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CHAPTER 213

MEAT INDUSTRY

Act 5 of 1991
Act 27 of 1992
Act 40 of 2000

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MEAT INDUSTRY

An Act to make provisions for the regulation and control of the meat processing industry and for matters connected therewith.

PART 1 – PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires –

"animal" means any animal of the bovine, ovine, caprine, porcine or equine species, and any domestic poultry;

"authorised officer" means a person appointed under section 10 for the purposes of this Act;

"approved establishment" means an establishment approved by the Minister under the provisions of section 2 of this Act;

"approved slaughterhouse" means any premises approved by the Minister under section 2 of this Act as a slaughterhouse for slaughtering animals, other than domestic poultry, the flesh of which is 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 there; and in respect of which a licence is in force issued under the Business Licence Act [Cap. 249];

"bush-killed" refers to animals, or meat derived from animals, slaughtered or cut-up at any place other than an approved establishment;

"butchery" means any premises, other than premises only serving cooked or prepared meals, approved by the Minister under section 2 of this Act as a butchery serving cooked or prepared meals, where meat or poultry meat is prepared or made available for sale to the public for human consumption and in respect of which a licence is in force issued under the Business Licence Act [Cap. 249];

"cannery" means any premises approved by the Minister under section 2 of this Act as a cannery where meat is cut up, cooked, prepared and hermetically sealed in cans and in respect of which a licence is in force issued under the Business Licence Act [Cap. 249];

"carcass" means the whole body of a slaughtered animal after bleeding, evisceration and removal of the limbs at the carpus and tarsus, removal of the head, tail and udder, and in addition, in the case of bovine animals, sheep, goats and solipeds, after flaying;

"controlled area" means a defined geographical area, premises or type of premises prescribed as such by the Minister;

"cut-up" means cut meat into smaller cuts than half carcasses, cut into three wholesale cuts, or de-bone meat;

"edible offal" in relation to slaughtered animal, includes the brain, the thymus gland, the pancreas gland, the liver, the spleen, the kidney, the heart, the lung and the stomach;

"export cold store" means premises, not forming part of a slaughterhouse or cutting plant, used for the cold storage of meat intended for export for human consumption approved under section 2 of this Act as an export cold store and in respect of which a licence is in force issued under the Business Licence Act [Cap. 249];

"export cutting plant" means premises, approved under section 2 of this Act as export cutting plant, used for the purpose of cutting up meat intended for export for human consumption in respect of which a licence is in force issued under the Business Licence Act [Cap. 249] where such plant does not form part of a slaughterhouse;

"fish" means all species of fish including crustaceans, shellfish and echinoderms;

"fish depot" means premises used or intended to be used as a depot of holding for:

(a) chilled or frozen fish before its delivery to a fish packing house; or

(b) ice and bait before its delivery to a fishing boat;

"fish packing house" means any premises used for the processing, handling, holding or storage of fish for export for human consumption;

"fish product" means any article used or intended for use as human food which, when reduced to a dehydrated state, contains by weight 5 percent or more fish;

"health mark" means a mark made by or under the supervision and responsibility of a veterinary officer;

"meat" means all parts of domestic bovine, porcine, caprine, ovine and equine animals suitable for human consumption but excludes poultry meat;

"meat inspector" means a person appointed as such under section 10 of this Act;

"Minister" means the minister for the time being responsible for animal productions;

"operator" means any person carrying on the business of a slaughterhouse, cutting plant, cold store, butchery, poultry plant or cannery, approved under section 2 of this Act, on his own or in association with others;

"poultry meat" means all parts of domestic poultry animals suitable for human consumption;

"poultry plant" means a place for slaughtering and/or processing domestic poultry for human consumption approved under section 2 of this Act and in respect of which a licence is in force issued under the Business Licence Act [Cap. 249];

"principal veterinary officer" means a qualified veterinarian appointed under section 10;

"region" means a local government region declared pursuant to the Decentralization Act [Cap. 230];

"sell" includes offer or expose for sale or have in possession for sale;

"veterinary authority" means the veterinary service of the government department responsible for animal health;

"veterinary officer" means a qualified veterinarian appointed as such under section 10 of this Act.

PART 2 – APPROVED ESTABLISHMENTS

2. Approval of establishments

(1) The Minister, on application made to him under this section, may approve the premises to which the application relates as –

(a) a "slaughterhouse" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and of any order or regulation made under it pertaining to approved slaughterhouse;

(b) an "export cutting plant" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and of any order or regulation made under it pertaining to export cutting plants;

(c) an "export cold store" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to export cold stores;

(d) a "poultry plant" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to poultry plants;

(e) a "butchery" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to butcheries;

(f) a "cannery" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to canneries.

(g) a "fish depot" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to fish depots;

(h) a "fish packing house" if he is satisfied that the premises and method of operation of those premises comply with the requirements of this Act and any order or regulation made under it pertaining to fish packing houses.

(2) An application for the approval of an establishment under this Act shall be made in writing to the Minister in the prescribed form and shall be accompanied by the prescribed fee.

(3) Before the Minister considers and/or approves an application, he shall notify the principal veterinary officer of each such application and the principal veterinary officer shall direct a veterinary officer to inspect the establishment named in the application and to make a report on that establishment.

(4) Where the principal veterinary officer has been notified under subsection (3) of an application for the approval of an establishment, he may submit written representations relating to that application to the Minister within 21 days after the receipt of such notification and shall send a copy of any representations to the applicant.

(5) Within 21 days after the receipt of a copy of any representations submitted by the principal veterinary officer under subsection (4) the applicant may submit written observations on those representations to the Minister.

(6) In determining whether or not to approve an establishment under subsection(1) the Minister shall have regard to –

(a) the report made on the establishment by the principal veterinary officer or a veterinary officer, as the case may be, under subsection (3); and

(b) any further representations submitted by the applicant under subsection (5).

(7) The Minister shall notify applicant in writing of his decision on each application for the approval of an establishment under this section and of the reasons for any refusal to approve such establishment.

(8) Any approval of an establishment under this Act shall, in the interest of maintaining a sufficient standard of hygiene, be subject to the condition that no alteration shall be made to –

(a) the premises or the equipment in the establishment otherwise than by way of repairs and maintenance, or

(b) the method of operation in that establishment, without the prior agreement in writing of the Minister who shall have regard to any views expressed by the principal veterinary officer.

(9) In approving an establishment under this section, the Minister may stipulate such terms and conditions as to the services to be provided to the public by the establishment as he thinks fit.

(10) Following the approval of an establishment, the Minister shall issue to the principal veterinary officer a unique approval number or code for that establishment to be used by the veterinary authority in health marking and certification thereafter, if so required.

3. Limited number of approved slaughterhouses

(1) Subject to subsection (2), there shall be two slaughterhouses in Vanuatu, one situated on Efate and the other situated on Santo.

(2) The Minister may, with the prior approval of the Council of Ministers, approve additional slaughterhouses in a specified region of Vanuatu if he is satisfied that –

(a) the throughput of the existing approved slaughterhouse in that region of Vanuatu exceeds two thousand tonnes carcass weight per annum in any two consecutive years; or

(b) adequate, reasonably priced and regular approved slaughtering facilities are not available on non-discriminatory terms and conditions for the benefit of livestock producers at all times in that region (other than during temporary closures and normal holiday periods).

4. Responsibilities of approved slaughterhouses

Operators of approved slaughterhouses shall provide to the public on non-discriminatory terms adequate, reasonably priced and regular slaughtering services, and other such services as the Minister may prescribe at all times (other than during temporary closures and normal holiday periods).

5. Establishments to provide assistance

Operators of approved establishments shall furnish the veterinary authority and any authorised officer with any assistance as may be required at any time for the purposes of carrying out the provisions of this Act, any order or regulation made under it.

6. Operator to provide facilities, etc.

Operators of approved establishments shall provide for the use of the veterinary authority and any authorised officer all such accommodation, facilities for inspection, equipment, protective clothing and safety-wear and other reasonable needs for the purposes of carrying out the provisions of this Act or of any order or regulation made under it.

7. Notice

Every operator of any approved establishment shall provide reasonable notice to the veterinary authority of their intention to carry out any procedure which requires the presence of any authorised officer at that establishment.

8. Register

(1) Every operator of any approved establishment shall keep at the establishment a record book in which shall be entered daily the following particulars –

(a) the number, species and sex of the animals entering and leaving the approved establishment;

(b) species of meat and meat products entering and leaving the approved establishments;

(c) origin;

(d) destination;

(e) quantity and weight;

(f) date animals, meat and meat products enter and leave the approved establishment;

(g) such other particulars as may be prescribed in respect of a specific type or class of approved establishment.

(2) The principal veterinary officer shall keep or cause to be kept and maintained a register in respect of each approved establishment and shall enter in that register –

(a) records of animals slaughtered and meat and meat products processed;

(b) their origin and destination;

(c) results of inspection, weighing or grading in respect of animal, meat or meat product,

and such other particulars as the principal veterinary officer shall consider proper or necessary.

(3) Any operator of an approved establishment who, without any lawful excuse fails on any day to make in the record book, referred to in subsection (1), any entry required to be made under this section or knowingly makes a false entry therein, commits an offence against this Act and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a period not exceeding 3 years, or to both such fine and imprisonment.

(4) The record book shall at all times during working hours be open to inspection by any authorised officer.

PART 3 – EXPORT OF MEAT

9. Export of meat

(1) Subject to the provisions of subsection (2) of this section, no meat shall be exported from Vanuatu unless –

(a) it is derived from an approved establishment and prior to export was stored in an export cold store;

(b) it has been inspected by an authorised officer and has been passed by him as free from disease or defect and as suitable for export, and is branded in the prescribed manner;

(c) it has been properly preserved by freezing, chilling, salting, canning, drying, dehydrating, or other approved method;

(d) it is properly packed and is in good order and condition at the time when it is placed on board ship or aircraft for export;

(e) any conditions imposed in respect of the entry of the meat into the country to which it is proposed to export it, or in respect of its sale for human consumption in that country, have, so far as they can be complied with in Vanuatu, been complied with.

(2) Any meat which forms part of a traveller's personal luggage and is intended for their personal use shall be exempted from the provisions of subsection (1) where the quantity of the meat transported does not exceed 10 kilograms per person and that

the meat comes from a butchery supervised by the veterinary authority and approved under section 2 of this Act.

(3) The Minister may by Order exempt any person from the provisions of subsection (1) in respect of any meat being exported to specified countries with whom there exists bilateral agreements between veterinary authorities allowing cutting-up, storage or supply in or from non-approved establishments, subject to the conditions of such agreement.

(4) The Minister may by Order increase or reduce the quantity of meat allowable under subsection (2) to be transported as part of a traveller's personal luggage and may impose such conditions in respect of the transportation of such meat as he considers necessary.

PART 4 – AUTHORISED OFFICERS

10. Appointments

The Minister shall –

(a) appoint a public servant suitably qualified as a veterinarian to be principal veterinary officer for such period as shall be specified in the instrument of appointment;

(b) from time to time, appoint public servants who are suitable qualified veterinarians to be veterinary officers; or

(c) from time to time, appoint public servants who are suitably qualified to be meat or fish inspectors,

for the purposes of this Act.

11. Powers of authorised officers

(1) For the purposes of enforcing this Act or any order or regulation made under it, an authorised officer may –

(a) without any warrant, enter any premises (which phrase shall include non-approved establishments) where animals are being or have been slaughtered, or where meat or fish is being or has been cut up, stored, sold, handled, held or in any way processed;

(b) inspect, examine, sample or perform any kind of test or examination on any fish, fish product, animal, animal product, meat or meat product in any form;

(c) cut, remove, detain, seize, recall, or destroy any fish, fish product, meat or meat product not fit for human consumption;

(d) indelibly or otherwise mark, brand, dye or label any animal, carcass, meat, meat product, fish, fish product or package containing any meat, meat product, fish or fish product;

(e) make or imposed any relevant order, instruction or condition;

(f) interrupt, suspend or prohibit actions or operations wherever animals are being slaughtered or meat or fish is being cut-up, stored, sold or in any way processed.

