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Trinidad and Tobago

Food and Agricultural Import Regulations and Standards

Country Report

2005

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This report was prepared by the Caribbean Basin Agricultural Trade Office (CBATO) of the Foreign Agricultural Service (FAS)/U.S. Department of Agriculture (USDA) in Miami, Florida for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. FOOD LAWS

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

Imports of food and beverage products into Trinidad & Tobago are governed by a variety of laws. The most comprehensive of these is the Food & Drug Act of 1960 and its implementing regulations, which encompasses practically all processed foods. The Ministry of Health's Chemistry, Food & Drugs Division (commonly known as "Food & Drugs") is the agency charged with implementing and enforcing this legislation. The Ministry of Health also enforces the Pesticide & Toxic Chemical Act of 1979. The Animal Disease Importation Act of 1954 and its Animal Control Regulations deal with the importation of all animal by-products. Finally, the Plant Protection Act of 1975 and its implementing regulations cover the importation of plant products such as produce and grains. These last two legislative pieces are enforced by the Ministry of Food Production and Marine Resources' Veterinary Service and Plant Quarantine Service, respectively.

SECTION II. LABELING REQUIREMENTS

A. General Requirements

Labeling of food products is governed under the umbrella of the Food & Drug Act and requirements are set forth in Chapter 30:01, Part II, Section 16 of the Food and Drug regulations. A key requirement is that all products be labeled in English. Multilingual labels are acceptable as long as English is one of the languages included on the label. In such cases, the English portion need not appear on the main panel. Standard U.S. labels are acceptable and are generally viewed

as containing more information than what is required by Trinidad & Tobago standards. Following is a summary of the information required on all food product labels:

Main panel:

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

Please note that if a liquid packaged with the food product is to be consumed with the food, the drained weight of the food should be stated. Net weight is not required if the quantity of food is less than 56 grams or 56 ml.

Any panel, except the bottom:

4. A complete list of ingredients in descending order of proportion by weight or percentage.

Please note that general descriptions of types of ingredients are acceptable (i.e. starches, spices, etc.).

5. Name and address of the manufacturer, packer, etc.

Many U.S. products simply state the manufacturer's or packer's city and state only. As is the case in many other countries, Trinidad & Tobago health authorities require the country of origin to be explicitly stated as part of the address. Therefore, either "USA" must be added to the address or the label must contain statements such as "Product of USA" or "Made in USA" in order to clearly identify the product's origin. In cases where non-U.S. products are packed and shipped by U.S. companies, the true country of origin should be specified so that the label is not considered misleading.

6. A declaration by name of any added Class II, Class III or Class IV preservatives (i.e. sodium benzoate).

The preservative classes above refer to the Canadian classification of food additives which are listed in the following website: <http://lois.justice.gc.ca/en/F-27/C.R.C.-c.870/>

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

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

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

Any panel, including the bottom:

10. Any batch or lot number.

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

U.S. exporters interested in shipping samples to Trinidad & Tobago to conduct market tests for their products should be aware that samples must meet all the basic labeling requirements outlined above. However, Food & Drugs does make concessions in this regard. Requests for such concessions should be made in writing to Food and Drugs (see Appendix I). Similar written requests should also be made for institutional packed products destined for the food service sector and unlabeled ("bright stack") containers of food which are further processed or repacked at Trinidad's Free Trade Zones or other locations. In most instances bright stack products are allowed as long as the proper assurances that a local labeling mechanism exists for these products.

B. Requirements Specific to Nutritional Labeling

The standard U.S. nutritional fact panel is fully acceptable in Trinidad & Tobago. Food & Drugs does not have any specific nutritional requirements at present and thus nutritional labeling is voluntary. This is likely to change in the near future, however. Food & Drugs is developing new compulsory standards for nutritional labeling, including Recommended Daily Intake (RDI) requirements, modeled after U.S. and Canadian standards. In the interim, the use of nutrient content claims (i.e. "low in saturated fat"), absolute descriptors (i.e. "high-fiber" or "low fat and relative descriptors (i.e. "*reduced* sugar" or "*light* in sodium") are all acceptable. Although no written policy is in place for nutrient content claims, Food & Drugs tends to follow Canadian standards in these matters.

Implied claims made on food labels are acceptable for the most part as long as they are not deemed to be deceitful or confusing to the consumer. Trinidadians tend to mirror the British code of conduct in terms of regulating advertising. A government appointed committee is also charged with overseeing advertising. While there are seldom any major issues, the government does proceed cautiously in this regard.

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

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Trinidad & Tobago has no special packaging, waste disposal or recycling regulations. Legislation which would provide a legal framework for government regulation of these matters is reportedly

under development. Currently government agencies such as the Solid Waste Management Company and the Environmental Management Agency have broad responsibilities in these areas.

