**SAINT CHRISTOPHER AND NEVIS**

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**STATUTORY RULES AND ORDERS**

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# Bureau of Standards (Labelling of Water) Regulations 2023

In exercise of the power conferred by section 51 of the Bureau of Standards and Quality Act, Cap. 23.15, the Minister makes the following Regulations:

1. **CITATION.**

These Regulations may be cited as the Bureau of Standards (Labelling of Water) 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 Act;

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

"CARICOM STANDARD" means a regional standard authorised and published by the CARICOM Regional Organisation for Standards and Quality in relation to the classification and labelling of goods; and

"Customs Act" means the Customs Act Cap. 20.04.

3. **LABELLING OF PACKAGED WATER.**

(1) All packaged water within or being imported into Saint Christopher and Nevis shall be in conformity with the standards for labelling of packaged water 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), the person shall be liable to the following action

(a) seizure and removal of the goods in question, from the premises where the goods are being offered for sale;

(b) destruction of 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.

## SCHEDULE

## LABELLING OF PACKAGED WATER STANDARDS

1. Scope

1.1 This Standard specifies requirements for the purity, treatment, bacteriological acceptability, packaging and labelling of all waters that are pre-packaged for sale and used as beverages or in foods.

1.2 This Standard does not apply to water distributed by the public water supply system, to carbonated beverages, soda water or to packaged water sold for purposes other than as a beverage.

1.3 This Standard should be used in conjunction with CRCP 1, Code of Hygienic Practice for Packaged Water.

## 2. Terms and definitions

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

**2.1**
**decarbonated natural mineral water means**
natural mineral water which, after possible treatment in accordance with 4.1.1 and after packaging, has less carbon dioxide content than that at emergence and does not visibly and spontaneously give off carbon dioxide under normal conditions of temperature and pressure;

**2.2**
**de-ionization means**
the process by which water is passed through ion exchange resins for the removal of dissolved minerals;

2.3

**Distillation means**
the process of heating water and condensing it in such a manner as to remove dissolved minerals from the water;

**2.4**
**natural mineral water means**
water that is clearly distinguishable from ordinary water because:

(a) it is characterized by its content of certain mineral salts and their relative proportions and the presence of trace elements or of other constituents;

(b) it is obtained directly from natural or drilled sources from underground water bearing strata for which all possible precautions should be taken within the protected perimeters to avoid any pollution of, or external influence on, the chemical and physical qualities of natural mineral water;

(c) of the constancy of its composition and the stability of its discharge and its temperature, due account being taken of the cycles of minor natural fluctuations;

(d) it is collected under conditions which guarantee the original microbiological purity and chemical composition of its essential components;

(e) it is packaged close to the point of emergence of the source with particular hygienic precautions; and

(f) it is not subjected to any treatment other than those permitted by this standard;

**2.5**
**natural mineral water fortified with carbon dioxide from the source means**
natural mineral water which, after possible treatment in accordance with 3.1 and after packaging, has more carbon dioxide content than that at emergence;

**2.6**
**naturally carbonated natural mineral water**
means natural mineral water which, after possible treatment in accordance with 3.1 and re-incorporation of gas from the same source and after packaging taking into consideration usual technical tolerance, has the same content of carbon dioxide spontaneously and visibly given off under normal conditions of temperature and pressure;

**2.7**
**non-carbonated natural mineral water means**
natural mineral water which, by nature and after possible treatment in accordance with 3.1 and after packaging taking into consideration usual technical tolerance, does not contain free carbon dioxide in excess of the amount necessary to keep the hydrogen carbonate salts present in the water dissolved;

**2.8**
**packaged water means**
water other than natural mineral water, ifor human consumption and may contain minerals and carbon dioxide, naturally occurring or intentionally added, but does not contain sugars, sweeteners, flavourings or other foodstuffs;

**2.9**
**potable water means**
water that is naturally suitable or artificially made suitable for human consumption and as such is free from disease causing microorganisms;

**2.10**
**prepared water means**
water that does not comply with all the provisions set for waters defined by origin as in 3.16 and may originate from any type of water supply

**2.11**
**public water supply system means**
the source of potable water operated by a public utility, a company or other body, using distribution through pipelines or tank-wagons;

**2.12**
**purified water means**
potable water that is obtained from an underground source or other suitable sources, including the public water supply, and does not contain any concentrations of inorganic substances in excess of 500 mg/l;

**2.13**
**reverse osmosis means**
use of membrane filters to remove dissolved solids from water;

**2.14**
**spring water means**
water derived from an underground formation from which water flows naturally to the surface of the earth;

**2.15**
**UV radiation means**
the process of subjecting water to radiation between the wavelengths 220 nm and 300 nm for the purposes of disinfection

NOTE For disinfection, 90 % of the radiation should be of wavelength 254 nm;

**2.16**
**waters defined by origin means**
waters, whether they come from the underground or from the surface, which have the following characteristics:

(a) they originate from specific environmental resources without passing through a community water system;

(b) precautions have been taken within the vulnerability perimeters to avoid any pollution of, or external influence on, the chemical, microbiological and physical qualities of water at origin;

(c) they are subjected to collecting conditions which guarantee the original microbiological purity and essential elements of their chemical make-up at origin;

(d) from the microbiological standpoint, they are constantly fit for human consumption at their source and are kept in that state with particular hygienic precautions until and while packaging in accordance with provisions of 4 and 5; and

(e) they are not subject to any modification or treatment other than those permitted under 3.2 and 3.3.

**3. Composition and Quality Factors:**

**Modification, treatment and handling of packaged waters**

### 3.1 Natural mineral water

Natural mineral water shall be obtained from an underground aquifer that is not polluted by agricultural, domestic, industrial or other wastes.

3.2 Treatment of these waters may be carried out only on condition that the mineral content of the water is not modified in its essential constituents which give the water its properties. Natural mineral water may be treated by the following processes:

(a) decantation and or filtration to remove suspended or un-dissolved matter and unstable constituents such as compounds containing iron, manganese, sulphur and arsenic; and

(b) aeration with clean, filtered air.

**3.4** The transport of natural mineral waters in bulk containers for packaging or for any other process before packaging is prohibited.

**3.5** Spring water may be treated by processes that remove unstable or un-dissolved matter, influence the microbiological population and the physical and chemical characteristics of the water. Such treatments shall be applied on condition that, when the water is sampled as in paragraph 14 of this standard, the characteristics of the original water comply with the provisions of Table 2 and 3.2, 3.4 and 34.5 of this standard. These processes include:

(a) decantation to remove solids;

(b) filtration to remove particles of suspended matter;

(b) aeration with clean filtered air;

*(c)* precipitation;

(d) ultra or micro-filtration and activated charcoal filtration;

(e) ozonation; and

(f) ultra-violet radiation.

## 4. Purified and prepared water

**4.1.** Purified water may be subjected to treatments that modify the microbiological, physical and chemical characteristics of the water. Such treatments shall be applied on condition that, when the water is sampled as in paragraph 14 of this standard, the characteristics of the water conform to all the provisions of Table 3 and 3.2, 3.4 and 3.5 of this standard.

**4.2** Purified and prepared waters shall be obtained by applying any one or more of the following processes:

(a) decantation;

(b) filtration; and

(c) clarification by using chemical agents and may be treated with chlorine or a source of chlorine, with excess chlorine being removed by aeration or by activated carbon to remove chlorine, odours or flavours.

4.3 In addition, purified and prepared waters may:

(a) be distilled;

(b) have added fluoride, or ozone;

(b) be demineralised, so that inorganic substances are reduced below 10 mg/l;

(c) be carbonated;

(d) be treated by reverse osmosis;

(e) treated with ultraviolet radiation; or

(f) be treated with ozone prior to packaging.

## 5. *Microbiological requirements*

Mineral water, spring water and purified water, when sampled and tested within 24 hours of packaging in accordance with paragraph 14 of this Standard, shall contain:

(a) no coliform bacteria;

(b) no faecal streptococci; and

(c) no seudomonas aeruginosa:

(d) a maximum concentration of substances as set out in Tables 1, 2, 3 and 4 as follows:

**Table 1 — Maximum concentrations of certain substances in natural mineral water**

| **Substance** | **Maximum concentration mg/l** |
|---|---|
| Aluminium | 0.2 |
| Antimony | 0.005 |
| Arsenic | 0.01 (calculated as As) |
| Barium | 0.7 |
| Bromate | 0.010 |
| Cadmium | 0.003 |
| Chromium (VI) | 0.05 (calculated as total Cr) |
| Copper | 1.0 |
| Lead | 0.01 |
| Manganese | 0.4 |
| Mercury | 0.001 |
| Nickel | 0.02 |
| Selenium | 0.01 |
| Thallium | 0.002 |
| Zinc | 5.0 |
| Borate | 0.2 |
| Cyanide | 0.005 |
| Fluoride | 0.01 (calculated as As) |
| Chloride | 0.7 |
| Nitrate | 50 (calculated as Nitrate) |
| Nitrite | 0.02 |
| Sulphide | 0.05 (calculated as $H_2S$) |
| Radium226 + Radium228 | 15 pCi/L |

