

SALT IODIZATION REGULATIONS, 1997

[Under Section 26]

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In exercise of the powers conferred by section 26 of the Public Health Act, 1969 the Minister for Health and Social Welfare makes the following Regulations.

Citation and commencement.

1. These Regulations may be cited as the Salt Iodization Regulations, 1997 and shall come into force on the date of publication in the Gazette.

Interpretation.

2. In these Regulations, unless the context otherwise requires —

“flavoured salt” means a combination of free-running table salt and harmless, natural or artificial flavouring substance, such as, garlic salt, celery salt, onion salt, and such similar salts;

“food grade salt” means salt containing not less than 97% crystalline sodium chloride on a dry matter basis, including table salt;

“impermeable packaging material” means material which may consist of one or more of the following substances, that is, low density polyethylene, high density polyethylene or similar materials, including polycoated cardboard;

“iodated salt” or “iodized salt” means food grade salt or other salt intended for use in or on foodstuffs to which between 40 and 60 ppm (mg/kg) iodine in the form of potassium iodate has been added;

“low sodium salt” means salt containing less than 67% sodium chloride;

“Ministry” means the Ministry responsible for Health;

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“table salt” means salt containing not more than 4% moisture and not more than 50 ppm (mg/kg) fluoride and not less than 98.4% crystalline sodium chloride in its water free state.

Application.

3. These Regulations shall not apply —

- (a) to salt intended for industrial use in the manufacture of compound foodstuffs and which lawfully bears a label reading “non-iodated salt”;
- (b) to salt available in a pharmacy, that is pharmaceutical salt, in packages of (one) 1 kg or less and which lawfully bears a label reading “non-iodated salt”; and
- (c) to low sodium salt, that is, salt containing less than 67% sodium chloride.

Special powers of the Minister.

4. The Minister may, on extra-ordinary circumstances, on national interest and on just cause, authorise in writing any person to import salt which does not conform to the requirements of these Regulations but no person shall, after importation of such salt, sell or deliver it for human or animal consumption, or for any other uses in contravention to the provisions of these Regulations.

Prohibition on selling or importation of non-iodated salt.

5. (1) No person shall sell, deliver or import salt intended for human or animal consumption in or into Eswatini, unless that salt —

- (a) is iodized with potassium iodate in accordance with the specifications set out in the First Schedule of these Regulations; or
- (b) is the salt mentioned in regulation 3.

(2) Further to sub-regulation (1) any person who sells, delivers or imports salt in or into Eswatini shall comply with any requirements the Minister may notify in writing, including specified iodine levels, at entry points to Eswatini and at Points of sale, storage, packaging and distribution.

(3) No person shall manufacture or deliver to any other person, for human or animal consumption, salt which does not conform to these Regulations.

Appointment of health inspectors and duties.

6. (1) The Chief Medical Officer (Director of Health Services) may in writing depute any health officer and any customs and excise officer to be a health inspector for the purpose of carrying out the provisions of these Regulations in so far as regards to the compliance thereof by importers, sellers, manufactures of salt and any other persons who are affected by these Regulations.

(2) A health inspector may inspect any salt found within Eswatini to determine whether or not such salt, through acceptable means or standards, is in conformity with these Regulations.

(3) A health inspector shall, after proper identification by means of an identity card issued by the Chief Medical Officer (Director of Health Services) or by the letter of deputation to the person in whose possession or custody the salt is found, take samples of the salt for

testing its iodine content through acceptable scientific methods for testing for iodine or laboratory analysis for iodine.

(4) A health inspector shall not allow or permit any person to import into or let in or through, Eswatini salt that is not allowed or permitted to be imported into or manufactured in Eswatini by these Regulations.

(5) A health inspector may order any person (by issuing to that person a prohibition notice, similar or as near as possible to that, found on the Third Schedule), in whose possession or custody salt is found which the health inspector suspects to be not in conformity with the requirements of these Regulations, to keep such salt safely and undisturbed, that is, not to be interfered with until the health inspector, after the results of testing or analysis are known, determines what ought to be done with that salt.

(6) The person who has been given an order under sub-regulation (5) shall comply with such order.

