

THE PURE FOOD ACT 1996
(NO. 4 of 1996)

Passed by the National Parliament this thirteenth day of August 1996

This printed impression has been carefully compared by me with the
Bill passed by Parliament and found by me to be a true and correct copy of the
Said bill

James Saliga
Clerk to National Parliament

Assented to in Her Majesty's name on Her Majesty's behalf this third day
Of October 1996.

Moses Puibanagara
Governor-General

Date of commencement: section I

AN ACT TO make provisions for securing the safety and wholesomeness of food for sale for human consumption.

ENACTED by National Parliament of Solomon Islands.

THE PURE FOOD ACT 1996
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PART I PRELIMINARY

1. This Act may be cited as the Pure Food Act, 1996, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

2. In this Act, unless the context otherwise require:

advertisement includes any notice, words, whether written or spoken, any pictorial representation or design, circular, label, wrapper, invoice or other document any public announcement made orally or by any means of producing or transmitting light or sound, used or apparently used to promote directly or indirectly the sale or disposal of any food;

analysis means any examination carried out by an analyst;

analyst means a person authorized under this Act to carry out analysis for the purposes of this Act and regulations;

animal includes cattle, sheep, goat, pig, poultry, bird, fish,

appliance means the whole or any part of any utensil, machinery, instrument, apparatus or other thing used or capable of being used in the cleaning of any other appliance;

article means any appliance, apparatus, package, label, advertisement or other material related to the sale of food;

building includes any structure whatsoever for whatever purposed used;

business means any undertaking and includes the undertaking of a canteen, club, school, restaurant, hotel, hospital, or institution, whether carried on for profit or not, and any undertaking or activity carried on by a public, provincial or local body;

clean means the removal of soil or other objectionable matter from any place;

container includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

court means the Magistrate's Court;

dairy farm includes the farm, cowshed, milking house or other premises from which milk is obtained and stored in its raw state, from which milk is obtained and stored in its raw state, from which possessed milk is supplied on or for sale, or in which milk is kept or used for purposes of sale, or in which vessels or containers used for the sale of milk are kept and does not include a shop from which milk is supplied only in properly it in delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

Director means the Head of The Environmental Health Department or Division;

food means food of any nature and includes water, ice beverages, alcoholic drinks, chewing gum, food additives, food preservatives and substances used as ingredients in the presentation of food or drinks or of such products, but does not include:

- (a) live animals as defined in the Act;
- (b) fodder or feeding stuff for animals, birds or fish; or
- (c) substances used only as drugs;

handling in relation to food means harvesting, preparing, processing, preserving, packing, storing, decorating, serving, conveying or delivering;

health inspector means any person appointed under Part IV to be a health inspector and includes as assistant health inspector, the Principal Health Inspector (Food Safety) and the Director;

label includes any tag, brand, mark or statement in writing or any presentation accompanying any food or any package of food, and to label has a corresponding meaning;

Minister means the Minister for the time being charged with the responsibility for public health matters;

occupier includes any person in actual occupation of land or premises subdivided and sublet, the person receiving the rent on his own account or as an agent for any person entitled thereto or interested therein;

perishable and hazardous food includes or consist of milk, milk product, cooked shelled eggs, eggs products, meat, fish, shellfish, poultry or cooked rice;

Permanent Secretary means the Permanent Secretary of the Ministry for the time being charged with responsibility for public health matters;

premises includes ant land (whether or not belonging to, attached to or associated with a building and any stall, tent or other structure, whether public or private, or whether maintained or not under statutory authority.

preparation, in relation to a food, includes manufacture and any form of treatment and;

preparation for sale shall be constructed accordingly;

proprietor means the owner and includes any person in charged or apparently in charged of the premises;

provincial authority means respective official authorities appointed under the Provincial Government Act;

publish means to insert in a newspaper or other publication or to send any person by post or otherwise or to deliver to any person or leave upon the premises in the occupation of any person or to disseminate by broadcast, telecast or any projected image whether moving or still or to bring to the notice of the public in any other manner whatsoever;

sell includes barter and also to offer or attempt to sell or deliver for sale or cause to suffer or allow to be sold offered or exposed for sale, but refers only to selling for human consumption or use;

slaughterhouse means a place of slaughtering animals, birds or poultry, the flesh of which intended for sale for human consumption and includes any place available in connection therewith for the confinement of animals while awaiting slaughter there, or for keeping or subjecting to any treatment or process products of the slaughtering of animals in such place;

substance includes any chemical, compound, solid gas or liquid;

transport includes all stages of transmit of food from place of production, place or manufacture or other source of origin to the consumer;

Under Secretary means the Under Secretary (Health Improvement) in the Ministry of Health and Medical Services;

vehicle ,means any device which is usually a means of conveyance by land, water or air whether or not such device is operational and includes cart, caravan, bicycle, ship, boat, barge, airplane or aeroplane; and

vermin means organism considered undesirable in or on a premises and includes birds, rodents, spiders and insects and their eggs, larvae and pupae.

A premises and includes birds, rodents, spiders and insects and their eggs, larvae and pupae.

(2) For the purpose of this Act

- (a) Any food, or any food included in, or supplied with, a meal
 - i. for which payment is made or required to be made; and
 - ii. which is supplied for consumption in any shop, factory, canteen, hotel, boarding house, café, kitchen, fast food premises, bottle-shop, restaurant, eating house or licensed premises, or at any stall or temporary stall, or in any vehicle, or any other premises;
 - (b) any food included in, or supplied with, a meal which is supplied by an employer to an employee, in accordance with terms of the employees contract of service, for consumption by the employee at his or her place of work; and
 - (c) any food supplied pursuant to a contract, together with accommodation, service or entertainment, in consideration of an inclusive charge for the article supplied and the accommodation, service or entertainment.
- Shall for all purposes be deemed to have been sold.
- (3) This Act and the regulations apply
- (a) in relation to any food or appliance offered as a prize or reward, whether
 - i. in connection with entertainment; or
 - ii. for the purpose of advertisement or in furtherance of trade or business, or otherwise; as if the food or appliance were, or had been, exposed for sale by such person offering the prize or reward;
 - (b) in relation to any food or appliance given away for the purpose of advertisement or in furtherance of trade or business, as if the food or appliance were, or had been, sold by the person giving away the food or appliance; and
 - (c) in relation to any food or appliance which exposed or deposited in any premises for the purpose of being so offered as a prize or reward or given away as if the food or appliance were, or had been, exposed for sale by the occupier of the premises.
- (4) For the purpose of this Act, any vessel lying in any port, harbour, river or other water within or adjoining the area of a local or provincial authority shall be subject to the jurisdiction of that authority in the same manner as if it were a premises or building within such area..

