you go into a supermarket and you see a product being sold as juice and then you look at the packet and you see it is not juice, it is juice drink, what do you do? What do you have the supermarket do?

Mr. Saith: First of all, like I said, we work hand in hand with the Food and Drugs Division and that is an area that falls directly under the Food and Drugs Division, because they have definition with respect to the drinks and juice drinks and things like that. So they might be able to give a better answer.

Mr. Khan: So we do in fact have a complaint system whereby a complaint can be made by a consumer of any product that he or she purchases. We will further investigate the particular complaint. If it has to be tested and in the instances where the lab is operating we would have done the necessary test at our labs. If there is a labelling infraction we would want to take the complaint. We would also visit the premises and in certain instances if it is not a local product we will also do an inspection at the local producer facilities to evaluate and determine in terms of the food safety system and also the quality management system that is implemented at the particular manufacturing facilities. That is instances where the product is a local product. So the consumers use the opportunity to make a complaint and we further investigate these complaints to bring some sort of relief to the consumer.

Dr. Francis: I would like to go back to one of the Chair’s previous questions about the melamine in the milk. Let us say, of course, one hopes this does not happen. If something like this arises again and the US does not flag this issue, they

missed it. What are the odds that we would pick it up?

Mr. Mc Carthy: There are other organizations that provide alerts to Trinidad and Tobago and one of them is INFOSAN, International Food Safety Authorities Network. They continuously do surveillance work on behalf of all the member countries and that has been an avenue where we would receive alerts about products that are likely to be unsafe that are being exported to Trinidad and Tobago.

Dr. Francis: Let me be more specific. Let us say that the rest of the shipment to Trinidad is problematic, do we pick it up? Do we have the mechanisms to ensure that kind of safety, that we do the kind of testing?

Mr. Khan: We will be heavily reliant on the Government Certificates: one, the Health Certificates, the Certificate of Analysis, the Free Sale Certificate, Aflatoxin Certificate, Phytosanitary Certificate, all those certificates would assist us in determining compliance and obviously the import permit is also going to be a requirement and may use these as measures to assist us in determining the health and safety of this particular food apart from the visual inspection and lab testing.

Dr. Tilluckdharry: I just want to add, Dr. Tilluckdharry, Chief Medical Officer. We are trying to be preventive here to avoid food fraud and Mr. Mc Carthy mentioned information from international agencies, INFOSAN, even Pan American Health Organization, even though they may focus more on drugs they would alert the Ministry through the focal point of any suspicious product coming into the country. But more importantly, locally and through the Ministry of Trade and Industry, the launching of the eBizLink, whereby different Ministries and agencies are involved. They would be privy to the cargo content, and involving customs, immigration, et cetera. So, yes, we may not be able to test every single thing that lands in the country but certainly more inspection and to gather more

information on respective shipments would alert us at the Ministry, certainly the Chemistry, Food and Drugs Division about any suspicious product.

Mr. Mitchell: Thank you. I want to go to the complaints procedure. Now I am in the presence of eminent counsel at this table and the lawyers at this table will tell you that the modern law of negligence was expanded because of a situation of food fraud/food safety, where a snail was found in a bottle of ginger ale. Now Mr. Saith just mentioned, countryside. I have a member here from Moruga, a member from Rio Claro.

Someone from Rio Claro eats a chocolate bar or some product that is tainted, spoiled. They must now make a complaint to some centralized agency in Port of Spain or Barataria, I do not know where you all are located. But by the time that complaint is followed up on, by the time they get that product you have all sorts of challenges with respect to the protocol that can be challenged in court. What protection does that consumer have? They cannot go to court because they cannot prove, because by the time they get to Port of Spain, by the time the product is tested there are all sorts of challenges. They have no redress in the courts.