(7) The person mentioned in sub-regulations (5) and (6), (and not the health inspector) shall remain responsible for the safe custody of the salt and shall not interfere with the state of the salt in respect of —

- (a) its iodine content or non-content; and
- (b) its quantity,

and that person shall not dispose of that salt until the health inspector or court so authorises that person so to do.

(8) A health inspector shall, within a period not exceeding fourteen days, notify the person from whom the samples for testing or analysis were taken of the subsequent results of the testing or analysis and subject to sub-regulation (9) make an appropriate order as regard to what ought to be done with the salt.

(9) Where the results of the testing or analysis of the salt for iodine reveal that the salt does not conform to the requirements of these Regulations, a health inspector concerned with the matter shall immediately lay a charge against the offender at the nearest police charge office for the prosecution of the offender.

(10) Where a health inspector lays a charge against an offender, that health inspector shall, as soon as is practicable, notify the offender of the laying of the charge and the offender shall not dispose of the salt that is the subject matter of the intended prosecution or the laying of the charge.

(11) Where a health inspector fails, for whatever reason, to inform the person who had possession or custody of the salt from which samples were taken that person may, after the expiration of the time stipulated under sub-regulation (8), appeal first to the Chief Medical Officer (Director of Health Services) and secondly or to the Minister who shall, taking into account the welfare and health of the consumers of salt, make an appropriate decision.

(12) For purposes of prosecution under this regulation, criminal liability shall not lie against a consumer but against a seller (retailer), shop owner or lessee, owner or lessee of place or outlet where food is sold to the public or animals wholesaler, importer, or any other person who is directly involved or responsible for the delivery of the salt which is not in conformity with the requirements of these Regulations.

(13) A court, when passing sentence for an offence committed under this regulation, may have regard to the circumstances of each case and a person who suffers damages as a

result of the prosecution or sentence may sue, for such damages, the person who supplied the salt which is not in conformity with these Regulations.

(14) A consumer may sue for breach of warranty where the consumer is given or sold salt which is not in conformity to the requirements of these Regulations and a person who manufactures salt in Eswatini or who imports, displays, distributes, sells or delivers salt shall be deemed to warrant to the consumer that such salt conforms to the requirements of these Regulations.

Transportation and storage of iodized salt.

7. (1) Any importer, transporter, advertiser, wholesaler, distributor, seller or agent to the fore mentioned of iodized salt, shall when transporting, storing or displaying such iodized salt do so in a manner that protects and preserves its nutritive properties.

(2) Without prejudice to sub-regulation (1), the persons mentioned therein shall not when transporting, storing or displaying iodized salt (in order to minimise avoidable losses of iodine), expose iodized salt to the following conditions —

- (a) direct sunlight or strong light;
- (b) heat above 102 degrees Celsius;
- (c) humidity above 76% water or rain;
- (d) contamination with dust or such similar particles or substances;
- (e) mixture with non-iodized salt;
- (f) inadequate ventilation or aeration;
- (g) long storage time, that is, not more than twelve months from date of manufacture;
- (h) hooks or other sharp instruments during loading, unloading or handling of a bag containing iodized salt;
- (i) storage in uncovered rooms; or
- (j) staking on a surface less than ten centimetres above floor level.

(3) A person who is selling, storing or transporting iodized salt and non-iodized salt or the exempted salt under regulation 3 shall keep each category separate from the other.

Packaging.

8. (1) A seller, retailer, wholesaler or any other person as the case may be, shall, before selling or delivering iodized salt to a consumer —

- (a) package the iodized salt in suitable materials that protect the salt and preserve its composition, quality, hygiene and safety;
- (b) protect it from harmful or contaminating substances, agents or effects; and
- (c) protect its nutritive properties from harmful heat, moisture and other conditions that may cause diminution.

(2) Without prejudice to sub-regulation (1), a person mentioned in that sub-regulation shall package iodized salt in impermeable packaging material to ensure retention of the appropriate iodine level up to the time of consumption.

Labelling.

9. (1) Any person who sells or distributes salt which is not iodized and is mentioned under regulation 3, shall have a label on it with a conspicuous warning —

- (a) that such salt is not iodized or it is salt mentioned under regulation 3 of these Regulations; and
- (b) that it is salt not intended for human or animal consumption.