PART II

OFFENCES IN THE PREPARATION FOR SALE OF ADULTERATED OR FALSELY DESCRIBED FOOD

3. For the purpose of this Act and the regulations, an article of food is adulterated or falsely described:
- a. when it contains, or is mixed or diluted with, any substance in any quantity or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same article in a pure or normal state and in an undeteriorated or sound conditions;
 - b. when it contains, or is mixed or diluted with, any substance of lower commercial value than the same article in a pure or normal state and in an undeteriorated or sound condition;
 - c. when, either wholly or partly, it does not comply with a standard prescribed for the article by the regulations;
 - d. when it contains any substance prohibited by the regulations or any prescribed standard;
 - e. when it contains any substance in excess of any maximum quantity or proportion permitted by the regulations;
 - f. when it mixed, coloured, powdered, coated, stained, prepared or treated in a manner so as to conceal, damage or of an inferior standard;
 - g. when it is mixed, powdered, coated, stained, prepared, in order to fraudulently increase weight, bulk or measure.
 - h. whether manufactured or not, when it consist, wholly or partly of a filthy, decomposed or putrid animal or vegetable substance or of any portion of an animal substance unfit for consumption;
 - i. when it is the product of a diseased animal, or of one which had died otherwise than by slaughter;
 - j. when it is damaged, deteriorated or perished;
 - k. when its handling renders it unfit for human consumption or use;

- l. when it has any constituent wholly or partly extracted or removed so that its properties as compared with the food in a pure state are diminished; or
 - m. when it contains any matter foreign to the nature of the food; or
 - n. where in the case of packeted food the date of expiry has lapsed.
4. (1) A person who handles, prepares, processes, manufactures, imports, exports, stores, displays for sale any food or sells any food for which there is a standard prescribed is guilty of an offense unless the food complies with the prescribed standard.
- (2) A person who handles, prepares, processes, manufactures, imports, exports, stores, displays for sale any food or sells any food which bears or has attached to it, or is contained in a packaged which bears is a standard prescribed or which is otherwise designated or of an offense unless the food complies with the prescribed standard.
- (3) A person who handles, prepares, processes, manufactures, imports, exports, stores, display for sale or sells any article of food which is adulterated or falsely described is guilty of an offense.

PART III OFFENCES RELATING TO APPARATUS, PACKAGING AND LABELLING

5. For the purposes of this Act and the regulations a person who packs, stores, displays, imports, exports or sells food which is packed or enclosed for sale:
- a. in any manner contrary to any prescribed standard for the food or any provision of the regulation;
 - b. in any unclean or insanitary apparatus or packed;
 - c. in any apparatus or packaged that is suspected of being injurious to health or rendering food injurious to health because of material attached, absorbed to, coated on, staining or in contact with the package.
- is guilty of an offense.
6. A person shall not label or advertise false, misleading, deceptive or exaggerated representation relating to the character, nature, value, substance, quality, composition, merit or safety of food, apparatus or a package.
7. (1) whether food is solid in a closed packaged or container, the statement or label attached to the package or container shall be in the form prescribed by regulation.
- (2) A person who manufactures, handles, processes, imports, exports, stores, displays for sale or sells food in a closed packaged or container contrary to subsection (1) is guilty of an offense.
- (3) Any person advertising food for sale, who contravenes or does not comply with requirements prescribed in subsection (1) is guilty of an offense.

PART IV INSPECTION AND ANALYSIS

8. (1) The Minister may, by notice in the Gazette, appoint persons to be health inspectors and analyst for the purpose of this Act.
- (2) The qualification required for the post of health inspectors and analyst shall be as prescribed by regulations.
9. (1) A health inspector may
- (a) enter and inspect at any reasonable time, any premises, place, vehicle, vessel or aircraft in which the health inspector reasonably believes
 - i. any article used in the handling, manufacture, preparation, processing, packaging, storing, preserving, displaying, serving of food for sale.
 - ii. Any food for sale; or

- iii. Any record which relates to articles or food described in paragraphs (i) and (ii) of this subsection, is being held, handled, prepared, processed, preserved, packed, stored, filled, displayed, offered for sale or sold;
 - (b) examine food intended for export for sale or any food imported, manufactured, held, handled, prepared, processed, preserved, packed, stored, displayed, or offered for sale or sold;
 - (c) open and examine any container believed to contain or package that the health inspector reasonably believes contains any article, food or record described in paragraph (a) or (b);
 - (d) open and examine any such article or record;
 - (e) demand, select and obtain samples of such food and articles in accordance with procedures prescribed in this Act and regulations
 - (f) examine any labeling or advertising material which appears to the health inspector to be intended for use in connection with the sale of any such food or article or to have been used for such purpose;
 - (g) stop and detain any vehicle which the health inspector is authorized in paragraph (a) to enter;
 - (h) take such photographs or recording as the health inspector considers necessary; or
 - (i) generally make such investigation and enquiries as may be necessary to ascertain whether an offence against this Act or regulation is being or has been committed.
- (2) When exercising his powers under this Part, a health inspector shall have on his person a certificate of authority in the form prescribed in the regulations and, if requested to do so by any person in charge or apparently in charge of that premises, place or vehicle produce his certificate of authority.
10. (1) The Director or provincial authority as the case may be, shall cause inspections of premises of prescribed businesses to be performed in the manner prescribed by regulations.
- (2) A fee to recover the cost of an inspection service shall be charged at the rate prescribed in the regulations.
11. (1) In the performance of an inspection under section 9, a health inspector may seize any food or article or record that is, or appears to him to be
- (a) dangerous
 - (b) injurious to health
 - (c) unfit for use
 - (d) unwholesome; or
 - (e) otherwise adulterated or falsely described, as evidence that an offence against the Act or regulations is being or has been committed.
- (2) A health inspector who seizes any food or article or record under subsection (1) shall provide the person in whose possession such food, article or record was found, a certificate of seizure as prescribed in the First schedule.
- (3) A health inspector who seizes any food under subsection (1) shall condemn and destroy any such food if it appears to him to be
- (a) putrid or likely to be so before the health inspector can have it dealt with by a Magistrate; or
 - (b) an immediate risk to human health, so however, that in such instances, the health inspector shall issue the person in whose possession the food was found a certificate of condemnation as prescribed in the First Schedule.
- (4) An inspector who seizes any food under subsection 11(1) shall condemn and stamp the food as not fit for human consumption or destroy such food if it appears to him to be unfit for human consumption. In such instances, the inspector shall issue the person in whose possession the food was found a certificate of condemnation as prescribed in the first schedule;
- (5) With the exemption of a seizure described under subsection (3), a health inspector who seizes any food or article or record under subsection (1) shall inform the person in whose possession (1) shall inform the person whose possession the food, article or record was found:
- a. that, if the person does not consent to the destruction of any food article so seized, it is his intention to have it dealt with by a Magistrate; and