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

SECTION IV. FOOD ADDITIVE REGULATIONS

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

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

The Ministry of Health is the agency charged with regulating pesticide/contaminant residues in foodstuffs by way of the Pesticide & Toxic Chemical Act of 1979 and its implementing regulations. Much the same as with food additives, health officials also follow internationally accepted Codex standards and refer quite often to U.S. standards as well. Thus, health officials do not have their own list of either accepted or banned products or of specific residue tolerance levels. The Ministry of Health requires registration of all pesticides and licensing of pesticide importers as well.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

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

From the relevant government agency of the exporting country:

1. Health Certificate;
2. Radioactive certificate;
3. Fish Inspection Certificate;
4. Meat Inspection Certificate;
5. Phytosanitary Certificate;
6. Aflatoxin Certificate;
7. Other (based on the health situation in the exporting country).

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

A Certificate of Analysis.

From the country of manufacture:

A Certificate of Free Sale.

From the Ministry of Food Production and Marine Resources of Trinidad & Tobago:

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

Prior to exporting any agricultural product to Trinidad & Tobago, U.S. exporters should ascertain whether their products will require a phytosanitary import permit in the case of plant products or a zoosanitary import permit in the case of animal products. These permits, issued by the Ministry of Food Production and Marine Resources, are normally obtained by the importing party. Products subject to this requirement usually include fresh produce, onions, garlic, potatoes, certain grains, meats, seafood and other agricultural products which may pose a risk to either plant or animal health. Most consumer-ready foods are exempt from this requirement.

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

SECTION VII. OTHER SPECIFIC STANDARDS

Imports of virtually all food and beverage products are covered by either the Food & Drug Act, the Pesticide & Toxic Chemical Act, the Animal Disease Importation Act, or the Plant Protection Act mentioned earlier. The only other issue which may at times come into play when importing food and beverage products into Trinidad & Tobago is weights and measures. This type of issue is normally handled by the Metrology Unit of the Bureau of Standards. Contact information for this agency is provided in Attachment I. As a general rule, the metric system is preferred but other units of measure are also accepted.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

All trademarks and brand names registered in Trinidad & Tobago are protected under the Trademark Act (Chapter 82:81) and its Amendments (Act No. 17 of 1994; No. 25 of 1996; and No. 31 of 1997). Applications for registration can be filed with the Intellectual Property Office of the Ministry of the Attorney General and Legal Affairs (see Appendix I for contact information). Trinidad & Tobago uses the international trademark classification of goods and services much the same as does the United States. The cost of registration is TT\$300.00 (roughly US\$50.00) for the first class of goods being applied for and TT\$100.00 (roughly US\$17.00) for each additional class. An uncontested trademark registration will normally take about 6 months to be completed

from the time the application is originally filed. Initial registration of a trademark is valid for ten years and registration is renewable indefinitely for subsequent periods of 10 years each. Trademark registration is voluntary but highly recommended. Trinidadian law allows anyone to register trademarks but most individuals and corporations, whether Trinidadian or foreign, do so through legal firms specializing in this sort of work. A list of firms providing trademark registration services is provided in Attachment II. For further information on the trademark registration process, U.S. exporters should contact such firms or the Intellectual Property Office.

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

1. Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957).
2. Vienna Agreement establishing an International Classification of the Figurative Elements of Marks (1973).
3. Trademark Law Treaty (1994).

SECTION IX. IMPORT PROCEDURES

The following documentation is normally required for food imports:

1. Import License (if applicable)
Certain products such as sugar, poultry, and certain dairy products may require licensing by the Ministry of Trade and Industry. U.S. exporters are urged to have the importing party ascertain whether any license may be required prior to shipping any products.
2. Commercial Invoice
3. Bill of Lading or Air Waybill
4. Packing List
5. Certificate of Origin
6. Health or Sanitary Certificate (if applicable)

The entire import clearance process for foods can be difficult and lengthy. Scrutiny, particularly for new-to-market items, can be intense. Customs clearance usually takes about 3 to 5 days for most food products. Perishable products are usually handled more expeditiously. However, customs delays are not uncommon and payment of overtime fees are often necessary in order to expedite the process. Use of a seasoned customs broker/agent is key to ensuring an adequate flow through the system. A list of customs/brokers agents can be found in Appendix II. Figure 1 provides a simplified illustration of the flow of imported foods through the different government agencies involved

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

Chemistry, Food & Drugs Division
Ministry of Health
92 Frederick Street
Port of Spain, Trinidad & Tobago, W.I.
Tel: 1 (868) 623-5242 / 623-2834 / 624-5970 / 624-5968
Fax: 1 (868) 623-2477
E-mail: cfdd@carib-link.net.tt

Veterinary Service
Ministry of Food Production and Marine Resources
St. Clair Circle, St. Clair
Port of Spain, Trinidad & Tobago, W.I.
Tel: 1 (868) 628-4344
Fax: 1 (868) 628-1289
E-mail: aphmalmr@tstt.net.tt

Plant Quarantine Service
Ministry of Food Production and Marine Resources
Central Experiment Station
Centeno, Trinidad & Tobago, W.I.
Tel: 1 (868) 646-4335 / 7
Fax: 1 (868) 646-1646

Intellectual Property Office
Ministry of the Attorney General and Legal Affairs
Registration House, 3rd Floor
72-74 Quay Street
Port of Spain, Trinidad & Tobago, W.I.
E-mail: info@ipo.gov.tt
Website: <http://www.ipo.gov.tt>