Dr. Tilluckdharry: Okay, certainly any complaint must be addressed in strict and in an urgent matter. You mentioned that the complaint has to go to, maybe, Chemistry, Food and Drugs Division. Not necessarily. It goes right through the respective County Medical Officer of health office. And as Mr. Saith, the Chief Public Health Inspector will tell you that there are inspectors distributed throughout the country, through each attached County Medical Officers of health that can take that complaint and follow it up. Also, the Ministry of Health as mentioned, there is a legal department, all complaints are also being forwarded to the legal department for advice.

Mr. Mitchell: But the chain of custody would be broken because you would need

to test the product to determine that that was the cause of the complainant's injuries. And you raise another point there, this Government is a proponent of local government reform and the decentralization of some of those functions. Would it be fair to say or would it be in your interest to have a more decentralized system where the local government bodies can be the first responders or that there is some protocol in place where these items of food fraud or food safety can be investigated, prosecuted.

Ms. Ferraz: I am going to attempt to answer the first part about the chain of custody, I think you called it. One of the issues that in trying to prepare for this Committee meeting and talking about testing as well, was the issue of whether if you have to test food that is already opened, there is a chance that or you do not know whether the food was initially tainted or whether something happened after it was opened. So I know that is one of, it could be one of the difficulties I learnt in terms of testing.

I do not think that my team would wish to answer a question for which we might need legal advice in terms of what you were talking about, the chain of custody. But I will take the principle of it into account which is really the redress to the consumer. So we will note that.

Relative to any change of policy about further decentralization, because a lot of that can bring a greater degree of customer satisfaction and as you say, you are right on spot to deal with something. It has come up in our discussions, but in terms of that kind of policy decision we are currently preparing a paper for the consideration of our Minister. So I would not wish at this time to make any pronouncement on what could be any policy changes. Thank you.

Mr. Rambharat: I am back to the top where I started off and I will just premise what I am saying. I am sure you followed the issue of Maggi in India. It took a

Public Health Inspector to buy a 60 cents pack of Maggi soup for his lunch to cost Nestlé half a billion dollars since last year June, a Public Health Inspector. And at the heart of that Nestlé matter is the issue of Nestlé labelling the Maggi as no MSG, one.

Two, a dispute over the lead content. And Nestlé has put forward thousands of lab reports to show that the product does not contain MSG and the lead is within the permissible levels. The Indian Government and the various States have put forward a similar number of reports showing that it contains MSG and the lead is above the permissible level. So lab reports vary and they tell you what you ask. So I am going back to this issue of, the fact that the Government's lab has not been in operation since May 2014.

Now in section 5 of the Act deals with fitness for consumption. And I am very clear in my mind that something could be fit for consumption and still not be what the label says it is. So using corn beef, any meat is fit for consumption, including kangaroo. But it is not beef. So a food safety certificate from the originating country may say that the premises in which that was packaged is sanitary and a certificate may say that the contents are fit for human consumption. Depending on what is asked of CARIRI, CARIRI may respond to say that this receptacle meets quality standards. What is in if you do a fitness for consumption, surely rat meat might be fit for consumption. We know it is eaten in other parts of the world, but is it beef and that is where the issue of food fraud arises. It arises where you say in your label it is this or it is not this or where the consumer is paying for something and getting something else.

So I think the issue, because if I were looking at it from a lab point of view in Trinidad I would want to stick with section 6. Section 6 talks about character, value, quantity, composition, merit. Does this thing have merit to be called fresh

fruit juice when—I picked up a fresh fruit juice last week, a very, very, prominent brand of fresh fruit juice, the fruit punch. If something is fruit punch there is no need to add colouring to make it pink. The fruits should make it pink. And the moment you add colouring to make something pink, so it becomes fruit punch, in my mind that is food fraud.

So to me lab testing which generates the assurance in accordance with section 6, Parameters, is what I as a legislator would like to see in order to provide the assurance. Having said that, I just want to raise two issues.

One, is an issue that in my incarnation as a columnist, I wrote quite a few times about and it, it could be food fraud but it is fraud nonetheless. These wonder foods, as I am flicking through the television, I looked at these infomercials about these wonder foods being brought into the country and I look at the local herbalist, for example, and I wrote once or twice about the herbalist offering these things that could cure cancer and boost your stamina. And I wonder about those things and the responsibility, where the responsibility rest in terms of the gullible public who pay a lot of money for these things and anybody with eyes who could see could tell you that it is not what it pretends to be. And I wonder about that all the time when I see it.