- b. that any person who, under the Act or regulations, may be liable to prosecution shall, if he attends before the Magistrate upon application for the condemnation of the aforementioned food or article, be entitled to be heard call witnesses.
- (6). A health inspector shall label or mark, seal label or mark, seal or fasten up the seized article, food or record as its nature allows. Upon seizing an article, food or record, the health inspector may require the seized article, food or record to remain in, at or on the premises, place, or vehicle where it easy found at the time of seizure.
- (7). If its appears to any Magistrate that any food or article brought before him, whether seized under the provisions of this section or not, is
 - a. dangerous;
 - b. injurious to health
 - c. unfit for use;
 - d. unwholesome; or
 - e. otherwise adulterated or falsely described,
 he shall condemn it and order it to be so disposed of as to prevent it from being used for, or in conjunction with human consumption or use.
- (8). If a Magistrate refuses to condemn any food or article seized under the provision of this section, such food or article shall be returned forthwith to the person in whose possession to was found of seizure.
- (9). If a Magistrate refuses to condemn any food or article under subsection (7), the costs incurred by the local or provincial authority in connection with the lawful destruction or disposal of the item is dept due to that authority from the person in whose possession the food or article was found or article was found at the tome of seizure.
- (10). Any such dept as prescribed in subsection (9) is recovered in a court of competent jurisdiction and, in any such proceedings, a certificate and, in any such proceedings, a certificate signed by the permanent Secretary, Provincial Secretary or Town Clerk stating the amount of any cost and the manner in which they were incurred is evidence of matters certified therein.
- 12. (1) Any health inspector who takes a sample of food offered for sale under the provisions of section 9 shall divide, mark, seal and fasten such sample. In such manner as its permits and deal with it in the manner prescribed by regulations.
- (2) The health inspector who obtains a sample under the provisions of subsection (1) shall –
 - a. inform the person who appearing to be the person having lawful custody of the article, that the sample was taken for the purposes of analysis; and
 - b. tender payment as prescribed by regulations to the person from whom the sample was taken.
- 13. On obtaining the samples, the health inspector shall cause the samples to be labeled as prescribed in the Second Schedule and forward to an analyst with a Request Form for Analysis as prescribed in the Third Schedule.
- 14. (1) The analyst to whom to a sample is forwarded in accordance with the provision of section 13, shall cause an analysis to be carried out in the manner prescribed by regulations and submit a certificate in the form provided in the Fourth Schedule.
- (2) In any proceedings under this Act, the production by any of the parties of the certificate of the analyst shall be prima facie, evidence of the facts stated therein.

PART V

GENERAL ENFORCEMENT PROCEDURES

- 15. A person who fails -
 - a. to obtain, manufacture, process, preserve, handle, use, prepare, store, transport, deliver, display or serve food for sale or sell food in clean an sanitary conditions as prescribed by the regulations; or
 - b. to use hygiene practices as prescribed by the regulations, to obtain, manufacture, process, handle, use, prepare, store, transport, deliver, display, serve food foe sale or sell food, is guilty of an offence.

16. (1) When a health inspector, during an inspection under section 10, identifies a premise as unclean and insanitary, he shall, prior to initiating court proceedings under this Act or regulations, serve a clean-up on the proprietor of the premises.

(2) The clean-up notice described in subsection (1) shall take the form of an order that the premises be put into a clean and sanitary condition, as prescribed in the notice and to satisfaction of the health inspector, within a period of twenty four hours after the service of the notice on the proprietor

(3) If, after the expiration of the requisite period, the health inspector is not satisfied that the premises complies with the requirements of the clean up notice and this Act or the regulations, the Director or provincial authority as the case may be, shall upon the advice of the health inspector serve as cause to be served on the proprietor, an order to temporary closure of the premises for twenty two hours after the service of the notice, or until the premises complies with the prior clean up notice, whichever occurs first.

(4) An order for temporary closure described in subsection (3) shall take the form of an order that no food be sold, transported for sale (if the premises is a vessel or vehicle), prepared for sale, processed or handled for sale until the health inspector has given the proprietor a certificate of clearance as prescribed in the fifth Schedule certifying that the premise, at the time of inspection, is in cleaned and sanitary condition.

(5) A proprietor who does not comply with the order for temporary closure which twenty-four hours of the order being served is guilty of an offense.

(6) The proprietor of the premises may, at any time after being served with the temporary closure order, deliver to the health inspector, a request in writing for the health inspector to re-inspect the premises.

(7) If such a written request is made and the health inspector does not inspect the premises within twenty four hours or the Town Council or Provincial Council, as the case may be, may on receipt of a request cause such inspection to be carried.

(8) If upon re-inspection within twenty four hours of receiving a request for re-inspection or at the end of the seventy two hours to temporary closure, the health inspector believes that the premises does not comply with the requirement of this section, the health inspector shall initiate legal proceedings against the proprietor, unless that proprietor voluntarily maintains the closure of the premises. If the premises do comply the health inspector shall immediately provide a certificate of clearance.

17. (1) A person who prepares, packs, store, processes, handles or serves food for sale, or who enters a premises in, on or at which such a persons in normally employed in the preparation, packing, storage, processing, handling or serving of food for sale, and

- a) is suffering from a disease prescribed in the Sixth Schedule or any other disease specified by the Minister
- b) is a carrier of a disease causing agent for those disease prescribed in Sixth Schedule or any other disease prescribed in Sixth Schedule or any other disease specified by the Minister.
- c) Has on any part of his body, any boil, infected wound or sore that is uncovered, partially covered or covered with a bandage or dressing other than one that is waterproof; of
- d) Has on any part of his body any other diseases specified by order published by the Minister, is guilty of an offense.

(2) A person who permits a person, to whom subsection (1) applies, to enter premises in, on or at which food for sale is normally prepared, packed, stored, processed, handled or served is guilty of an offense.

18) (1) A medical practitioner or health worker shall within twenty-four hours of diagnosis notify the Director of

- (a) any possible case of foodborne disease (including both poisoning and intoxication) or;
- (b) any clustering or diarrhoeal disease at an incidence rate above that considered normal for the given population for which no other causal factor can be established.

(2) The notification required in subsection (1) shall be in the form prescribed in the regulations.

(3) The Director shall cause an investigation to be held for all notification under subsection (1) twenty four hours of receipt.

(4) The Director shall communicate any notification under subsection (1) to the Principal Health Inspector (Food Safety) within seventy-two hours.

(5) The Principal Health Inspector (Food Safety) shall collate the data obtained and distributed the national data on food-borne disease to the Director on a quarterly basis.

19. The Minister may prohibit by order the cultivation, taking, harvesting,, or otherwise obtaining any food from any area if, in the opinion of the Minister upon the advice of the Board, that food may be dangerous or injurious to persons who consume that food.
20. (1) For the purposes of the Act “ionizing radiation” shall mean all radiation, of a wavelength greater than 100 nanometers, capable of producing ions directly or indirectly in passage through matter.
(2) No person shall manufacture, sell, import, process, use, prepare, store or display for sale food
- a. that has been intentionally exposed to ionizing radiation without the prior approval of the Minister to irradiate the food; or
 - b. that has been accidentally exposed to ionizing radiation
21. (1) A health inspector who has, in the course of his duties under the Act, obtained confidential information relating to manufacturing or commercial secrets, shall not disclose that information without
- (a) the consent of the person who has propriety interest in the information;
 - (b) being ordered to do so by a court;
 - (c) receiving prior permission of the Minister; or
 - (d) doing so for the purposes of executing his duties under this Act regulation.

PART VI IMPORTING AND EXPORTING FOOD

22. (1) An agriculture, quarantine or health inspector shall, immediately upon receipt of documentation addressing the importation of food for sale, inform the health inspector responsible for inspection of imported food.
(2) A person intending to import food for sale shall also notify the Director in writing of his intention to import food. The Director shall, in such cases, direct and cause an appropriate health inspector to carry out any inspection and sampling required.
(3) The health inspector identified in subsection (1) and (2) she review relevant documents including export certifications provided by competent overseas authorities and carry out any inspection and sampling required, as soon as possible and in a manner so as not to unnecessarily delay the release of the food from customs and quarantine.
(4) Where a sample is collected under subsection (3) for further inspection or analysis, a collection report shall be completed by the responsible health inspector. The collection report shall be in the form prescribed in the Seventh Schedule. The sample shall be sealed, labeled and delivered to the analyst as required under Part IV.
(5) If, in the opinion of the health inspector, as a result of documents review, inspection and analysis, and the imported food satisfies the requirements of the Act, is regulations and standards, the health inspector may either
- a. provide written clearance to an appropriate quarantine
 - b. issue an import permit as prescribed in the Eight Schedule for food not included under the Agricultural Quarantine Act 1982 or the Agricultural Quarantine Order 1986.
- (6) For those importers who have notified the Director of their intention to import at least seventy-two hours prior to the food’s arrival in the country, the Director may, upon the risk assessment advice from the health inspector who has reviewed all the necessary documentation, issue a permit prior to the arrival of the food in the country.
(7) If, in the opinion of the health inspector, as a result of document review, inspection or analysis were required of the imported food and the imported food does not satisfy the requirements of this Act, the regulations or standards, the health inspector may reject any or all food found deficient. In all cases, if the food rejected, the invoice and manifest shall be marked “REJECTED” and returned to the Customs together with a copy to the Director of Agricultural Quarantine in the form set out in the Ninth Schedule.
(8) Where the food is rejected but the health inspector considers it suitable for labeling, the importer may relabel the food in accordance with the requirements of this Act and the regulations. Where the food is not labeled within a period of three months or such other period as the Minister may determine.
(9) If the food is rejected under this Part and the importer fails to satisfy the requirements of subsection (8), the food shall be forfeited and disposed of as the Director may direct at the expense of the importer or his agent.

(10) A permit to import food whether of animal or of plant origin provided for under the Agricultural Quarantine Act 1982 and the Agricultural Quarantine order 1986, shall not be issued without written clearance from the health inspector referred to in subsection (1) or a health inspector acting on his behalf or from the Director.

(11) Food for sale shall not be removed from Customs and Quarantine without a permit to import provided under either subsection (3) or subsection (6).

(12) A person who imports foods for sale in contravention of, or who fails to comply with the requirements of this section is guilty of an offense.

23. (1) Any person who intends to export food for sale shall notify the Director or his representative of his intention to do so. This notice shall be delivered to the Director or the Principal Health Inspector (Food Safety) not less than twelve hours before the food is exported from the country.

(2) Any food harvest, handled, processed, prepared, stored, transported or distributed for export or sale shall satisfy all the requirements of food for sale under this Act and the regulations.

