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Bermuda

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Sections Updated: All, except II, IV & VII.

Overall Bermuda is very receptive to U.S. products. Bermuda accepts USDA and FDA food standards and regulations on all food products imported from the United States. A few products, mainly meat, have specific import requirements, but they can be easily met by U.S. suppliers. On the other hand, milk imports are generally prohibited, and imports of select produce items may be temporarily restricted as well. Product clearance is usually quick and straightforward.

Section I. Food Laws:

NOTE: This report was prepared by the Caribbean Basin Agricultural Trade Office of the USDA/ Foreign Agricultural Service 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.

The main law governing food products is the Public Health Act 1949 and its implementing regulations (Public Health Food Regulations 1950). Traditionally, most all foods complying with the requirements of the country of origin can be imported into Bermuda. There are several regulatory agencies involved with the importation of food products. The main regulatory agency is the Ministry of Health's own Department of Health. The Department's Environmental Health Office ensures food safety in food production, importation, storage and preparation. Through the Department's Central Government Laboratory it also provides water and food analysis. The Department of Environmental Protection, a dependency of the Ministry of the Environment and Sports, is also engaged with regulating the importation of live animals, milk, animal products and plant products. To some extent, the Department of Consumer Affairs, a dependency of the Ministry of Culture and Social Rehabilitation, may also be involved with food product imports when involving food quality issues.

As in most islands, enforcement of most food requirements and regulations is done at the port of entry. However, products are also monitored at the retail and wholesale level, primarily by the Department of Health and the Department of Environmental Protection. The Department of Conservation Services, through the Government Marketing Center, also monitors produce at both the retail and wholesale level. The Department of Consumer Affairs may also be involved in enforcement of product recalls.

Section II. Labeling Requirements:

Bermuda has no food labeling legislation. However, new legislation has been developed for domestically produced foods and is expected to be enacted by 2010. This new legislation would make certain information mandatory on labels of domestic foods and beverages, particularly in terms of product dating. To date, local producers have been operating under a voluntary agreement of understanding with the Government, where they provide some basic information on the labels, such as:

- Name of product
- Name of Manufacturer or Distributor
- Address and contact number of Manufacturer or Distributor
- List of all ingredients in descending order of quantity
- Additives- Natural or Artificial
- Net quantity of the food (by weight if solid, by volume if liquid)

Imported products will not be affected by this new legislation. In fact, the explicit intent of this new

legislation is not to affect trade. U.S. labels continue to be fully acceptable.

The Public Health Act does have some important provisions related to imported foods, which state that no person may import into Bermuda any food that:

- a) has been manufactured or prepared under unsanitary conditions; or
- b) has been adulterated; or
- c) is not permitted to be sold, or whose sale is restricted in the country from which it is exported.

As a general rule of thumb, the Government of Bermuda also requires that labels be applied to all foods prior to being exported to Bermuda.

Section III. Packaging and Container Regulations:

1. Packing and container regulations exist for water, milk and cream only. For artificially sweetened aerated water, the Public Health (Food) Regulations 1950 state: “A person shall not sell, or have for the purposes of sale or other disposal in the way of trade or business, artificially sweetened aerated water in any can, bottle, or other container unless that can, bottle or other container is of a kind or size approved by the Chief Medical Officer.”

2. The following is a schedule of type and specification of manufactured milk;

Filled Milk (Red Container)

Low Fat Filled Milk (Pink Container)

Recombined Skim or Skimmed Milk (Green Container)

Bermuda restricts the importation of fluid cow’s milk. The few, if any, permitted milk products fall within the purview of the Public Health Act, which reads: “Notwithstanding anything contained in these regulations, no milk shall be imported into Bermuda or if imported sold or offered for sale for human consumption unless it is milk of a type which has been approved in writing by the Chief Medical Officer. No such approval shall be granted unless the Chief Medical Officer is satisfied:

- a) as to the source and quality of the milk;
- b) as to the methods of heat treatment of the milk and the packing operations in respect thereof;
- c) as to the chemical and bacteriological standard of the milk;
- d) as to the manner and conditions under which the milk is transported to Bermuda and the distribution thereof within Bermuda;
- e) as to the capacity, type and material of the container in which the milk is packed and that the capacity of any such container does not exceed the capacity specified in writing by the Chief Medical Officer.”