Then the other issue is, I would like to know, what is your position on expired goods? Are we required to display dates of expiration on food products? How is that enforced? What do we do against supermarkets that sell expired goods and what do we do against supermarkets that sell on sale without notifying the consumer that I am selling this at this price because it is expiring tomorrow. So expired goods, wonder foods and health foods and herbalist products and so on and this issue of lab testing, those are my issues.

Dr. Tilluckdharry: Thank you, Mr. Rambharat. Maybe the ideal wonder food is

what we disregard on a daily basis and that is eating sensibly, exercising and have a good peace of mind, basically. The public over the years have been gullible by all these advertisement for the quick fix, like to lose weight, et cetera. Yes, the Ministry of Health has responsibility to make sure that the products that are being sold they are legitimate and also that it is not fooling the public.

So, basically, in terms of the wonder drugs, I mean there are many on the market. I am certain that most of them have satisfied the requirements to be imported, but this is where health promotion, health education comes in to inform the public about, you do not really need to rely on anything that will make us lose weight overnight or to live a longer life, basically. So yes, I know, but I will pass this one to Mr. Saith after to probably continue.

And pertaining to the expired products, all products that are imported or labelled or package must have an expiration date. We are accustomed seeing it on drugs, on medications, because after a while the active ingredient can decompose so the efficacy is less. So, yes, I am in agreement that all packaged or food stuff, et cetera, should have an expiration date. Mr. Saith.

Mr. Saith: Simply with respect to the expiry date you will find out in the distant past all foods did have expiry dates on them. And basically what the inspectors did if it is expired, like I said, we used to seized them, but I think there was an issue with the supermarkets have to make claims back, they return it to the manufacturer and they get a claim and things like that. So because of that we permit them to move them off the shelf and we monitor. Now I think they have modified that and now we have best before and dates like that. But basically in the past we had seized them, they have the labels with no English, we will seize them. Like I said, we give the supermarkets the opportunity to remove them basically at this point in time.

Madam Chairman: Okay, Mr. Saith I have to wrap up this session with this particular group because there are two other groups that we wish to hear from, but it is important that members of the public who are looking at this Committee hearing to know where they can go to make a complaint if they buy a food product which is not what it said it is or carries a label in a foreign language, does not have an expiry date. Where can they go to make a complaint, first of all, and how long will it take for someone to be appointed to investigate their complaint?

Dr. Tilluckdharry: Well, first of all the Public Health Department operates in a decentralized environment. So each of the County Medical Officers in each county there is a public health department. That is number one. Under the Ministry of Rural Development and Local Government there are a number of public health departments as well as under the statutory bodies, like, Port of Spain City Corporation, San Fernando City Corporation, Point Fortin City Corporation, Arima City Corporation and the Tobago House of Assembly, and even within the district itself. So you can come to the County Medical Officer and lodge your complaint on a daily basis, Monday to Friday 8.00 a.m. to 4.00 p.m.

In addition to that, each county is subdivided into districts, right. For example, County Victoria, we have 14 districts. So there is an officer in each of those districts and in most instances some of them will hold offices at the health centres, sub offices. So the officers are out in the fields. So many of the times you can interact with the Public Health Inspector from a day to day basis. So in addition to coming into the office, come to the county, speak to the officer.

Also, there is an online system in place which is monitored by the Corporate Communications Department in the Ministry of Health that accepts complaints and then forwards it to my office and then it goes back into the county. With respect to food safety, complaints generally, based on the urgency of the complaint within a

week we will try to address those complaints. As you can appreciate, some complaints sometime may be justified and some may not. So it depends on what the issue is and usually we will take the follow up action to—depending on what it is then.

11.30 a.m.

Madam Chairman: Before I close by thanking you all, is there any way that you could give us what the address is? The email address of your complaints department.

Ms. Ferraz: corporatecommunications@health.gov.tt. But as Mr. Saith was saying and this one I would not really be able to give you, the County Medical Officers of Health are located in what used to be the counties. We still operate in that system across the country.

Madam Chairman: All right. Yes?

Dr. Tilluckdharry: Sorry, Chair. So you can also make complaints at the Chemistry, Food and Drugs Division and we are in Port of Spain and our email address, I can give it to you. It is cfdd@health.gov.tt and you can also phone in.

Madam Chairman: Okay, thank you very much for giving us so much information and you have certainly given us a lot of food for thought. Now I may have to ask you to do a little adjustment because we will next move on to the persons from the Ministry of Trade and Industry. We will take a short break for two minutes while those shift around and so on.

11.35 a.m.: *Meeting suspended.*

11.38 a.m.: *Meeting resumed.*

[Officials from the Ministry of Trade and Industry - Consumers Affairs Division join the meeting]

Madam Chairman: Thank you all for coming again. We were just waiting for

the queue from the persons who are recording the session to start. So Mr. Herbert, welcome and thank you for coming and I believe all the members of your team are now at the table and have introduced themselves. Is that so?

Mr. Herbert: That is so.

Madam Chairman: Yes. Would you like to make an opening statement?

Mr. Herbert: Chair, I would like to express our appreciation for involving us in the discussion on the topic of food fraud. For us, we are still coming to terms with the concept in its entirety. Whilst we do understand that there are elements of food fraud which would have been grappled with sometime in the past, the concept, we are still coming to terms with that.

The Consumer Affairs Division is now with the Ministry. It has been with the Ministry sometime last year and we have been working with that part of our mandate to try to bring it in line with the rest of our activities. At the onset, I would want to categorize their activities into those actions that respond to individuals' consumer complaints and those that respond to collective consumer complaints. So for instance, a consumer might have a particular problem and they might come to the consumer division and consumer division has a process to deal with that and then there are those complaints which relate to industry and their impact on consumers and that sort of thing. So I think that food fraud will more appropriately fall in the second category, although it might still impact on the first.

The issue of food fraud for us is important, not only because it has its own dynamics but because we are at a time now where we have a regime for consumer policy and protection that has legal, institutional and administrative gaps, and we are working to put a new consumer policy in place. The last administration, through the Cabinet, had signed off on a particular stage of the policy and since then, the approval required us to engage in additional consultation which we have

been in the process of undertaking and which we continue to undertake to move towards a new revised policy. So for us, we welcome the opportunity to understand a bit more of the topic so that we can seek to include elements that might be appropriate in the new policy.

So for us, Chair, that is what I wish to say on the onset. I do recognize that there is a greater need for collaboration between the agencies involved, be it the Consumer Affairs Division, you now had the Chemistry, Food and Drugs Division, we have the Bureau of Standards and others at the local level, I guess, parts of the Ministry of Agriculture, Land and Fisheries whether it needs to be Plant Quarantine Division or—

Madam Chairman: Indeed.

Mr. Herbert:—achieve it.

Madam Chairman: As our honourable Attorney General says, we have to see the articulation of the different parts. So hopefully by the end of our session today, we may have a better idea as to how the different departments relate to each other.

Mr. Herbert: In addition, Chair, I think that there is a dimension that even goes beyond the internal borders. For instance, in Caricom, there is a system for dangerous goods, it is known as CAREX, and once an institution recognizes that a product has landed in the region and they have found out, they have a system which they share with other food agencies or other related agencies so that they are now aware. So in our instance, if we were to—when our testing facilities and those things are brought back up to the level, then that is like an early signal once another country or agencies in the region recognize that they can share with us. So, Chair, just to start, that is my opening contribution.

Madam Chairman: Thank you very much, Sir. Dr. Francis will lead off with the questions.