(3) Any persons who intend to export food for sale many applications to the Director Have a plant registered as a quality assurance plant approved under the quality assurance programme that the food therein meets the standard prescribed for export. Such certification shall be in the form prescribed in the Tenth Schedule which shall further state that

- a. the food products have been inspected by officers of the Department of Environmental Health and analyzed by an analyst authorized under this Act and were found to be in accordance with the Act and the regulations; or
- b. the food products have been inspected by officers of the Department of Environmental Health and analyzed by an approval laboratory certification scheme and were found to be in accordance with the Act and the regulations; or
- c. the food products have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis control point system (HACCP) or their equivalent to assure the safety of the food produced. The production of the described products has been supervised by an authorized inspector of the Department of Environmental Health to assure compliance with GMP and HACCP; or
- d. have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point system (HACCP) or their equivalent to assure the safety of the food produced. The productions of the described products were produced in accordance with this programme in a processing plant registered as part of the programme. The programme is routinely evaluated by authorized inspectors of the Department of Environmental Health.

(4) A certificate of safety shall only be provided under subsection (3).

PART VII LEGAL PROCEEDINGS

24. (1) For the purposes of this Act or the Regulations:

a. any food commonly used for human consumption, shall, if sold or offered, exposed or kept for sale be presumed, until the contrary is proved, to have been sold, or as the case may be, to have been intended for sale for human consumption;

b. any food commonly used for human consumption which is found on any premises or in vehicle used for the handling, preparation, storage, importation, transportation, distribution, display or the sale of that food shall be presumed, until the contrary is proved, to be intended for human consumption.

c. Any article commonly used in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale that food shall be presumed until the contrary is proved to be used for food intended for human consumption.

(2) Where any food for human consumption is sold or deposited with or consigned to any person for the purpose of sale for human consumption, contained in an unopened package, any person who appears from any statement on the package or on the label attached to the packaged, to have imported, manufactured or prepared such food or to have enclosed it in such package, shall, until the contrary is proved, be deemed to have so imported, manufactured, prepared or enclosed food.

(3) Where any article used in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale of food for human consumption is sold or deposited with or consigned to any person for the purpose of sale or for use in the manufacture, handling, processing, preparation, storage, display, transportation, distribution, serving or sale of food for human consumption, contained in an unopened package, any person who appears from any statement on the package or on a label attached to the package, to have imported manufactured or prepared such article or to have enclosed it in such package, shall, until the contrary is proved, be deemed to have been so imported, manufactured, prepared or enclosed these articles, as the case may be.

(4) If a health inspector –

a. has made a copy of any record or part of a record pursuant to this Act or regulations;

b. has certified the copy to be a true and correct copy of that record or part of a record.

The copy is admissible in evidence in any proceedings under this Act and regulations as evidence of the matters contained in the copy and, unless the contrary is proved, may be taken to be a true and correct copy.

25. Where any food, article or record has been obtained for analysis, or seized under section 11, a prosecution for an offense against this Act in respect of it shall not be instituted after the expiration of a period of six months from the date when it was taken, seized or obtained.

26. (1) A person who, willfully removes, erases, alters, breaks or opens a label, mark, seal or fastening placed by a health inspector on any food, article or record without authority is guilty of an offence.

(2) Subsection (1) does not apply in respect of a part given to that person or his agent by a health inspector under section 11.

27. Any person who –

(a). assaults, intimidates, obstructs or attempts to obstruct in any manner any health inspector in the exercise of his duties under this Act or regulations.

(b). refuses to allow, retakes or attempts to retake any food, article or record seized, condemned, sold, obtained or sampled under this Act;

(c). refuses to state, or state falsely, his or her name and place of residence any health inspector in the exercise of his duties under the Act; or

(e). fails to comply with any order or demand given by a health inspector authorized under this Act or regulations, is guilty of an offence.

28. (1) In any prosecution for an offence of selling any food or article in contravention of this Act or regulations, it is a sufficient defense for the defendant to prove that –

a. he purchased the food or article in reliance on a written warranty, given by or on behalf of the person from whom the purchase was made, to the person from whom the purchase was made, to the effect that

the food or article was of the same nature and substance and quality as the demanded of him by the purchaser or health inspector.

- b. The defendant, with due diligence, had no reason to believe or suspect that the food or article sold by him did not conform to the warranty.

(2) A warranty is not available as a defense unless, within seven days after service of the summons, the defendant has

- a. sent to the health inspector and the warrantor a copy of the warranty and a statement that he intends to rely on the warranty as a defense; and
- b. sent to the health inspector the identification and address of the person from whom the warranty was received.

(3) Where the defendant is a servant or a agent of the person who purchased the food or article under a warranty, he shall be entitled to rely on the provision of this section in the same way as his employer or principal would have been entitled as if he were the defendant.

(4) A warranty given by a person resident outside the country is not available as a defense unless the defendant proves that he did in fact believe in the accuracy of the statement contained in the warranty.

(5) For the purposes of this section, a name and description entered in an invoice is to taken to be a written warranty that the food or article to which the entry refers can be sold or otherwise dealt with by that name or description by any person without contravening any of the provisions of this Act or the regulations.

29. Any person who gives a warranty referred to in section 28 that is false, is guilty of an offense.

30. (1) In any proceedings for an offense under this Act it shall be defence for the defendant to prove –

- a. that he could not with due diligence have ascertained that the sale of the article would be in contravention of this Act or the regulations; and
- b. that in relation to an offence relating to the publication of an advertisement, the advertisement was received for publication in the ordinary course of business and he had no reason to believe that an offense would be committed by publishing such as advertisement.

(2) In any proceedings for an offense under this Act it shall be a defence for the defendant to prove that:

- a. he committed the act or default constituting the offence in the course of action as an agent or employee of another person and without knowledge of one or more of the facts constituting the offense; and
- b. the other person or employer is a firm or corporation having a place of business in Solomon Islands.

31. (1) On the conviction of a person for an offence against the Act or regulations, any food or article to which the conviction relates may, by order of the court, be forfeited for destruction or disposal.