**Table 2 — Maximum concentrations of certain substances in spring water in mg/L**

| **Substance** | **Maximum Concentration mg/L** |
|---|---|
| Magnesium | 50 |
| Nitrogen | 1 |
| Potassium | 12 |
| Sodium | 50 |
| Nitrate | 250 |

| | |
|---|---|
| Sulphate | 0.5 |
| Ammonium (ammonia and ammonium ions) | 150 |

**Table 3 — Maximum concentrations of certain substances in spring water in µg/L**

| **Substance** | **Maximum Concentration µg/L** |
|---|---|
| Aluminium | 200 |
| Iron | 200 |
| Manganese | 50 |
| Copper | 5000 |
| Zinc | 3000 |
| Phosphorus | 2200 |
| Fluoride | 1500 |
| Silver | 10 |
| Arsenic | 50 |
| Cadmium | 5 |
| Phenols | 0.5 |
| Cyanide | 50 |
| Mercury | 1 |
| Nickel | 50 |
| Selenium | 10 |
| Antimony | 10 |
| Lead | 10 |
| Dissolved or emulsified hydrocarbons; mineral oils | 10 |
| Chromium | 50 |

**Table 4 — Maximum concentrations of certain substances in purified water**

| **Substance** | **Maximum Concentration mg/L** |
|---|---|
| Aluminium | 0.2 |
| Antimony | 0.005 |
| Arsenic | 0.05 |
| Barium | 0.7 |
| Cadmium | 0.003 |
| Chromium (VI) | 0.05 |
| Copper | 1.0 |
| Iron | 0.03 |
| Aluminium | 0.01 |
| Manganese | 0.5 |

| | |
|---|---|
| Lead | 0.001 |
| Mercury | 0.0 |
| Nickel | 2 |
| Thallium | 0.002 |
| Selenium | 0.01 |
| Zinc | 3.0 |
| Borate | 30 (calculated as $H_3BO_3$ .07) |
| Cyanide | 0.07 |
| Fluoride | 1.5 (calculated as F) |
| Organic matter | 3 (calculated as $O_2$) |
| Chloride | 250 |
| Nitrate | 45 (calculated as $NO_3^-$) |
| Sulphate | 250 |
| Nitrite | 3 |

**6.** Natural mineral waters, when sampled as above, shall not contain the following substances in amounts above the limits quantified in accordance with CODEX Alimentarius, Volume 13:

(a) surface active agents;

(b) pesticides and PCBs;

(c) mineral oil; and

(d) poly-nuclear aromatic hydrocarbons.

## *7. Contaminants*

Packaged water shall not contain:

detectable residues of pesticides, such as:

(a) organochlorines:

EXAMPLE endrin, lindane, toxaphene, 2,4-D, 2,4,5-TP;

(b) organophosphates:

EXAMPLE pirimiphos - ethyl, ethoprop, diazinon, malathion, glyphosate;

(c) carbonates:

EXAMPLE carbofuran, oxamyl, propoxur;

(d) bipyridinium salts

EXAMPLE paraquat, diquat;

(e) trihalomethane; and

(f) polycyclic aromatic hydrocarbons.

## 8. Packaging

**8.1** Mineral water, spring water and purified water shall be packed in hermetically sealed retail containers, which are suitable for preventing the possible adulteration of the water.

8.2 Retail containers and closures shall be made of non-toxic materials that will not contaminate the water or affect its flavour, and shall be designed to withstand stresses that may be experienced in bottling, handling, transport and storage.

**8.3** The containers used for packaged water for sale shall be made from non-toxic, food grade, and inert material.

## 9. Labelling – Pre-packaged Water

**9.1** The labelling on retail packages of mineral water, spring water, and purified water shall be in the official language or languages of the country where the product is sold.

9.2 Labelling shall be clearly and prominently displayed, and readily discernible under customary conditions of purchase and use.

**9.3** Labelling shall be in accordance with CRS 5.

**9.4** Where information is presented on a label in other languages, that information shall be clearly separated from that of the official language of the country where the product is sold.

**9.5** Labels on retail containers of packaged water shall carry the following information:

(a) the brand name or trade name, if any;

(b) the name and postal address of the manufacturer or bottler, or of the person controlling the brand name, together with an adequate street address;

(c) the name of the country of origin;

(d) the average net contents in the container, declared by volume in the metric (Systeme Internationale) system of units;

(e) the date of filling of the container, a lot number or batch number;

(f) the words “Expiry date” or “Best before” followed by a date up to and including that which the water can reasonably be expected to retain its specific properties if stored properly;

(g) recommended storage conditions, if the integrity of the water depends on the storage conditions; and

(h) where required by the authorities having jurisdiction, if packaged or bottled water has been modified by a permitted treatment before packaging, the modification or

the result of the treatment must be declared on the label in a manner prescribed in the applicable legislation.