Dr. Francis: Good morning Mr. Norris, good morning to your team. The issue of food fraud, the consumers have some culpability, some responsibility in this. Everyone here, I am sure, has bought a currants roll with no currant in it; we have all bought 100 per cent juice that when you look at the label, it is anything but—you go to a restaurant, you buy fish, it says it is kingfish; you taste it, you know is not kingfish and we accept that. So as consumers, we have some part to play in all of this. But as representative of a state agency, how assured should the public feel about the integrity of the labelling of food in Trinidad? We just had the take of the Ministry of Agriculture, Land and Fisheries, I want your perspective on it as Ministry of Trade and Industry.

And two, I want to interpret the word “safety” in a more elastic sense. We have a nation that has very high incidence of lifestyle diseases: diabetes, high blood pressure, which is tied to the food that we consume. Now I might choose to buy a bottle that is really a candy bar, that is called soft drink that has a high sugar content but in making that choice, I should, as a consumer, at least have the right to know how much sugar is in that. So that at least I can make an informed choice whether to drink this liquid candy bar or not. Are you satisfied, as representing your Ministry, that enough information is provided to the public so that in the issue of more elastic sense of safety, they have the requisite information to make the right choices?

Mr. Herbert: I think I will start being very direct. I do not think enough information is out there for the consumer and to be truthful, from our side of the works, by and large, we redirect specific companies to the Ministry of Health on food and where information comes to us, we seek to share it. For instance, in 2015, on World Consumer Rights Day, we would have teamed up with the Chemistry, Food and Drugs Division and had various outreach programmes for

that week. So we do partner on some things but in terms of targeting specific food sectors and putting that information out there, in a major way, we would. And this is historical so I am not say anything that—it is historical that the Ministry of Health is the one we depend on in a major way.

There are instances of foodstuff, like for instance, when we meet with industry, when we meet with consumer, I remember the issue of chicken was brought to our attention and we were informed that there were instances—I do not know if you know but in the United States, there are some part of the chicken that are cheap and they are dumped elsewhere and that sort of thing. Dumped in the sense of sent to Third World countries and we were told that there were instances where frozen chicken, bought cheap elsewhere, were being thawed out and sold as fresh chicken. So some information does come to us and in those instances, we try to share the information through our limited information channels.

Dr. Francis: Mr. Norris, I would like to know, as a consumer, how much sugar there is in a bottle of soft drink? Is there anything in Trinidad that legally prevents me from having that information? I know in the US, there was a very successful lobby which ensured that that information is denied the public, but if as consumers of these products, we want to know at least how much sugar we are drinking, is there anything to prevent your Ministry from ensuring that producers provide us with that information?

Mr. Herbert: I think that is a matter that we will have to address to the former group in terms of how much sugar is allowed or is in a particular bottle of soft drink.

Madam Chairman: I just want to ask, you referred to the chicken scenario where product which had been dumped in the US was sent down to our country, how was that discovered and what was the response to the person who brought that dumped

product into the country? What was the official response?

Mr. Herbert: In terms of the first part, it was discovered by the various dialogue that we have with interest groups. So there are producers of chicken who will be in competition with that activity so they brought that to our attention. We did two things. We shared it with the public health persons and secondly, we investigated by enquiring and that sort of thing but, of course, there was denial. And with your permission, I can ask the Director of Consumer Guidance and Protection if he wishes to add more on that. But from my understanding of what transpired is that there was a denial of that action but I am just saying that because it is a possibility, it was reported to us, so that is why I am sharing it with this Committee in terms of that activity. Maybe the Director of the Consumer Guidance and Protection who has responsibility for the area will be able to add something.

Dr. Francis: Mr. Herbert, before you defer, just to clarify. Do you mean dumped in the literal sense or dumped in the economic sense?

Mr. Herbert: I mean dumped in the literal sense. In the economic sense, it would be the issue of the price at which—

Dr. Francis: You literally mean dump.

Mr. Herbert: Yeah, but maybe it was dumped in the economic sense also.

