

STATUTORY RULES AND ORDERS

Bureau of Standards (Labelling of Goods) Regulations 2023

In exercise of the power conferred by section 51 of the Bureau of Standards and Quality Act, No. 11 of 2021, the Minister makes the following Regulations:

1. CITATION.

These Regulations may be cited as the Bureau of Standards (Labelling of Goods) Regulations, 2023.

2. INTERPRETATION.

In these Regulations, unless the context otherwise requires

“Act” means the Bureau of Standards and Quality Act, No. 11 of 2021;

“Bureau” means the Bureau of Standards referred to in section 3 of the Bureau of Standards and Quality Act;

“CARICOM” means the Caribbean Community and Common Market, established pursuant to the Revised Treaty of Chaguaramas signed at Trinidad on 4th July, 1973;

“Customs Act” means the Customs Act Cap. 20.04.

3. LABELLING OF STANDARDS.

(1) All goods within or being imported into Saint Christopher and Nevis shall be in conformity with the Standards for labelling of goods as set out in the Schedule hereto.

(2) Subject to sections 19 and 24(4)(b) of the Act, where a person acts in contravention of subsection (1), inspectors appointed by the Bureau may do any of the following:

- (a) enter any place at a reasonable time to perform inspections;
- (b) open and examine pre-packaged goods;
- (c) examine and make copies of documents;

(d) seize and remove the goods, labelling, packaging or advertising in question, from the premises where the goods are being offered for sale; and

(e) destroy the goods. 4. **REPORTING OF BREACHES.**

(1) A person who becomes aware of a breach or a suspicion of a breach in the labelling standards may report the incidence of the breach to the Bureau, the Ministry of Health or the Department of Consumer Affairs as the case may be.

(2) Subject to section 191 of the Customs Act, where a breach or a suspicion of a breach of these labelling standards, is brought to the attention of the Customs and Excise Department, the Comptroller of Customs shall notify the Bureau and subject to the advice of the Bureau, may seize the goods that are in breach of these Regulations.

(3) Subject to the provisions of sections 3(d) and 4(1)(a) of the Public Health Act, where a breach or suspicion of a breach of a labelling standard is brought to the attention of the Public Health Department, the Public Health Department shall notify the Bureau and subject to the advice of the Bureau, may seize the goods that are in breach of these Regulations.

STANDARDS FOR LABELLING OF GOODS

1 Scope

1.1 This regulation establishes general labelling requirements for goods. It is applicable to all goods which are marketed for sale or distribution in Saint Christopher and Nevis, except those goods for which more specific requirements have been prescribed elsewhere in CARICOM Regional Standards, or national regulations.

1.2 The regulation shall not apply to personal items or items not intended for sale.

2 Terms and definitions

For the purposes of this document, the following terms and definitions shall apply:

Competent authority

A Minister, Ministry, any named government agency, or agencies assigned, separately or jointly, the different areas of legal responsibility associated with the labelling of goods.

“Country of origin” means

a) country where the goods were wholly manufactured; or

b) in cases where the composition and or quality of the goods was changed to a significant extent elsewhere, other than by packaging, the last country where such significant change occurred;

NOTE A significant change in the product refers to where there is a change in the product that has resulted in a change of the Harmonized Commodity Description and Coding System (HS Code), or where there is no change in the HS Code, but the product has gone through a significant process

“Defect” means an imperfection due to either faulty manufacturing or design, or one that came with insufficient instructions;

“Defective” means containing one, or more defects;

“Goods” means any commodity, article, product, food, food products or thing, which is the subject of trade or commerce;

“imperfect” means

not perfect; faulty or incomplete;

“label”

any tag, ticket, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, impressed on, accompanying or attached to a container;

“labelling”

includes the label and any writing, print, stencil, mark or embossment , relating to and accompanying the goods;

“legible” means

the written or printed matter that can be read without difficulty under the conditions in which the label is normally displayed to a consumer;

“measurement” means

Process of experimentally obtaining one or more quantity values that can reasonably be attributed to a quantity;

“net volume” means

The volume of a commodity excluding any materials, substances, or items not considered to be part of the commodity;

“net weight” means

The weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity;

“package” means

any container, wrapper, confining band, or card in which the good is intended for sale to the retail purchaser or distribution to the public;

“pre-owned” means

a good that is second-hand, having had a previous owner, regardless of whether or not it has been used;

“principal display panel or main display panel means”

that part of the package which is most likely to be displayed, shown or examined under customary conditions of display for retail sale;

“reconditioned or refurbished” means

goods which have been overhauled, repaired, refitted, or have undergone a similar process to be made reusable;

“seconds” means

a good which does not fully satisfy the specific requirements for the particular good, but which still fulfills intended usage requirements;

NOTE 1 The ‘specific requirements’ referred to are those specified by the manufacturer and may be a company specification, industry standard, foreign, national or international standard

NOTE 2 The classification of goods as “seconds” is greatly dependant on the manufacturer’s own product specification or standard

specification

A document that states requirements;

“Size” means

the spatial dimensions, proportions, magnitude or bulk of anything;

“unit of measurement” means

any unit in the SI system of units or the Imperial System of units or any other unit prescribed by legal requirement for use in trade, or commonly used in trade, science, the arts, or other occupations to measure the properties of a good;

“used” means

second-hand, not new, having had a previous owner;

“volume” means

a measure of the three-dimensional space occupied by matter, or enclosed by a surface, measured in cubic units;

“weight” means

- (a) a body of determinate mass for use within a weigh instrument; or
- (b) the measure of the force exerted on an object by gravity, or the force needed to support it;

NOTE 1 to entry: The amount an object weighs using units such as kilograms, grams, pounds, ounces, etc.

“Special Order” means

an item specially or specifically requested by a customer that a supplier expressly or implicitly was required or expected to procure, create or alter specifically to satisfy the consumers' requirements.

3 Requirements

3.1 General

A label affixed to, or marked on any goods, or its external packing or referring to any goods, shall conform to the following requirements:

- a) The label shall provide a description of the goods and adequate information to a potential purchaser enabling the purchaser, or consumer to select the goods best suited to their needs. This information shall include the weight, net weight, volume, net volume, measurement, specification, or size as applicable and shall give an accurate description of components of the goods as is necessary.
- b) The label shall provide a purchaser, or consumer with appropriate operating and safety instructions, and information on care, maintenance and precautions in use where:
 - 1) there is a risk to the health and safety of a consumer including health warnings and allergy risks;
 - 2) any significant deterioration of the quality, performance or life durability which may result if the goods are not properly stored; and
 - 3) the good is handled, transported, used, installed, cared for, maintained or repaired, the appropriate hazard symbol and instructions for use shall be provided on the label, on the package or on the good.

- c) The label shall provide a name and identifiable address, the principal place of business or registered office of the manufacturer, agent, distributor, seller, re-filler, packer, importer or organization responsible for the product and the name of the country of origin. It shall be preceded by the words “manufactured by”, “packed by.....”, “distributed by....”, “imported by.....”, as applicable, and the following words as appropriate:

- 1) “made in (name of territory)”;
- 2) “product of (name of territory)”;
- 3) “packaged in (name of territory)”;
- 4) “manufactured in (name of territory);
- 5) “assembled in (name of territory).

It shall be legible and durable up to the point-of-sale to the ultimate consumer, and where appropriate, during normal working life and use.

- d) The label shall not be false, misleading or deceptive.
- e) The label shall provide information regarding any specific dangers which might be related to the use of the good and shall provide first aid instructions where necessary.
- f) The label shall not contain any information by words, pictorial or other devices which refer to, or are suggestive, either directly or indirectly, of another good with which such a product might be confused, or in such a manner as to lead the purchaser, or consumer to suppose that the good is connected with such other products.
- g) Where a packaged, or previously packaged good is not marked or labelled, a card or notice shall be placed in close proximity to the place where the goods are displayed or presented for sale. The information shall be in accordance with table 1 and include the name of the good, its weight, volume or other unit of measurement, as appropriate. It shall include all required principal display panel health warnings.

3.2 Prevention of deception.

A claim shall not be made on the label unless it can be substantiated. A good shall not be described, or presented in a manner that is false, misleading or deceptive to create an erroneous impression regarding its character in any respect.

3.3 Language to be used on labels of pre-packaged goods.

The wording on labels of pre-packaged goods for use in Saint Christopher and Nevis shall include the official language, English.

3.4 Responsibility for labelling of goods.

It is the responsibility of any person who manufactures, sells or distributes any goods to ensure that they are labelled as required by this standard.

3.4.1 Labelling of used, defective, seconds, irregular and imperfect goods.

All goods which are used goods, defective, seconds/irregular or imperfect shall be clearly and conspicuously labelled with the words 'USED', 'DEFECTIVE', 'SECONDS', 'IRREGULAR'

PRE-OWNED, RECONDITIONED, REFURBISHED or 'IMPERFECT as appropriate; as long as the product remains marketable and safe.'

4 Special Order

Any item that is deemed to be special order, is exempted from the labelling requirements and shall not be displayed for sale.

5 Product specific supplementary specifications

Product specific supplementary specifications for particular goods or groups of goods, as well as the labelling clauses in product standards, shall be read in conjunction with this standard.

Dated this day of , 2023

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DENZIL L DOUGLAS

*Minister responsible for Industry and
Commerce*