(2) No person shall sell or in any manner advertise salt which does not bear a label, which in the case of non-iodated salt, the label shall be in terms of sub-regulation (1) and in the case of iodized salt, the label shall state that the salt is iodized.

(3) A person who advertises salt shall advertise that salt in a manner that reflects the truth and accuracy of the contents and properties of that salt and in a manner not likely to mislead the consumer or any other person.

(4) A person who advertises salt shall further state whether the advertised salt conforms to the requirements of these Regulations.

(5) A person who sells iodized salt shall label that salt in a manner as near as possible to the format or style found in the Second Schedule to these Regulations.

Quality Assurance Activities.

10. An importer, wholesaler and a retailer shall, at the point of import, wholesale or retail as the case may be, undertake quality assurance activities to address the following —

- (a) iodine levels; upon receipt to ensure that the salt received is properly labelled and is iodated; and
- (b) storage and display: inspections to ensure that salt is properly stored and displayed and that earlier salt is sold before the later salt to arrive.

Offences and penalties.

11. Any person who contravenes or fails to comply with a provision or requirement of these regulations commits an offence and —

- (a) on a first conviction, is liable to a fine not exceeding E1,000.00 or three months imprisonment;
- (b) on a second conviction on a similar offence, is liable to a fine not exceeding E2,000.00 or six months imprisonment; and
- (c) on a third conviction on a similar offence, is liable to a fine not exceeding E5,000.00 or to imprisonment not exceeding twelve months or to both fine and imprisonment.

FIRST SCHEDULE
[under regulation 5]

1. Particle Size

Ninety-five percent (95%) of the crude salt shall pass a standard millimetre sieve.

2. Constituent Levels

<i>Constituent</i>	<i>Weight %</i>
Sodium Chloride (NaCl)	97.0 min
Magnesium (Mg)	0.5 Max
Water Insolubles	0.2 Max
Moisture	4.0 Max
Iodine - minimum	50ppm at production or import
(using Potassium Iodate (KIO ₃))	40ppm at Retail level
	20ppm at Household level

SECOND SCHEDULE
[Under regulation 9]

Labelling.

IODIZED SALT.	
Country of manufacture:	
Name of Manufacture:	
Month/Year of manufacture:	Lot/Batch No:
Expiration date of salt:	
Iodine compound: Potassium iodate	
Net weight:	
CAUTION STORE IN A COOL AND DRY PLACE	

THIRD SCHEDULE

PROHIBITION NOTICE

[Under regulations 5 and 6]

Reference No

The Ministry of Health and Social Welfare

The Salt Iodization Regulations, 1997

To: Name:

trading as

situated at

in the region of

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being a health inspector in terms of section 2 of the Public Health Act, 1969 and its successor, if any, and in terms of regulation 6 of the Salt Iodization Regulations, 1997 do, this day of 20.....

issue to you this “Prohibition Notice” in terms of regulation 6(5) and you are ordered to comply strictly with regulation 5 and regulation 6 of the Salt Iodization Regulations, 1997 and by this notice, amongst other things, you are ordered to comply strictly with sub-regulations 6(5); (6) and (7), which states —

“(5) A health inspector may order any person (by issuing to that person a prohibition notice, similar or as near as possible to that, found on the Third Schedule), in whose possession or custody salt is found which the health inspector suspects to be not in conformity with the requirements of these Regulations, to keep such salt safely and undisturbed, that is, not to be interfered with until the health inspector, after the results of testing or analysis are known, determines what ought to be done with that salt.

(6) The person who has been given an order under sub-regulation (5) shall comply with such order.

(7) The person mentioned in sub-regulations (5) and (6), (and not the health inspector) shall remain responsible for the safe custody of the salt and shall not interfere with the state of the salt in respect of —

(a) its iodine content or non-content; and

(b) its quantity,

and that person shall not dispose of that salt until the health inspector or court so authorises that person so to do.”

THIRD SCHEDULE —*continued*

Signature of Health Inspector:

Date:

Address (Work):

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Telephone No.:

Fax:
