# FOOD AND DRUGS ACT

## CHAPTER 30:01



**Act**
**8 of 1960**
Amended by
39 of 1968
156/1972
*31 of 1980
16 of 1986
12 of 1987
6 of 1993
16 of 1998
6 of 2005

(**See* Note on Validation at page 2)

**Current Authorised Pages**

| *Pages (inclusive)* | | *Authorised by L.R.O.* |
|---|---|---|
| *1–2* | .. | |
| *3–16* | .. | |
| *17–20* | .. | |
| *21–98* | .. | |
| *99–224* | .. | |
| *225–245* | .. | |

*L.R.O.*

## Index of Subsidiary Legislation

| | *Page* |
|---|---|
| Food and Drugs Regulations (GN 130/1964) … … … … | 25 |
| Official Method Notification (GN 54/1972) … … … … | 124 |
| *Approval of New Drugs Notification … … … … … … | 129 |
| †Withdrawal of Approval of New Drugs Notification (GN 51/1969) … … | 200 |
| Fish and Fishery Products Regulations (LN 220/1998)… … … … | 201 |

†This Notification (i.e. 51/1969) has been amended by LNs 99 and 114/1984 which have been omitted.

### *Note on Approval of New Drugs Notification

The list of new drugs set out in the Schedule to this Notification has been consolidated as at 31st December 1977. This list is so voluminous and changes to it so frequent that, especially in view of its very limited use by the general public, it is not practicable to update it annually. The references to the amendments to this list since 31st December 1977 are contained in the Current Consolidated Index of Acts and Subsidiary Legislation.

### †Note on Withdrawal of Approval of New Drugs Notification

For references to the Withdrawal of Approval of New Drugs Notifications subsequent to the year 1969 — *See* the current Consolidated Index of Acts and Subsidiary Legislation.

### Note on Omissions

*A*. Food and Drugs (Angostura Aromatic Bitters) (Exemption) Regulations, 1970 (LN 199/1970).

*B*. Food and Drugs (Analysis and Inspection Services) Regulations, 1993 (LN 73/1993).

### Note on Validation

The Act of this Chapter was re-enacted with retrospective effect and all acts done under it validated by Act 31 of 1980.

### Note on Adaptation

Under paragraph 6 of the Second Schedule to the Law Revision Act (Ch. 3:03) the Commission amended certain references to public officers in this Chapter. The Minister's approval of the amendments was signified by LN 120/1980, but no marginal reference is made to this Notice where any such amendment is made in the text.

**CHAPTER 30:01**

# FOOD AND DRUGS ACT

ARRANGEMENT OF SECTIONS

**SECTION**

1. Short title.
2. Interpretation.

**GENERAL**

3. Power of Minister to order the furnishing of particulars relating to composition, use and effects of substances used in food and drugs.
4. Prohibition against advertising cures for certain diseases, etc.

**FOOD**

5. Prohibition against sale of harmful, unfit, adulterated or unsanitary food.
6. Prohibition against various forms of misleading with regard to foods.
7. Maintenance of food standards.
8. Prohibition against unsanitary conditions as regards to foods.
8A. Offences created by sections 5 to 8.

**DRUGS**

9. Prohibition against unsanitary or adulterated drugs.
10. Prohibition against various forms of misleading with regard to drugs.
11. Maintenance of drug standards.
12. Prohibition against unsanitary conditions as regards drugs.
13. Restriction of distribution of drug samples.

**COSMETICS**

14. Prohibition against sale of harmful or unsanitary cosmetics.
15. Maintenance of standards for cosmetics.
16. Prohibition against unsanitary conditions as regards cosmetics.

**DEVICES**

17. Prohibition against the sale of injurious devices.
18. Prohibition against various forms of misleading with respect to devices.
19. Maintenance of standard for devices.

*L.R.O.*

ARRANGEMENT OF SECTIONS—*Continued*

**SECTION**

**ADMINISTRATION AND ENFORCEMENT**

20. Appointment of analysts and inspectors.
21. Power of inspectors to enter, examine, take samples, make copies of documents, demand information and seize articles.
22. Power of inspector with regard to importations and exportations.
23. Forfeiture.
24. Analysis.
25. Regulations.
26. Drug Advisory Committee and Food Advisory Committee.
27. Offences by corporations.
28. Jurisdiction.
29. Defences.
30. Evidence and sufficiency of proof.
31. Presumptions.
32. Declaration by manufacturer and certificate in respect of imported foods, drugs, cosmetics or devices.
33. Penalties.
34. Time limit on prosecutions.

**FIRST SCHEDULE.**
**SECOND SCHEDULE.**
**THIRD SCHEDULE.**

**CHAPTER 30:01**

# FOOD AND DRUGS ACT

## An Act respecting Food and Drugs.

8 of 1960.

[1ST JANUARY 1965]

Commencement. 108/1964.

**1.** This Act may be cited as the Food and Drugs Act.

Short title.

**2.** In this Act—

Interpretation. [16 of 1998].

"advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

"analyst" means any person appointed as such under section 20;

"cosmetic" includes any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, and includes deodorants and perfumes;

"device" means any instrument, apparatus or contrivance, including components, parts and accessories thereof, manufactured, sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal;

"drug" includes any substance or mixture of substances manufactured, sold or represented for use in—

*(a)* the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal; or

*(b)* restoring, correcting or modifying organic functions in man or animal;

"exporter" in relation to any article to be exported, includes any person who, whether as owner, consignor, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

"food" includes any article manufactured, sold or represented for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food for any purpose whatever;

"importer" in relation to an imported article, includes any person

who, whether as owner, consignee, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

"inspector" means any person appointed as such under section 20;

"label" includes any legend, word or mark attached to, included in, belonging to or accompanying any food, drug, cosmetic, device or package;

"manufacturer" means a person who, under his own name or under a trade, design, or word mark, trade name or other name, word or mark controlled by him, sells a food or a drug to the general public or to a wholesaler, jobber, or other distributor for resale to the general public; and includes a firm, partnership or corporation;

"package" includes anything in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed;

"prescribed" means prescribed by Regulations made under this Act;

"preparation" in relation to food, includes manufacture and any form of treatment; and "preparation for sale" includes packaging; and "prepare" and "prepared for sale" shall be construed accordingly;

"sell" includes offer for sale, expose for sale, have in possession for sale, and distribute;

"unsanitary conditions" means such conditions or circumstances as might contaminate a food, drug or cosmetic with dirt or filth or render the same injurious to health.

## GENERAL

Power of Minister to order the furnishing of particulars relating to composition, use and effects of substances used in food and drugs.

**3.** (1) For the purpose of enabling him to exercise his functions under this Act, the Minister may by Order require every person who at the date of the Order or at any subsequent time, carries on a business which includes the production, importation, or use of substances of any class specified in the Order to furnish to the Minister, within such time as may be so specified, such particulars as may be so specified, of the composition and use of any such substances which in the course of that business are used, or sold for use, in the preparation of food, drugs or cosmetics.

(2) Without prejudice to the generality of subsection (1), an Order made thereunder may require the following particulars to be furnished in respect of any substance:

*(a)* particulars of the composition and chemical formula of the substance;

*(b)* particulars of the manner in which the substance is used or proposed to be used in the preparation of food, drug or cosmetic;

*(c)* particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects health;

*(d)* particulars of any investigations of inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

(3) Any person who, without the previous consent in writing of the person carrying on the business in question, discloses particulars furnished in accordance with an Order under this section, or information relating to any individual business obtained by means of such particulars, except—

*(a)* in accordance with directions of the Minister, so far as may be necessary for the purposes of this Act; or

*(b)* for the purposes of any proceedings for an offence under this Act or of any report of such proceedings,

is guilty of an offence.

Prohibition against advertising cures for certain diseases, etc.

**4.** (1) Except as prescribed or exempted by Regulations, any person who advertises any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in the First Schedule, is guilty of an offence.

First Schedule.

(2) Except as prescribed or exempted by Regulations, any person who sells any food, drug, cosmetic or device—

*(a)* that is represented by label; or

*(b)* that he advertises to the general public,

as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states mentioned in the First Schedule, is guilty of an offence.

First Schedule.

## FOOD

Prohibition against sale of harmful, unfit, adulterated or unsanitary food.

**5.** Any person who sells an article of food which—

*(a)* has in or upon it any poisonous or harmful substance;

*(b)* is unfit for human consumption;

*(c)* consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;

*(d)* is adulterated; or

*(e)* was manufactured, prepared, preserved, packaged or stored under unsanitary conditions,

is guilty of an offence.

Prohibition against various forms of misleading with regard to foods.

**6.** (1) Any person who labels, packages, treats, processes, sells or advertises any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety is guilty of an offence.

(2) An article of food that is not labelled or packaged as required by the Regulations, or is labelled or packaged contrary to the Regulations shall be deemed to be labelled or packaged contrary to subsection (1).

Maintenance of food standards.

**7.** Where a standard has been prescribed for a food, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for the food, is, unless the article complies with the prescribed standard, guilty of an offence.

Prohibition against unsanitary conditions as regards to foods.

**8.** Any person who manufactures, prepares, preserves, packages or stores for sale any food under unsanitary conditions is guilty of an offence.

**8A.** The offences created by sections 5 to 8 shall apply to food processed or prepared or to be processed or prepared for export. Offences created by sections 5 to 8. [16 of 1998].

## DRUGS

**9.** Any person who sells any drug which— Prohibition against unsanitary or adulterated drugs.

*(a)* was manufactured, prepared, preserved, packed or stored under unsanitary conditions; or

*(b)* is adulterated,

is guilty of an offence.

**10.** (1) Any person who labels, packages, treats, processes, sells or advertises any drug in a manner that is false, misleading, or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety, is guilty of an offence. Prohibition against various forms of misleading with regard to drugs.

(2) A drug that is not labelled or packaged as required by the Regulations, or is labelled or packaged contrary to the Regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

**11.** (1) Where a standard has been prescribed for a drug, any person who labels, packages, sells or advertises any substance in such a manner that it is likely to be mistaken for the drug, is, unless the substance complies with the prescribed standard, guilty of an offence. Maintenance of drug standards.

(2) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in the Second Schedule, any person who labels, packages, sells or advertises any substance in such a manner that it is likely to be mistaken for the drug, is, unless the substance complies with the standard, guilty of an offence. Second Schedule.

(3) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in the Second Schedule, any person who sells the drug is, unless— Second Schedule.

*(a)* it is in accordance with the professed standard under which it is sold; and

*(b)* it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or is contained in any publication mentioned in the Second Schedule,

Second Schedule.

guilty of an offence.

Prohibition against unsanitary conditions as regards drugs.

**12.** Any person who manufactures, prepares, preserves, packages or stores for sale any drug under unsanitary conditions is guilty of an offence.

Restriction of distribution of drug samples.

**13.** (1) Any person who distributes or causes to be distributed any drug as a sample is guilty of an offence.

(2) Subsection (1) shall not apply to the distribution of samples of drugs by mail or otherwise to physicians, dentists or veterinary surgeons or to the distribution of drugs other than those mentioned in the Third Schedule to registered pharmacists for individual redistribution to adults only or by a distributor in compliance with individual requests.

Third Schedule.

## COSMETICS

Prohibition against sale of harmful or unsanitary cosmetics.

**14.** Any person who sells any cosmetic which—

*(a)* has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used—

(i) according to the directions on the label or accompanying the cosmetic; or

(ii) for such purposes and by such methods of use as are customary or usual therefor;

*(b)* consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or

*(c)* was manufactured, prepared, preserved, packed or stored under unsanitary conditions,

is guilty of an offence.

**15.** Where a standard has been prescribed for a cosmetic, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for the cosmetic, is, unless the article complies with the prescribed standard, guilty of an offence.

Maintenance of standards for cosmetics.

**16.** Any person who manufactures, prepares, preserves, packages or stores for sale any cosmetic under unsanitary conditions is guilty of an offence.

Prohibition against unsanitary conditions as regards cosmetics.

## DEVICES

**17.** Any person who sells any device which, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof, is guilty of an offence.

Prohibition against the sale of injurious devices.

**18.** (1) Any person who labels, packages, treats, processes, sells or advertises any device in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety, is guilty of an offence.

Prohibition against various forms of misleading with respect to devices.

(2) A device that is not labelled or packaged as required by the Regulations, or is labelled or packaged contrary to the Regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

**19.** Where a standard has been prescribed for a device, any person who labels, packages, sells or advertises any article in such a manner that it is likely to be mistaken for the device, is, unless the article complies with the prescribed standard, guilty of an offence.

Maintenance of standard for devices.

## ADMINISTRATION AND ENFORCEMENT

**20.** The Minister may appoint one or more persons to be analysts or inspectors for the purpose of this Act and shall furnish every such person with a certificate of his appointment as such.

Appointment of analysts and inspectors.

**21.** (1) An inspector may at any reasonable time—

*(a)* enter any place where on reasonable grounds he believes any article to which this Act or the Regulations apply is manufactured, prepared,

Power of inspector to enter, examine, take samples, make copies of documents, demand information and seize articles.

preserved, packaged or stored, examine any such article and take samples thereof, and examine anything that he reasonably believes is used or capable of being used for the manufacture, preparation, preservation, package or storing;

*(b)* open and examine any receptacle or package that on reasonable grounds he believes contains any article to which this Act or the Regulations apply;

*(c)* examine any books, documents or other records found in any place mentioned in paragraph *(a)* which on reasonable grounds he believes contain or are likely to contain any information relevant to the enforcement of this Act with respect to any article to which this Act or the Regulations apply and make copies thereof or extracts therefrom; and

*(d)* seize and detain for such time as may be necessary any article by means of or in relation to which he reasonably believes any provision of this Act, or the Regulations has been violated.

(2) For the purposes of subsection (1), the expression "article to which this Act or the Regulations apply" includes—

*(a)* any food, drug, cosmetic or device;

*(b)* anything used for the manufacture, preparation, preservation, packaging or storing thereof; and

*(c)* any labelling or advertising material.

(3) An inspector on entering any place pursuant to subsection (1) shall if so required, produce his certificate of appointment to the person in charge thereof.

(4) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in his power and furnish him with such information as he may reasonably require.

(5) Any person who—

*(a)* fails to comply with subsection (4);

*(b)* obstructs an inspector in the carrying out of his duties under this Act or the Regulations;

*(c)* knowingly makes any false or misleading statement either verbally or in writing to any inspector engaged in carrying out his duties under this Act or the Regulations; or

*(d)* removes, alters or interferes in any way with any article seized under this Act without the authority of an inspector,

is guilty of an offence.

(6) Any article seized under this Act may at the option of an inspector be kept or stored in the building or place where it was seized or may at the direction of an inspector be removed to any other proper place.

Power of inspector with regard to importations and exportations. [16 of 1998].

**22.** (1) Any inspector when authorised thereto by the Minister shall have the right to examine any Customs entries of food, drugs or cosmetics imported into Trinidad and Tobago or any documents relating to the export of food, drugs or cosmetics and to take samples thereof and to submit the samples to an analyst for analysis or examination.

(2) In any case where samples are taken such food, drug or cosmetic shall not be delivered to the importer or exporter until the analyst has reported upon the samples taken.

(3) If it appears from the report of the inspector or the analyst that the sale of the food, drug or cosmetic would be in violation of this Act or the Regulations if sold in Trinidad and Tobago, the food, drug or cosmetic shall not be admitted for use as a food, drug or cosmetic.

Forfeiture.

**23.** (1) An inspector shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act and the Regulations with respect thereto have been complied with.

(2) Where an inspector has seized an article under this Act and the owner thereof or the person in whose possession the article was at the time of seizure consents to the destruction thereof the article shall be thereupon forfeited to the State and may be destroyed or otherwise disposed of as the Minister may direct.

*L.R.O.*

(3) Where a person has been convicted of an offence under this Act or the Regulations, the Court or Magistrate may order that any article by means of or in relation to which the offence was committed or any article or thing of a similar nature belonging to or in the possession of the accused or found with the article, whether or not the article or thing has been proved to be in violation of this Act, or the Regulations, be forfeited, and upon such order being made, the articles and things shall be forfeited to the State and may be disposed of as the Minister may direct.

(4) Without prejudice to the operation of subsection (3), a Magistrate having jurisdiction in the place where any article was seized under this Act may, on the application of an inspector and on such notice to such persons as the Magistrate directs, order that the article and all articles of a similar nature found therewith, whether or not the articles are proved to be in violation of this Act and the Regulations, be forfeited to the State to be disposed of as the Minister may direct, if the Magistrate finds, after making such inquiry as he considers necessary, that the article so seized is one by means of or in relation to which any of the provisions of this Act or the Regulations were violated.

Analysis.

**24.** (1) An inspector may submit any article seized by him or any sample therefrom or any sample taken by him to an analyst for analysis or examination.