*10. Purified and prepared water*

Labels on retail containers of purified water shall include the following information in addition to that required by 7.1:

(a) the product name, "Purified Water" or "Water" or "Pure Drinking Water" or any other description which may enhance the marketability of the package, provided such description is not false or misleading and which may be modified by the words:

(i) "distilled", when treated by distillation;

(ii) "demineralised", where the mineral content has been reduced by other means than distillation;

(iii) "carbonated" or "sparkling" where carbon dioxide has been added; and

(iv) "non carbonated" or "non sparkling" or "still" where there is no visible and spontaneous release of carbon dioxide under normal conditions of temperature and pressure when the packaged is opened;

(b) a statement of the total dissolved solids content of the packaged water. For waters defined by origin, the chemical composition that confers the characteristics to the product may be declared on the label;

(c) an indication of the method used in treatment except where the water has been:

(i) chlorinated, followed by removal of chlorine and chlorinating agent;

(ii) decanted;

(iii) filtered, or an ingredient declared on the label has been added; and

(iv) treated by reverse osmosis; and

(d) when prepared water is supplied by a public or private tap water distribution system the wording "From a public or private distribution system" shall appear on the product principal display panel.

*11. Spring water*

**11.1** Labels on retail containers of spring water shall carry the following information in addition to that required by 7.1:

(a) a statement of the total dissolved mineral salt content in mg/l;

(b) the total fluoride content in mg/l;

(c) a declaration of the addition of ozone; and

(d) if carbon dioxide has been added, the product shall be described as “carbonated spring water”.

**11.2** Labels on retail containers of spring water may also include:

(a) a statement of the results of chemical analysis of the source water, or as packaged in the container;

(b) “low sodium”, if the sodium ion content is less than 20 mg/l; and

(c) “sodium free”, if the sodium content is less than 5 mg/l.

## *12. Mineral water*

**12.1** Labels on retail containers of mineral water shall carry the following information in addition to that required by 7.1:

(a) the name of the product including:

(i) the geographical location and the name of the source shall be declared;

(ii) a statement of the total dissolved mineral salt content in mg/l;

(iii) a declaration of the addition of any fluoride or ozone:

(b) if the product contains more than 1 mg/l of fluoride, the following term shall appear on the label as part of, or in close proximity to, the name of the product or in an otherwise prominent position: *“contains fluoride”*. Where the product contains more than 2 mg/l fluoride the following sentence should be included on the label: “*This product is not suitable for infants and children under the age of seven years”;* and

(c) if carbon dioxide has been added that was not present when emerging from the source, or in amounts greater than that originally present, the product shall be described as "carbonated mineral water" and a statement of the results of chemical analysis of the source water or as packaged in the container;

(d) if a natural mineral water has been submitted to a treatment in accordance with 4.1.1, the result of the treatment shall be declared on the label; and

(e) the analytical composition giving characteristics to the product shall be declared in the labelling.

**12.2** Labels on retail containers of mineral water may also include:

(a) a statement of the process used in treatment, as in 4.1 and the results of the treatment shall be declared on the label;

(b) the word “alkaline”, where the content of bicarbonate ion, $HCO_3^-$, exceeds 600 mg/l;

(c) the word “saline” where the content of sodium chloride, NaCl, exceeds 1000 mg/l;

(d) the words “low in sodium” where the content of sodium ion, $Na^+$, is less than 20 mg/l;

(e) the words “contains fluoride” where the content of fluoride ion, $F^-$, exceeds 1 mg/l;

(f) the words “contains iron” where the content of iron, $Fe^{2+}$, exceeds 1 mg/l;

(g) the words “contains iodide”, where the content of iodine ion, $I^-$, exceeds 1 mg/l;

(h) the words “may be diuretic”, where the content of total dissolved solids exceeds 1000 mg/l or the level of bicarbonate ions is greater than 600 mg/l; and

(i) the words “may be a laxative” where the product contains greater than 600 mg/l of sulphate other than calcium sulphate.

*13. Labelling prohibitions*

**13.1** No statement or pictorial device shall be used on a label of a retail container of mineral water, spring water, or purified water which may mislead the consumer as to its nature, origin, composition, or properties.

**13.2** Trade or brand names referring to mineral or spring water shall not include a name of a location or community unless the source is located within that location or community.

**13.3** The trade or brand name referring to purified water shall not include a reference to a geographical feature, location or community.

**13.4** No claims for medicinal effects, whether preventive, nutritive, alleviative or curative, shall be made in labels or advertisements of mineral, spring or purified water, other than those allowed above.

Made by the Minister this day of , 2023

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**DENZIL L DOUGLAS**

*Minister responsible for International Trade, Industry and Commerce and Consumer Affairs*