(2) The cost incurred by the State, local or provincial authority in connection with sampling, analysis and the lawful destruction or disposal of the food or article shall be ordered by the court to be a debt due to the state, local or provincial authority by the person against whom the conviction is made.

(3) For any such debt as prescribed in sub section (2), a certificate signed by the Permanent Secretary, Provincial Secretary or Town Clerk as the case may be stating the amount of any cost and the manner in which they were incurred is evidence of matters certified.

32. A person who is guilty of an offense against this Act for which no other penalty of one thousand dollars of imprisonment for a term of six months or both; and in the case of a second or subsequent offence a maximum penalty of one thousand five hundred dollars or imprisonment for a term of six months.

33. (1) No legal proceedings shall be instituted in any court against any person who is authorized by this Act to perform any functions or duty for anything done or intended to be done in good faith pursuant to the powers granted to him under this Act.

**PART VIII
ADMINISTRATION**

34. (1) There shall be established for the purpose of this Act, a Board to be known as the Pure Food advisory Board.

(2) The Board shall consist of

- a. the Under Secretary (Health Improvement);
- b. the Director of Health
- c. the principal Health Inspector (Food Safety);
- d. the Food Analyst, Ministry of Health and Medical Services; and
- e. a representative from the Consumer Affairs Division, Commerce.

(3). The functions of the Board shall be to deliberate and make recommendations to the Minister:

- a. on the administration and implementation, and any other matters relating to the act and its regulations and standards;
- b. an approaches to more effectively secure the safety and wholesome of food; and
- c. on any matters that the Minister may refer to the Board.

35. (1) The Minister shall for the purposes of this Act, appoint the Director of Livestock and Veterinary Services as the senior meat and dairy hygiene inspector and such other meat and dairy hygiene inspector as may be necessary under this Act and regulations in relation to :

- a. the slaughtering of animals for human consumption, the processing of meat within slaughter place, storage of the products of slaughter within slaughterhouse and transportation and distribution of the products of slaughter; and
- b. the obtaining, from animals, of milk for human consumption, the storage of that milk on the dairy farm and its transportation to dairy plants.

(2). Within an area of a five kilometer radius from a duly licensed and registered slaughterhouse, no animal may be slaughtered for sale or for human consumption other than on the premises duly licensed and registered, in the manner prescribed, as slaughterplaces for the purpose.

(3). Any person who, on any premises, within a five kilometer radius around a duly licensed and registered slaughterplace establishes or carries out in the slaughtering of an animal for sale or for human consumption. Without the premises being duly licensed and registered is guilty of an offence.

(4). For locations outside an area of five kilometer radius from a duly licensed and registered slaughter place, an animal may be slaughtered for sale or for human consumption other than on a premises duly licensed and registered, subject to the slaughterplace and slaughtering process satisfying all other requirements of this Act and regulations.

(5). Any person who, on any premises, carries out the slaughtering, for human consumption, of a diseased animal or an animal that has died other than as a result of the slaughtering process is guilty of an offense.

(6). Any person who, on any premises establishes or carries out the slaughtering of an animal for sale, or human consumption, in contravention of the provisions of this Act and regulations is guilty of an offense.

(7). Any person who, on any premises establishes or carries out the collection, storage or processing of milk for sale or for human consumption, without the premises being duly licensed and registered is guilty of an offense.

(8). Any person who, on any premises, establishes or carries out the collection, storage or processing of milk for sale or for human consumption, in contravention of this Act and the regulations is guilty of an offence.

36. Where in any other Act, regulation, by-law, rule or Ordinance, any provision relating to food for sale or articles used in the preparation, handling, processing, manufacture, preservation, packing, transportation, storage, display or serving of food for sale, is consistent with the provisions of this Act or any related regulations, the provisions of this Act and its regulations shall prevail.

37. (1) The Minister may make regulations, not inconsistent with this Act, for or with respect to any matter required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, regulations may be made for or with respect to any of the following –

- a. standards for food, food additives and packaging, including labeling, composition, strength, purity, character and microbiological, chemical and physical quality;
- b. requiring persons who sell food, to maintain such books and records considered necessary for the proper administration and enforcement of this Act;
- c. providing for the analysis of food and prescribing methods and fees for such analysis;
- d. exempting any food or article from any or all of the provisions of the Act and prescribing the conditions of such exemption;
- e. requiring procedures for the recall and destruction of food;
- f. providing for the giving, service and enforcement of directions, orders or notices for the rectification of acts or omissions in the contravention of this Act or the regulations;
- g. rate of payment for sample of food obtained for the purposes of this Act;
- h. rates of payment for inspection carried out for the purposes of this Act;
- i. the conditions under which food for sale shall be handled, including temperature of the food cooked, stored, displayed for sale and sold; and
- j. prescribing anything which is to be or which may be prescribed under this Act.

FIRST SCHEDULE

PURE FOOD ACT 1996

Section II Sub-section (2), (3) and (4)

CERTIFICATE OF SEIZURE AND CONDEMNATION

- I. Identification of the Person in whose possession the Food/Article/Record was found at the time of Seizure and Owner of the Food/Article/Record.

(1) Name of the Person from whom the Food/Article/Record was collected:

(2) Business or Home Address of the person described in (1):

(3) Name of the Owner of the Food/Article/Record seized

(4) Address of the Owner:

To: Owner of Food/ Article/Record

The below described food/articles(s)/record(s) are seized and condemned under Section II of the Pure Food Act 1996. Please inform the undersigned inspector of your intention. If you wish the product destroyed the officer will arranged for such at your expense. If reconditioning or relabelling is identified as an option above, you must provide an acceptable written plan and timetable for the reconditioning or relabeling. Please reply no later than 15 days from the date of this notification. If after elapse of such time, the Department is in possession of an unsatisfactory or no reply: the Department of Environment Health will have the matter dealt with by a Magistrate. If this course of action is followed, you may, upon attending before the Magistrate upon application for the condemnation of the aforementioned food or article, be entitled to be heard and call witnesses. If a Magistrate condemns the food or article under section 11 subsection (7) of the Pure Food Act 1996 the costs incurred by the local of Provincial Authority in connection with the lawful destruction or disposal of the item is a debt due to that authority from the person in whose possession the food or article was found at the time of seizure