(2) Where an analyst has made an analysis or examination he shall issue to the inspector a certificate or report setting forth the results of his examination or analysis.

Regulations. [16 of 1986 12 of 1987 6 of 1993 16 of 1998].

**25.** (1) The Minister may make Regulations for carrying the purposes and provisions of this Act into effect, and, in particular, but not so as to restrict the generality of the foregoing, may make Regulations—

*(a)* declaring that any food or drug or class of food or drugs is adulterated if any prescribed substance or class of substances is present therein or has been added thereto or extracted or omitted therefrom;

*(b)* respecting—

(i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices;

(ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices;

(iii) the sale or the condition of sale of any food, drug, cosmetic or device; and

(iv) the use of any substance as an ingredient in any food, drug, cosmetic or device,

to prevent the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or to prevent injury to the health of the consumer or purchaser;

*(c)* prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;

*(d)* as regards the importation or exportation of foods, drugs, cosmetics and devices in order to ensure compliance with this Act and the Regulations;

*(dd)* providing for the issue of licences for the importation or exportation of food, drugs, cosmetics or devices;

*(e)* as regards the method of preparation, manufacture, preserving, packing, storing and testing of any food, drug, cosmetic or device in the interest of or for the prevention of injury to, the health of the consumer or purchaser;

*(f)* requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as may be prescribed or as the Minister considers necessary for the proper enforcement and administration of this Act and the Regulations;

*(g)* as regards the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposition of articles;

*(h)* exempting any food, drug, cosmetic or device from all or any of the provisions of this Act or the Regulations and prescribing the conditions of the exemption;

*(i)* prescribing forms for the purposes of this Act and the Regulations;

*(j)* providing for the analysis of food, drugs, cosmetics and industrial goods and inspection services at the request of members of the public, and prescribing a tariff of fees to be paid for the analysis and inspection;

*(k)* providing for the making of special Schedules of drugs and for the listing or describing of drugs therein and for the conditions under which the drugs shall be sold including the process or condition of manufacture, the kind and conditions of the premises wherein manufactured, the qualification of technical staff engaged therein, and such other matters as are necessary to ensure that any drug so listed and described will not be unsafe for use;

*(l)* providing for the maintaining of a register of approved new drugs and a tariff of fees to be charged with respect to each application for approval;

*(m)* adding anything to any of the Schedules, in the interest of, or for the prevention of injury to, the health of the consumer or purchaser, or deleting anything therefrom; and

*(n)* prescribing anything authorised or required to be prescribed under this Act.

(2) Regulations made under this section may prescribe in respect of any contravention thereof or failure to comply therewith, liability, on summary conviction for a first offence, to a fine of one thousand, five hundred dollars and imprisonment for three months and for a subsequent offence to a fine of three thousand dollars and imprisonment for six months.

Drug Advisory Committee and Food Advisory Committee. [39 of 1968].

**26.** (1) The Minister may establish in the interest and for the protection of public health—

*(a)* a Drug Advisory Committee to assist and advise him with respect to—

(i) drug standards, schedules of drugs, conditions of sale of drugs; and

(ii) cosmetic standards, labelling of cosmetics, and any other matters connected therewith;

*(b)* a Food Advisory Committee to assist and advise him with respect to food standards, labelling and other matters connected with the manufacture and distribution of food.

(2) The committees mentioned in subsection (1) shall be representative of lay and professional interests and shall comprise such persons as by reason of their knowledge, interest and experience are considered suitable for appointment thereto.

Offences by corporations.

**27.** Where a person committing an offence against this Act is a body corporate, the chairman, president, the officers and every director thereof concerned in the management of the body corporate, is guilty of the same offence unless he proves that the act constituting the offence took place without his knowledge or that he exercised all due diligence to prevent the commission thereof.

Jurisdiction.

**28.** A prosecution for an offence under this Act or the Regulations may be instituted, heard, tried or determined in the place in which the offence was committed or the subject matter of the prosecution arose or in any place in which the accused is apprehended or happens to be.

Defences.

**29.** (1) Subject to subsection (2), in a prosecution for the sale of any article in contravention of this Act or the Regulations, if the accused proves to the satisfaction of the Court or Magistrate that—

*(a)* he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it; and

*(b)* that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act or the Regulations,

the accused shall be acquitted.

(2) Subsection (1) shall not apply in any prosecution unless the accused, on or before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail

himself of the provisions of the said subsection and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

Evidence and sufficiency of proof.

**30.** (1) A certificate of an analyst stating that he has analysed or examined an article or a sample submitted to him by an inspector and stating the result of his examination shall be admissible in evidence in a prosecution for an offence under this Act or the Regulations, and shall be *prima facie* proof of the statements contained in the certificate, subject to the right of the party against whom it is produced to require the attendance of the analyst for the purpose of cross-examination; but no such certificate shall be received in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced, reasonable notice of the intention together with a copy of the certificate.

(2) Proof that a package containing any article to which this Act or the Regulations apply bore a name or address purporting to be the name or address of the person by whom it was manufactured or packaged shall be *prima facie* proof, in a prosecution for an offence under this Act or the Regulations, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

(3) In a prosecution for an offence under this Act or the Regulations it shall be sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not the employee or agent has been prosecuted for the offence; and for the purposes of this subsection, any person selling or ostensibly employed to sell shall be presumed to be employed to sell.

(4) In a prosecution for an offence under this Act or the Regulations a copy of any document or record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to section 21(1)*(c)* shall be receivable in evidence and shall be *prima facie* proof of the contents thereof.

(5) Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that—

*(a)* the food or drug has by Regulation been declared to be adulterated if any prescribed substance has been added thereto; and

*(b)* the person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of the substance shall be on the accused.

Presumptions.

**31.** For the purpose of this Act and the Regulations thereunder—

*(a)* any article commonly used for human consumption shall if sold be presumed, until the contrary is proved, to have been sold for human consumption;

*(b)* any article commonly used for human consumption which is found on premises used for the preparation, storage, or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of these products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

*(c)* any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

Declaration by manufacturer and certificate in respect of imported foods, drugs, cosmetics or devices.

**32.** (1) The Minister may order that the manufacturer of any article of food, drug or cosmetic shall furnish a declaration in prescribed form that the article in question as manufactured by him has been made in accordance with all requirements of this Act and the Regulations, and any person who fails to comply with any such order is guilty of an offence.

(2) Except as provided by the Regulations, no article of food, drug, cosmetic or device shall be imported into Trinidad and Tobago unless the article wholly conforms to the law of the country in which it was manufactured or produced and is accompanied by a certificate in prescribed form and manner that the article does not contravene any known requirement of the law of that country and that its sale therein would not constitute a violation of the law thereof.

Penalties.

**33.** Every person who commits an offence under this Act is liable—

*(a)* on summary conviction for a first offence to a fine of one thousand five hundred dollars and to imprisonment for three months, and for a subsequent offence to a fine of three thousand dollars and imprisonment for six months; and

*(b)* on conviction on indictment to a fine of fifteen thousand dollars and to imprisonment for three years.

Time limit on prosecutions.

**34.** A prosecution under section 33*(a)* may be instituted at any time within twelve months from the time the subject matter of the prosecution arose.

## FIRST SCHEDULE

Section 4.

Alcoholism
Appendicitis
Arteriosclerosis
Blood Poisoning
Bright's Disease
Cancer
Cataract
Diabetes
Diphtheria
Disorders of Menstrual Flow
Disorders of the Prostatic Gland
Dropsy
Epilepsy
Erysipelas
Gallstones, Kidney Stones, Bladder Stones
Gangrene
Glaucoma
Goitre
Heart Diseases
High Blood Pressure
Infantile Paralysis
Lockjaw
Locomotor Ataxia
Obesity
Pleurisy
Pneumonia
Ruptures
Scarlet Fever
Sexual Impotence
Small Pox
Spinal Meningitis
Trachoma
Tuberculosis
Tumours
Typhoid Fever
Ulcers of the Gastro-Intestinal Tract
Venereal Diseases

## SECOND SCHEDULE

Section 11.

| *Name* | *Abbreviation* | |
|---|---|---|
| Pharmacopoeia Internationalis … … | (Ph.I.) | Latest Edition and Addenda |
| The British Pharmacopoeia… … … | (B.P.) | |
| The Pharmacopoeia of the United States of America … … … … | (U.S.P.) | |
| Codex Francais … … … … | (Codex) | |
| The Canadian Formulary … … … | (C.F.) | |
| The British Pharmaceutical Codex … … | (B.P.C.) | |
| The National Formulary … … … | (N.F.) | |

## THIRD SCHEDULE

Section 13.
[130/1964
94/1969
156/1972
12 of 1987
6 of 2005].

### PART I

Amitriptyline and its salts
Appetite suppressant agents (anorectics), excluding amphetamine, its derivatives and their salts, except those specifically exempted by the Director
Bemegride
Bromal and the following derivatives:
Bromal hydrate
Brometone
Bromoform

*L.R.O.*

**THIRD SCHEDULE**—*Continued*

Carbromal and the following derivatives:
- Acetylcarbromal
- Allylisopropylacetylurea
- Bromisoval
- Diethylbromacetamide

Chloral and the following derivatives:
- Butyl chloral hydrate
- Alpha-chloralose
- Choral hydrate (except in preparations for external use containing not more than 1 per cent)
- Chloralformamide
- Chloralimide

Disulfiram
Imipramine and its salts
Iproniazid and its salts
Isocarboxazid and its salts
Metaldehyde
Nialamide and its salts
Paraldehyde
Pemoline and its salts
Phenelzine and its salts
Pheniprazine and its salts
Pipamazine and its salts
Sulphonal and alkyl sulphonals
Sulphonamides and their salts and derivatives.

**PART II**

Adrenocortical hormones and their salts and derivatives
Aminopterin and its salts
4-aminopteroylaspartic acid and its salts
4-aminopteroyl-N-methyglutamic acid and its salts
Aminopyrine and its derivatives and their salts
Anticoagulants
Antihypertensive drugs
Anticonvulsants
Azacyclonol 1
Benactyzine
Busulfan
Captodiame
Chlorambucil and its salts and derivatives
Chlorprothixene and its salts
Cinchophen and its salts

Cyclizine and its salts
Cyclophosphamide
2, 4-dinitrophenol and its salts
Diuretics, excluding caffeine and its salts
Emylcamate
Ephedrine and its salts, optical isomers (except in cough and decongestant preparations) and salts of optical isomers (except in cough and decongestant preparations)
Ergot alkaloids and their salts and derivatives
Hydroxyzine
Isoniazide
Mebanazine and its salts
Mephenoxalone and its salts
6-mercaptopurine
Mustine (or Meclorethamine) and its salts
Neocinchophen and its salts
N-Methylephedrine and its salts, optical isomers (except in cough and decongestant preparations) and salts of optical isomers (except in cough and decongestant preparations)
N-Methylpseudoephedrine and its salts, optical isomers (except in cough and decongestant preparations) and salts of optical isomers (except in cough and decongestant preparations)
Norpseudoephedrine and its salts, optical isomers (except in cough and decongestant preparations) and salts of optical isomers (except in cough and decongestant preparations)
Oral hypoglycaemic drugs for the control of diabetes
Pargyline and its salts
Phenothiazine derivatives, the following and their salts:
- Acepromazine
- Chlorpromazine
- Fluphenazine
- Levomepromazine (or Mepromazine or Methotrimeprazine)
- Perphenazine
- Pecazine (or Mepazine)
- Prochlorperazine
- Promazine
- Thiethylperazine
- Thiopropazate
- Thioproperazine
- Thioridazine
- Trifluoperazine
- Trifluopromazine
- Trimeprazine

Phenylbutazone and its salts

Phenylpropanolamine and its salts, optical isomers and salts of optical isomers
Prothipendyl hydrochloride
Pseudoephedrine and its salts, optical isomers (except in cough and decongestant preparations) and salts of optical isomers (except in cough and decongestant preparations)
Pyrazinamide
Rauwolfia, and the following Rauwolfia alkaloids and their salts and derivatives:
Deserpidine
Raubasine
Rescinnamine
Reserpine
Sex Hormones, natural and synthetic, or their derivatives (except cosmetic preparations for external use and oral contraceptive preparations which have been shown to have no significant side effects)
Sulfinpyrazone and its salts
Tetrabenazine
Thiotepa
Thiouracil and its derivatives
Thyroid
Thyroxin and its salts
Tranylcypromine
Tretamine
1-triiodothyronine
Trimethadione

All drugs containing more than 0.75 per cent by weight of Hexachlorophane [Synonyms:—Hexachlorophene, di—(3, 5, 6—Trichloro—2 Hydroxyphenyl)—Methane].