Mr. Morgan: Good morning, Madam Chairman. One of the measures that we are using to deal with this issue of the chicken really is that we are in the process of developing standards for the importation of poultry in the region. That is a project that we are working closely with the Trinidad and Tobago Bureau of Standards and we have the poultry association of—Caribbean Poultry Association in collaboration with the Government of the Federal Republic of Germany, GIC, where we are in the process of working on a project. This project is known as the Calidena project where we are in the process of, as I said, developing standards for

the importation of poultry into the region.

Madam Chairman: Thank you but that still does not get me all of the answers which I had sought to obtain. So you found that chicken which had been dumped in the US had been brought into our territory and enquiries were made of the person, I presume the importer, who denied it, so what became of that? Did it continue to be sold on the shelves?

Mr. Herbert: Chair, I will start by saying that it was reported and the industry players who would have reported it, I guess, would also have some interest. So the real issue is how do you move from a report to actually being outside there to identify chicken that conform to the complaint?

Madam Chairman: Well, I think the obvious thing is an investigation. So was there any kind of investigation and if so, what was it about?

Mr. Herbert: I will ask Ms. Peter-Sarabjit to—

Madam Chairman: Thank you.

Ms. Peter-Sarabjit: Good morning, members, good morning, Chair. As part of that, when we were alerted of it, it was part of a committee discussion when the Consumer Affairs Division was alerted of the possibility of that particular problem. As part of our fieldwork, we do monitor poultry prices and we were told that poultry depots were one of the areas where such chicken was being sold, the thawed product. In our visits to the poultry depots, we did look at their product. We did not find any cases of such but we have heard from consumers who claimed that they had purchased parts that were really large in size, larger than what they normally would. So the possibility did exist that it happened but it could not have been proven.

In reaction to that, what we sought to do from the Consumer Affairs Division, one of our functions is to educate and empower the consumer. So we

recognize that if a potential food threat is there, we need to educate them. So we did one of our public outreach sessions via discussions with community groups, as well as produce a brochure on tips on how to purchase chicken, what you look for, the sort of places, the retail outlets, how you choose your retail outlets, what sanitary measures you should look for. That sort of thing.

Madam Chairman: And your brochure, your guidelines, do you require that they be pinned up or exhibited in the places that sell poultry products?

Ms. Peter-Sarabjit: Some were distributed to the outlets we have visited. And of course, it is available at the Ministry as well as—at the time, we were under a different Ministry so it was on the website.

Madam Chairman: Mr. Mitchell.

Mr. Mitchell: Mr. Herbert, PS, you just said that you hear a lot of these instances of food fraud and so on. The thing is because of the proliferation of information and social media, members of the public, we too, we hear about it and we want to be protected and here is what we hear about. We hear about ash, dirt, being used to dilute black pepper. We hear about chalk in flour. We hear about—and I do not know if you have seen the video and this is something I would like us all to address—persons with syringes taking a very small chicken pumping it up with saline or salt water so that it attracts a bigger price. We have heard about fake rice out of plastic resin. So we just want you all to assure us that all is being done to protect the consumers of Trinidad and Tobago in light of all these instances of food fraud.

And the second question—well, that was a statement, but the question I have now is, you are responsible for Trinidad and Tobago Bureau of Standards, and I am aware that the Trinidad and Tobago Bureau of Standards has a laboratory and that laboratory is the gold standard. In fact, the Trinidad and Tobago Bureau of

Standards, they are the ones who go out and certify other laboratories: medical laboratories, environmental laboratories, any laboratory in Trinidad and Tobago. You all are the gold standard. But we have heard a lot today about the lack of laboratory testing capacity. Why is it that tests cannot be conducted or a large number of the tests cannot be shared between CARIRI and the Trinidad and Tobago Bureau of Standards laboratory? Thank you.

Mr. Herbert: On the first issue, the issue of the range of—the proliferation of complaints on the social media, we have an arrangement, we have a Facebook page, we are on social media and that sort of thing, and when we see such actions or such complaints, you will realize that there is some kind of analytic test that will have to take place for those things. So really, we will have to forward those to the former group, whether they are in a position to do the testing is another matter.

We provide general information. We cannot, for instance, say that this organization producing black pepper has cigarette ashes in it or so. That will open us to litigation because we do not know that for a fact. But what we could say is that, look, this is something to be aware of as consumers in our education. From time to time, we have different seminars and that is where—we have outreach programmes and we seek to share some of that information to the extent that we ourselves are comfortable with the indications.

Madam Chairman: Well, Mr. Herbert, is it then that you are saying that food testing as a whole and food standards should not really be under the Ministry of Trade and Industry but it should be with the Ministry of Health?

Mr. Herbert: Well, I am not saying that that is what exists.

Madam Chairman: That is what it is?

Mr. Herbert: Yeah, it is what exists. And on the second issue of the labs, the responsibility for food does not lie with the Bureau of Standards. They treat with

everything else except food, pharmaceuticals, cosmetics, that sort of thing. So from the product standpoint, that is a Ministry of Health action, but as I said before, the collaboration needs to be there. Because like even those standards, when standards are developed for those things, the notification to the rest of the world is normally done by the Bureau of Standards because they are normally our international representatives on standards.

Madam Chairman: Sure. But I am sorry to cut you across, but the thing is how did—*[Laughter]* This might sound a bit like a basic question but how did you come to be involved in the whole chicken incident?

Mr. Herbert: All right. Consumer, by its mandate, has the broad responsibility for consumer action. It could be food, it could be non-food. But historically, by practice, the food issues have been lodged with or redirected to the Chemistry, Food and Drugs, but because the consumer deals with industries, some of the—there are one or two issues industry-wide that they have engaged over the years. Chicken was one, they have a Calidena project. Some years ago, there was a water issue and they were at the forefront of that when the water industry was now catching itself.

12.00 noon

Madam Chairman: So the interaction really is on a case-by-case basis?

Mr. Herbert: In a sense it is on a selective basis.

Madam Chairman: Yes, okay. Dr. Francis, do you have any other questions?

Dr. Francis: May be a bit facetious but just for my mental comfort, the chicken scenario that you described, could you give me a context in terms of time when this occurred? It is ongoing?

Mr. Herbert: I would ask Ms. Peter to answer you.

Dr. Francis: I hope the answer is not ongoing.

Ms. Peter-Sarabjit: We were alerted to it via a committee discussion in 2014, and we were told then that it had existed even before then and that several complaints were made to the relevant agency. So, in terms of Consumer Affairs, we were alerted to it in 2014.

Dr. Francis: In 2014. All right, thank you.

Madam Chairman: And has it stopped? And can it be stopped? To me, that is what we would like to know.

Dr. Francis: Which really points to a larger issue, which is: how does trade and industry ensure the provenance of products other than a certificate which says it comes from this source and it has this quality? Is there any way of ensuring the provenance of these products?

Mr. Herbert: In the trade circles we depend on a certificate of origin. At the border there are a number of agencies who interact with Customs and Excise to allow things to pass. So at the border there is. Even, let us say, in the case of frozen chicken it may have reached in Trinidad as frozen chicken but then there is a distribution that happens and how do you monitor that, unless you have a system at the outlets, in the range of the outlets, to treat with it on the shelves? So, the surveillance is at different levels. You must have that, in terms of the integrated system at the end of the day.

Mr. Mitchell: Mr. Herbert, I see that you have a complaints procedure as well. So, I am just giving an example and I just want you to confirm. So, some benighted fellow from Rio Claro would have just eaten some rotted food and that fellow, ignorant of the right procedure, would say to himself: "Well I should call the Ministry of Trade because they have a Consumer Protection Unit." So you are saying that person has to call the Ministry of Trade, Consumer Affairs Unit and then the Consumer Affairs Unit would put that complaint back to the CFDD?

Mr. Herbert: That is not the case but I would ask the Director, Consumer Guidance.

Mr. Morgan: Okay, the instance where we had the issue which was raised by the previous speakers concerning the coconut water, that matter did come to my attention. Immediately upon receiving the complaint I forwarded the information, via email, to Mr. McCarthy who in turn told me that they were aware of the complaint. I myself took it upon—we have a responsibility. We can do test purchase. But I purchased a bottle of the coconut water and I pointed to him after I told him where I got the coconut water because he said that they had removed it.

In those instances, under the Consumer Protection and Safety Act and the Trade Description Act, those are the two pieces of legislation that the Consumer Affairs Division operate and food is not considered to be a good under the Consumer Protection and Safety Act. However, section 20(1) still allows the Director to investigate matters regarding food. So any time we get a complaint against a food item, invariably we have to refer it to the Ministry of Health.

As was stated earlier on, we recognize that this issue of food fraud is an area that is not properly regulated in Trinidad and Tobago and we welcome this opportunity for it to be a matter that should be on the front burner.

We have also established a memorandum of understanding with the Chemistry, Food and Drugs Division, where we do collaborative work, with respect to food items.

Dr. Francis: A different question. Is the Ministry of Trade and Industry aware that there are goods being sold in Trinidad that have labels not in English? And if so, what is the Ministry currently doing to rectify this situation?

Mr. Herbert: Chair, through you, I would ask the Director of Consumer Guidance.

Mr. Morgan: As mentioned earlier by Mr. Herbert, in terms of actions that we are taking to strengthen our legislative responsibility and authority in Trinidad, you would realize that the Consumer Protection and Safety Act is of 1985; the Trade Description is of 1984 and we recognize that there is a gap with respect to certain issues. One of the issues that we have raised in our consumer policy is that all items that are—I am not saying food items, but all items, the instructions should be in English language and that is something that, once the policy is approved, our next step would be to do the legislative brief for something like that to become law in Trinidad and Tobago. Currently there is nothing preventing a supplier from selling an item that is written in a foreign language.

Dr. Francis: Sir, is that “should” or is that “must”?

Mr. Morgan: Must.

Dr. Francis: Okay, thank you.

Mr. Mitchell: I have a question and, perhaps, I should have put this to the former group, but if you are aware of the answer you can tell us. What interaction does the Ministry of Trade or any of the agencies in Trinidad and Tobago have with the Food and Drug Administration of the United States? Because they are widely regarded as the gold standard, the world. How do you interact? Do they send out circulars? Do they notify you? Do they give you a heads up?

Mr. Herbert: Chair, I am not in a position to answer that. Maybe you could direct it to the Ministry of Health or even Customs and Excise Division, I suppose.

Madam Chairman: Just in wrapping up, could I just ask you how close you are to developing a legal brief for your Minister, with respect to the regulation of labelling in English? To me, it should be a fairly straightforward thing. How far away are you from that?

Mr. Morgan: Okay. It is part of the national consumer policy and we were

instructed that by the end of August that policy should be completed. Actually it is completed to reach before the Cabinet for consideration.

Mr. Herbert: Just now Chair. The food responsibility would have to have significant input from the Ministry of Health.

Madam Chairman: I would imagine so. So what you are, in essence, suggesting is that there should be some regulatory system dealing with food alone? Correct?

Mr. Herbert: Well, Chair. I think the former group explained that standards are done differently for food as they are done for other products, and labelling changes, I think, kind of cross, especially because labelling has to appeal to, not only the domestic community but also the international community. For instance, if you are exporting a product, you have to conform to the labelling requirements. So there are certain issues that go beyond and, as you are saying, there is definitely a framework which calls for closer collaboration between the Chemistry, Food and Drugs Ministry of Health and the Bureau of Standards, Ministry of Trade and Industry. Thank you.

Madam Chairman: Okay. Well, thank you all for your assistance today. We would very much like to move on to the Bureau of Standards. So if we can have some shifting around.

12.12 p.m.: *Meeting suspended.*

12.14 p.m.: *Meeting resumed.*

[Officials of Trinidad and Tobago Bureau of Standards]

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. Morgan: 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 being 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.

12.39 p.m.: *Meeting adjourned.*