II. Description of Food/Article/Record

Common Name of Food/Article/Record	
Batch Identification or identification number/brand etc. Ship Bill of Lading	
Quantity Seized	
Reason of Seizure	
Reconditioning/Relabelling/is not a possible action in this matter	
Reason for Condemnation	

Inspector Seizing Food/Article/Food

Designation

Authority number

Contact Address

Signature

Date

**SECOND SCHEDULE
PURE FOOD ACT 1996**

**Section 13
LABEL FOR A SAMPLE**

PURE FOOD ACT 1996
Section 13 Sub-section (1)
Sample For Analysis

Sample Identification: _____
Quantity Sampled: _____
Sample Reference Number: _____
Date and Time of Collection: _____
Location of Collection: _____

From whom Collected: _____
Contact Address of Person From Whom Collected: _____

Owner of Food/Article/Premises: _____
Inspector Collecting Sample for Analysis: _____

Inspector Authority number: _____
Signature of Inspector: _____
Date and Time of Submitting Sample for Analysis: _____

To Whom Sample Submitted for Analysis: _____
Analysis Requested: _____

Inspector Submitting Sample for Analysis: _____

Inspector Authority Number: _____
Signature of Inspector _____

PURE FOOD ACT 1996
Section 13 Sub section (1)
Sample for Analysis

Sample Identification: _____
Sample Reference number: _____
Analysis Requested: _____
Date of Collection: _____
Inspector Collecting Sample for Analysis _____
Inspector Authority Number: _____
Signature of Inspector: _____

PURE FOOD ACT 1996
Section 13 Sub section (1)
Sample for Analysis

Sample Identification: _____
Sample Reference number: _____
Analysis Requested: _____
Date of Collection: _____
Inspector Collecting Sample for Analysis _____
Inspector Authority Number: _____
Signature of Inspector: _____

PURE FOOD ACT 1996
Section 13 Sub section (1)
Sample for Analysis

Sample Identification: _____
Sample Reference number: _____
Analysis Requested: _____
Date of Collection: _____
Inspector Collecting Sample for Analysis _____
Inspector Authority Number: _____
Signature of Inspector: _____

PURE FOOD ACT 1996
Section 13 Sub section (1)
Sample for Analysis

Sample Identification: _____
Sample Reference number: _____
Analysis Requested: _____
Date of Collection: _____
Inspector Collecting Sample for Analysis _____
Inspector Authority Number: _____
Signature of Inspector: _____

**THIRD SCHEDULE
PUREFOOD ACT 1996**

Section 13

REQUEST FOR ANALYSIS

**SOLOMON ISLANDS
PURE FOOD ACT 1996
Section 13
REQUEST FOR ANALYSIS**

Office Reference Number

The Analyst: _____

Laboratory Address:

I, today/...../....., submit 1/2/3 sample(s) for your analysis and report.

Inspector Submitting Sample for Analysis: _____

Inspector Authority Number: _____

Signature of Inspector: _____

Sample Reference Number:	Sample Reference Number:	Sample Reference Number:
Sample Identification:	Sample Identification:	Sample Identification:
Date and Time of Collection Analysis:	Date and Collection:	Date and Collection :
Date and Time of Submitting Sample for Analysis :	Date and Time submitting Sample for Analysis:	Date and Time submitting Sample for Analysis:
To Whom Sample Submitted for Analysis:	To Whom Sample Submitted for Analysis:	To Whom Sample Submitted for Analysis:
Analysis Requested:	Analysis Requested:	Analysis Requested:

Contact Address for Return of Report(s):

.....
.....
.....

FOURTH SCHEDULE
PUREFOOD ACT 1996
Section 14 Sub-section (1)
CERTIFICATE OF ANALYSIS

CERTIFICATION OF ANALYSIS

Solomon Islands

PURE FOOD ACT 1996
Section 14 Sub-section (1)

To: From:
.....
.....
.....

Date:/...../.....

I, the undersigned, an analyst appointed under the Solomon Islands Pure Food Act, 1996, do hereby certify that the results of analysis laid out below represent the findings of an analysis performed in accordance with any specified national standard and are of the sample identified below.

Date of Receipt	
Identity of Person Submitting Sample	
Sample Description	
Sample Identification	
State of Seal	
State of sample	
Summary of Analysis	
Data on Label	
Reserve Sample	

Signature:

Date:

Analyst's Name:

Laboratory Address:
.....

FIFTH SCHEDULE

PURE FOOD ACT 1996

Section 16 Subsection (4)

CERTIFICATE OF CLEARNACE

CERTIFICATE OF CLEARNANCE

Solomon Islands

PURE FOOD ACT 1996

Section 16 Sub-section (4)

To (Proprietor): _____ From: _____

Address: _____

I, the undersigned, a health inspector appointed under the Solomon Islands Pure Food Act, 1996, do hereby certify that the premises identified above at the time of inspection by myself was in clean and sanitary condition and proprietor on theday of the month of This certificate of clearance shall not be displayed for commercial purposes and is valid only for the purposes of reserving the order for temporary closure enforced on the day of the month of

Signature

Name of Signatory

Authority Identification

Date/...../.....

**SIXTH SCHEDULE
PURE FOOD ACT 1996
Section 17 Sub section (1) (a) (b)**

DISEASES LIMITING ACCESS TO FOOD PREMISES

Anthrax	Brucellosis (Undulant Fever)
Bacteraemia	Boil
Campylobacteriosis	Candidiasis
Carbuncles	Cholera
Clostridial diseases	Colds
Diarrhoeal diseases	Dysentery
Erysipelas	Fungal infection
Foodborne Diseases	Giardiasis
Hepatitis	Influenza
Leprosy	Leptospirosis
Listeriosis	Mastitis
Plague	Pneumonia
Pseudomonas Infection	Q Fever
Salmonellosis	Shigellosis
Staphylococcal Infection	Streptococcal infections
Septicaemia	Toxoplasmosis
Trichinosis	Tuberculosis
Typhoid/Paratyphoid	Urinary Tract Infections
Viral gastroenteritis	Worms
Any Other Disease Specified by the Minister from time to time.	