Customs & Excise Division
Ministry of Finance
Nicholas Court, Independence Square
Port of Spain, Trinidad & Tobago, W.I.
Tel: 1 (809) 625-3311
Fax: 1 (809) 625-6003

Trinidad & Tobago Bureau of Standards

Century Drive, Trincity Industrial Estate
Macya, Tunapuna, Trinidad & Tobago, W.I.
Tel: 1 (868) 662-8827 / 663-4835 / 663-4836
Fax: 1 (868) 663-4335
E-mail: ttbs@carib-link.net

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

A. U.S. Government Contacts

Caribbean Basin Agricultural Trade Office
Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st. Ave Suite 720
Miami, FL 33131
Tel: (305) 536-5300
Fax: (305) 536-7577
E-mail: cbato@cbato.net
website: <http://www.cbato.fas.usda.gov>

Paul Hoffman, Director
E-mail: paul@cbato.net

Omar González, Deputy Director
E-mail: omar@cbato.net

Graciela Juelle, Admin. Assistant
E-mail: grace@cbato.net

Customs Advisory Team
U.S. Customs Service
Customs House
Nicholas Court, Abercromby Street
Port of Spain, Trinidad & Tobago, W.I.
Tel: 1 (868) 625-6604
Fax: 1 (868) 625-8486

B. Trinidadian Law Firms Offering Trademark Registration Services

J.D. Sellier & Co.
Attorneys-at-Law
129-131 Abercromby Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-4283 / 7
Fax: 1 (868) 625-2984, 623-4281

Fitzwilliam, Stone, Furness-Smith & Morgan
Attorneys-at-Law
36 Pembroke Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-1918, 623-2425, 623-0606, 623-6158
Fax: 1 (868) 623-0606, 6524

Ashmead Ali & Co.
Attorneys-at-Law
21 E Pembroke Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-5200, 623-6567, 625-5493
Fax: 1 (868) 625-7586

Pollonais & Blanc
Attorneys-at-Law
62 Sackville Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-5461 / 1 / 2 / 3, 623-3586
Fax: 1 (868) 625-8415

Hamel-Smith & Co.
Attorneys-at-Law
19 St. Vincent Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-4237 / 9
Fax: 1 (868) 627-8564, 625-0601

De Nobriga, Innis & Co.
Attorneys-at-Law
90 Edward Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-4802
Fax: 1 (868) 625-0329

While it is impractical to provide a complete list of Trinidadian firms which offer trademark registration services, this partial list is furnished with the understanding that no discrimination is intended and no guarantee of reliability is implied.

C. Trinidadian Customs Brokers/Agents

Customs Brokerage & Logistics Services
17 B Chacon St.
San Fernando, Trinidad, W.I.
Telefax: 1 (868) 652-1120
E-mail: twsl@tstt.net.tt
Website: <http://www.transworld-services.netfirms.com>

M. Ali Customs Brokerage Services
#7 Sutton St.
San Fernando, Trinidad, W.I.
Telefax: 1 (868) 657-7773

E-mail: arisa_ad@yahoo.com

Skyline Freight & Management Limited
East of Domestic Terminal
Caroni North Bank Road
Piarco, Trinidad, W.I.
Tel: 1 (868) 669-3221 / 0004 / 0007
Fax: 1 (868) 669-2003
E-mail: sf@sfml.com
Website: <http://www.sfml.com>

D.G.'s Customs Brokerage
Suite 57/58, Cruise Ship Complex
Wrightson Road
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 627-5928
Fax: 1 (868) 625-4911
E-mail: dgcusbo@tstt.net.tt

Geo. F. Huggins Customs Brokerage Ltd.
CHIC Building, 63 Park Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 623-8881 / 7331
Fax: 1 (868) 624-2557
E-mail: gfhcust@carib-link.net

Louis Clarke Associates Co. Ltd.
19 Marli Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 628-5050 / 9046
Fax: 1 (868) 622-7966
E-mail: lca@tstt.net.tt

Vertex Cargo Networks Ltd.
Suite 20, Golden Doors Plaza
6 Frederick Street
Port of Spain, Trinidad, W.I.
Tel: 1 (868) 625-9894
Fax: 1 (868) 625-7027
E-mail: mars@tstt.net.tt

While it is impractical to provide a complete list of Trinidadian customs agents, this partial list is furnished with the understanding that no discrimination is intended and no guarantee of reliability is implied.

APPENDIX III. USEFUL WEBSITES/LINKS

A. U.S. Government websites/links.

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

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

2. <http://www.state.gov/p/wha/ci/c2899.htm>

U.S. Department of State website. This site offers general background information on Trinidad & Tobago.

3. <http://www.odci.gov/cia/publications/factbook>

Central Intelligence Agency's World Factbook website. The World Factbook provides general information on Trinidad & Tobago and other countries around the globe.

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

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

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

2. Website: <http://www.ipa.gov.tt>

Trinidad & Tobago Intellectual Property Office website. This site provides general information on trademark registration, including answers to frequently asked questions.