Section IV. Food Additives Regulations:

Bermuda has regulations pertaining to food additives, but they are quite outdated. Government regulators generally rely on internationally accepted Codex standards and on the requirements from the country of origin of the product in question.

Section VI. Other Regulations and Requirements:

Milk: The importation of any of the following dairy products is prohibited except where authorized by the Minister responsible for Agriculture:

- Raw milk

- Pasteurized milk
- Ultra-pasteurized milk
- Ultra heat treated milk
- Manufactured milk

More information can be found in the Importation of Milk (Prohibition) Act 1997 which is available via Bermuda Laws Online. See Appendix I for more information.

Produce: The Government of Bermuda may prohibit the importation of select products for plant quarantine purposes. Products on a quarantine embargo include:

- citrus originating in Florida, papaya;
- sweet potato/North American yam, corn on the cob (fresh);
- carrots (fresh – including baby carrots or sliced larger than 2 mm in diameter);
- produce originating in the Caribbean, and
- mangoes (unless they have undergone a hot water treatment at a USDA approved facility and bear an official stamp).

More information on the subject can be found in the Plant Protection and Animal Husbandry Guidelines for Vessels Entering Bermuda's Waters (January 2008). These guidelines are available from the Department of Environmental Protection. See Appendix I for contact information.

In addition, the Government of Bermuda may also prohibit the importation of specified fresh fruits, vegetables and flowers into Bermuda during unspecified periods throughout the year when local supply is abundant. Importers are generally well aware of embargoed products as they receive periodic notices from the Bermuda Government. For a complete and current listing of embargoed plants, U.S. exporters must refer to the most recent Embargo notice issued by the Government Marketing Centre. See Appendix I for contact information.

Meat: All meat imported into Bermuda, except as described below, must be accompanied by an 'Official Certificate' provided by the Official Meat Inspection Authority of the exporting country. Persons arriving in Bermuda by ship or aircraft are permitted to import as a part of their accompanied passenger baggage up to 20lbs of meat for their own consumption without an "Official Certificate".

The following meats and meat products may be imported in any quantities without an "Official Certificate":

- meat cooked or otherwise prepared (i.e. smoked hams, bacon);
- meat in airtight containers (i.e. canned meats);
- rendered animal fats;
- pies, sausages, or other prepared or manufactured articles of food containing any meat or cooked or dried meat; and

The following meat items are prohibited:

- a) scrap meat, trimmings or other pieces with or without bone, of such shape or condition as to afford insufficient means of identification with a definite part of a carcass;
- b) meat comprising the wall of the thorax or abdomen from which any part of the pleura or, except in the case of a pig, the peritoneum has been detached, other than a necessarily removed in preparing the

meat; and

c) meat from which a lymphatic gland, except a gland necessarily removed in preparing the meat, has been removed; and

d) the head of an animal without submaxillary glands.

More information can be found in the Public Health (Imported Meat) Regulations 1956 which is available via Bermuda Laws Online. See Appendix I for more information.

Fish: Imported fish must be clearly identified by species and by the country of origin or export. It must also be certified as to its quality by the health authority of the country of origin or export. The Government of Bermuda prohibits the possession of any of the following "protected fish" lighter in weight or smaller in size than the size or weight specified below.

- black rockfish 75cm (30 ins) fork length
- monkey rockfish 50cm (20 ins) fork length
- red hind 35cm (14 ins) fork length
- hog fish 35cm (14 ins) fork length
- yellowtail snapper 30cm (12 ins) fork length
- lane snapper 25cm (10 ins) fork length
- yellow fin tuna 3.2kg (7lbs)
- bigeye tuna 3.2kg (7lbs)
- bluefin tuna 115cm (45 ins) fork length or 30kg (66lbs);
- swordfish 125cm (49 ins) lower jaw to fork length or 25kg(55lbs)
- blue marlin 114 kgs (250 lbs)
- white marlin 23 kgs (50 lbs)."

In addition, a license is required to import live fish. Importation of certain protected marine organisms is prohibited. More information can be found in the Fisheries Regulations 1972 and subsequent amendments which are available via Bermuda Laws Online. See Appendix I for more information.

Lobster: Seasonal protection and minimum size limits are also applied to the importation of any Caribbean spiny lobster (Bermuda/Florida/Bahamian lobster). The closed season is April 1st through August 31st of each year. The minimum size permissible is a carapace length of 3 5/8 inches (92mm) as measured from the end of the carapace to the ridge at the base of the horns. In the case of frozen lobster tails, the minimum weight is 12 ounces (340 grams).

More information can be found in the Fisheries Regulations 1972 and subsequent amendments which are available via Bermuda Laws Online. See Appendix I for more information.

Section VII. Other Specific Standards:

Standard weights and measures are required for imported food.

Section VIII. Copyright and/or Trademark Laws:

Trademark Registration is governed by the Trade Marks Act of 1974, the Trade and Service Marks Regulations of 1993, and the Trade Marks (Modification and Amendment) Act of 1991. Trademark registration is carried out by the Intellectual Property Office which is a division of the Registry General of the Government of Bermuda. Registration of trademarks for imported foods and beverages is

voluntary, but recommended. Registration of a trademark can be completed by anyone thru a local agent/law firm. Initial registrations are granted for a 7 year period and are renewable indefinitely for 14 year periods. U.S. suppliers interested in conducting searches of registered trademarks and/or registering their own trademarks may contact the Registry General for further information (See Appendix I).

Section IX. Import Procedures:

U.S. suppliers should be aware that the vast majority of cargo shipped to Bermuda is transported in 20 ft. rather than 40 ft. containers. This is due mainly to road limitations which make trucking 40 ft. containers throughout the island very difficult. Under special circumstances, the import of 40 ft. containers is allowed, but permission must be obtained in advance by the importer in order for special logistical arrangements to be made.

Customs clearance is done by the importer or receiving agent. The process is electronic to a large extent, and thus cargo clearance is handled expeditiously in most cases. After arrival at the port, a customs officer will inspect the shipment and documentation (i.e. customs declaration, commercial invoice, packing list, certificate of origin, etc.), prior to the shipment being released to the importer. All plants and plant parts (excluding floral material) must have prior approval from the Department of Environmental Protection, in the form of an import permit, to enter Bermuda. All plants, plant parts (including floral material) and plant products must be inspected by the Department of Environmental Protection prior to release to the importer. Duty is paid directly to the Department of Customs. Bermuda's complete tariff schedule is available on-line (see Appendix I for more information).

Cargo arriving on ship in Hamilton will be inspected on weekdays during normal working hours. Any shipments arriving outside this time frame will be held until the following week. Under special circumstances, and with prior approval, cargo may be inspected on Sundays. Less than container load (LCL) shipments are not stripped or released by individual consignment at the Hamilton docks. Instead, LCL containers are cleared and released to the importer of record on the Master Bill of Lading upon presentation of relevant shipping documentation. More information on LCL clearance procedures can be found in Bermuda Customs Public Notice 27 of 2007, which is available on the H.M. Customs Bermuda website (see Appendix I for more information). Flight arrivals are guaranteed to be inspected on arrival. Customs will work until the last expected shipment arrives. However, additional fees may apply when such clearance is outside normal working hours, even on weekdays. Bermuda has a detailed customs review and appeals process, which is outlined in Bermuda Customs Public Notice 15 of 2007. A copy of the notice can also be obtained at the H.M. Customs Bermuda website (see Appendix I for more information).

Appendix I. Government Regulatory Agency Contacts:

FOR FOOD SAFETY ISSUES FOR MOST IMPORTED FOOD PRODUCTS INCLUDING MEAT PRODUCTS:

Mr. David Kendall
Chief Environmental Health Officer
Department of Health
Ministry of Health
P.O. Box HM 1195

Hamilton HM EX

Phone: (441) 278-4976

Fax: (441) 232-1941

E-Mail: dskendell@gov.bm

FOR IMPORTS OF LIVE ANIMALS AND MILK:

Dr. Jonathan Nisbett

Government Veterinary Officer

Department of Environmental Protection

Ministry of the Environment and Sports

P.O. Box HM-834

Hamilton, Bermuda HM-CX

Phone: (441) 236-4201

Fax: (441) 232-0046

E-mail: animals@gov.bm

Website: www.animals.gov.bm

FOR IMPORTS OF PLANTS PRODUCTS:

Ms. Terry Lynn Thompson

Senior Plant Protection Officer

Department of Environmental Protection

Ministry of the Environment and Sports

169 South Road

Paget DV 04, Bermuda

Phone: (441) 236-4201

Fax: (441) 232-4866

Email : tthompso@gov.bm; plants@gov.bm

FOR INFORMATION REGARDING EMBARGO NOTICES (PRODUCE):

Mr. Thomas Sinclair

Agricultural Officer

Government Marketing Centre

Department of Conservation Services

Ministry of the Environment and Sports

Phone: (441) 292-4611

Fax : (441) 292-1967

E-mail: govmkt@ibl.bm

FOR IMPORTS OF SEAFOOD PRODUCTS:

Dr. Tammy Trott

Senior Marine Resources Officer

Marine Resources Division

Department of Environmental Protection

Ministry of the Environment & Sports

Bermuda

Tel: (441) 293-5600 ext. 2225

Fax: (441) 293-2716

E-mail: ttrott@gov.bm

FOR TRADEMARK REGISTRATION:

Mrs. Marlene Christopher

Registrar General

The Registry General

Ministry of Energy, Telecommunications and E- Commerce

4th Floor, Government Administration Building

30 Parliament Street

Hamilton HM 12

Phone: (441) 297-7705 / 08

Fax: (441) 296-5158

E-mail: mchristopher@gov.bm

FOR CUSTOMS AND TARIFF INFORMATION:

Classification & Valuation

H.M. Customs Bermuda

Ministry of Finance

Custom House PO Box HM 2084

Hamilton HMX

Phone: (441) 295-4816, (441) 278-7422/23/37

Fax: (441) 295-5392

E-mail: customs@gov.bm; tariffclass@gov.bm; customs_valuation@gov.bm

Useful Websites

The websites below are provided for the readers' convenience; USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in such websites.

1. <http://www.bermudalaws.bm/>

This search engine provides information on practically all Bermuda laws and regulations.

2. <http://www.customs.gov.bm>

H.M. Customs Bermuda website provides comprehensive information related to import procedures and regulations as well as Bermuda's complete 2010 tariff schedule.

3. <http://tariff.bermuda.arembeis.com/browse.tcl>

Provides easy tariff search system for all types of products by HS product descriptions.

Appendix II. Other Import Specialist Contacts:

Caribbean Basin Agricultural Trade Office

Foreign Agricultural Service
U.S. Department of Agriculture
909 SE 1st Avenue, Suite 720
Miami, FL 33131
Tel: (305) 536-5300
Fax: (305) 536-7577
E-mail: atocaribbeanbasin@fas.usda.gov
Website: www.cbato.fas.usda.gov

Sarah Hanson, Director
E-mail: sarah.hanson@fas.usda.gov

Mark Ford, Deputy Director
E-mail: mark.ford@fas.usda.gov

Omar Gonzalez, Agricultural Marketing Specialist
E-mail: omar.gonzalez@fas.usda.gov

Graciela Juelle, Agricultural Marketing Assistant
E-mail: grace.juelle@fas.usda.gov