SEVENTH SCHEDULE
PURE FOOD ACT 1996
Section 22 Sub section (4)

IMPORTED FOOD COLLECTION REPORT

PURE FOOD ACT 1996 Section 22 Sub-section (4) IMPORTED FOOD COLLECTION REPORT	
To: (1) The Analyst (here insert name address of analyst to whom the sample was submitted) (2) The Importer (here insert name and address of importer of food) (3) Customs (here insert name of customs officer who received a copy of this report) (4) Agriculture Quarantine (here insert name of inspector who received a copy of this report) The food described below was collected for analysis under section 22 of the Pure Food Act 1996. The food to which the collection report refers may not enter the country until a permit to import is provided in accordance with the Act.	
1. Sample No. 2. Ship of Aircraft	3. Date Collected Time collected
4. Product description (a) Type and Brand of Food: (b) Lot/batch Identification	
5. Reason for Collection	6. Method of Collection
7. Manufacturer Name and Address	
8. Country of Origin:	
9. (a) Date of Manufacture: (b) Date of Packing (c) Expiry Date:	
10. Importer of Agent Name and Address:	
11. Records Obtained: (a) Invoice No. and Date: (b) Shipping Record and Date: (c) Other Documents:	
12. Collector Name and Authority:	13. Sample ID No.
14. Collector Signature: Date/...../.....	

EIGHT SCHEDULE
PURE FOOD ACT 1996
Section 22 Sub Section (5) (b)

PERMIT TO IMPORT

PURE FOOD ACT 1996
Section 22 Subsection (5) (b)

PERMIT TO IMPORT FOOD
(for food not addressed by
The Agricultural Quarantine Act 1982 or the Agricultural Quarantine order 1986)

To:

The Importer (here insert name and address of importer of food)

.....
.....

Permission to import, subject to the conditions expressed below, the food herein described is granted under Section 22 of the Pure food Act 1996. Such a permit shall be provided only for food not addressed by the Agricultural Quarantine Act 1982 or the Agricultural Quarantine Order 1986.

No.	Product Name & Description	Method & Date of Import	Lot/ Batch ID	Invoice No. & Date	Quantity	Country & Origin
1						
2						
3						
4						
5						

Conditions of Import:

(1) The food shall comply with all requirements of the Pure Food Act 1996 and its regulations

Name of Authorizing Office:

Authority Number

Signature

Date :/...../.....

Cc: Agricultural Quarantine/Customs/Principle Health Inspector (Food Safety)

**NINTH SCHEDULE
PURE FOOD ACT 1996
Section 22 Sub-section (7)**

REJECTION OF IMPORTED FOOD

**PURE FOOD ACT 1996
Section 22 Sub-section (7)**

REJECTION OF IMPORTED FOOD

To (here insert name and address of importer)

.....
.....
.....

The following foods products have been inspected by officers of the Department of Environmental Health authorized under the Pure Food Act 1996 and were found to be in contravention of the Act and its regulations.

- (1) *The product are rejected and must be held under customs quarantine until they are relabeled or exported at your expense. Please be inform the Principle Health Inspector (Food Safety) or the undersigned health inspector of your intention within 15 days. The food must be relabeled within (here insert period for action).....weeks/months(s). Where the lot is not relabelled with this period the lot shall be exported within 3 months or such other period as the Minister may determine at your expense. If you fail you export the product as directed, the product shall be forfeited and disposed of as the Principle Health Inspector (Food Safety) may direct at your expense.
- (2) *The products are rejected and must be condemned in accordance with section 12 of the Act and as stated in the attached certificate of seizure and condemnation.

(*Delete whichever does not apply)

No	Product Name & Description	Method & Date of Import	Lot/ Batch ID.	Invoice No. & Date	Quantity	Country of Origin
1						
2						
3						
4						
5						

Inspector Seizing Food/Article/Record

Designation

Authority Number

Contact Address

Signature

Date

Cc: Customs Officer in Charge/Director of Agricultural Quarantine/Principle Health Inspector (Food Safety)

**TENTH SCHEDULE
PUREFOOD ACT 1996
Section 23 Sub-section (3)**

CERTIFICATION OF FOOD SAFETY

PURE FOOD ACT 1996
Section 23 Sub-section (3)

CERTIFICATE OF FOOD SAFETY

The following food products:

(1) have been inspected by officers of the Department of Environmental Health, authorized under the Pure Food Act 1996 and were found to be in accordance with the Act and its regulations; and

(2) have been analyzed by an analyst authorized under the Act. The result of these analyzes are attached; and

(3) have been Analyzed by a laboratory certified by an approved laboratory certification scheme. The results of these analyzes are attached; and

(4) have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point system (HACCP) of their equivalent to assure the safety of the food produced. The production of the described products has been supervised by an authorized inspector of the Department of Environmental Health to assure compliance with GMP and HACCP, and

(5) have been produced under conditions of good manufacturing practice (GMP) and the company has employed hazard analysis critical control point systems (HACCP) or their equivalent to assure the safety of the food produced. The company is part of an approved quality assurance programme and the described products were produced in accordance with this programme. The programme is routinely evaluated by authorized inspectors of the Department of Environmental Health.

No	Product Name & Description	Lot/ batch Identification	Quantity	Method of Export (including vessel or aircraft & any specified conditions of transport & storage)	Place & Date of Departure
1					
2					
3					

Exporter: Consignee:
.....
.....

Processing Plant : Processing Plant Approved Quality Assurance Programme
..... Identification on Number:

In my capacity as the Director of Environmental Health (or his authorized representative), Ministry of Health and Medical Services, I certify that the above identified food produces comply with the Solomon Islands requirements for certification as to their safety for human consumption and/or are not contaminated by (here insert chemical contaminants for which analyzes have been performed) above the levels permissible by the Codex Alimentarius Commission for such food and/or are free of detectable levels of (here insert micro-organism for which analyzes have been performed)

Signature
Designation
Contact Address

Date/...../.....

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