(2) Any meat or meat product seized which is in the opinion of the authorised officer unfit for human consumption shall be destroyed.

12. Weighing

(1) Any weighing of carcasses at approved slaughterhouses for the purposes of determining a value or calculating any fees or levies shall be performed by a meat inspector.

(2) Unless otherwise specified, carcass weight shall be the weight of the carcass as defined in section 1 of this Act, except for pigs where it shall include the head, measured on completion of all dressing, inspection and trimming procedures but before chilling.

13. Enforcement

The principal veterinary officer is charged with the enforcement of this Act and any order or regulation made thereunder.

14. Report of offences and Attorney General's fiat

(1) The principal veterinary officer or an authorised officer authorised in that behalf by the principal veterinary officer may report offences against this Act or any orders or any regulations made thereunder directly to the Public Prosecutor.

(2) No prosecution for any offence against any of the provisions of this Act or orders or regulations made thereunder shall be commenced without the consent of the Attorney General.

PART 5 – EXEMPTIONS

15. Exemptions

(1) The principal veterinary officer or a veterinary officer authorised in that behalf by the principal veterinary officer may exempt any person from the provisions of sections 16 and 17 of this Act for the purposes of –

(a) facilitating the humane emergency slaughter of casualty animals;

(b) allowing for slaughter of wild or unmanageable animals and the processing and consumption of their products;

(c) allowing for customary or religious slaughter of animals and the processing and consumption of their products at times of community and family ceremonies, feasts and festivities;

(d) allowing for the sale and consumption in controlled areas of bush-killed meat and meat products, at times when approved slaughterhouse or poultry plant facilities are not available in the region;

(e) allowing for the sale and consumption in controlled areas of bush-killed meat and meat products, from species of animals for which no approved slaughterhouse or poultry plant facilities exist in the region.

(2) The principal veterinary officer or a veterinary officer authorised in that behalf by the principal veterinary officer may impose such conditions as he considers necessary in respect of any exemption made.

(3) Any meat or meat products the subject of an exemption referred to in subsection (1) shall not be exported.

PART 6 – OFFENCES

16. Offence to slaughter except under certain conditions

Subject to section 15, no person shall slaughter or caused to be slaughtered any animals in a place, other than an approved slaughterhouse or approved poultry plant, as the case may be, the meat or meat products, poultry meat or poultry meat products of which is intended to be –

(a) exported for human consumption;

(b) sold, supplied, cut-up or stored in any form in a controlled area for human consumption;

(c) canned or commercially processed into any product for human consumption.

17. Sale of meat

(1) No person shall sell, supply meat, cut-up meat or store meat or meat products which is intended –

(a) for export for human consumption;

(b) to be re-sold or cut-up in any form in a controlled area for human consumption; or

(c) to be canned or commercially processed into any product for human consumption,

unless such meat or meat product is derived from animals slaughtered in accordance with the provisions of this Act.

(2) Any person who contravenes or fails to comply with the provisions of this section commits an offence against this Act.

18. Offences against Act

Any person who –

(a) contravenes or fails to comply with any of the provisions of this Act; or

(b) refuses or wilfully omits to carry out any lawful order, instruction or condition made, given or imposed by any authorised officer under the authority of this Act,

commits an offence against this Act and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

19. Offences against orders and regulations

Any person who contravenes or fails to comply with any of the provisions of any orders or regulations made under the provisions of this Act commits an offence against such order or regulations, a the case may be, and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment.

20. Assaulting etc., authorised officers to be an offence

Any person who assaults, obstructs or threatens any authorised officer in the exercise of his functions under this Act or any order or regulation made thereunder commits an offence and shall be liable on conviction to a fine not exceeding VT 1,000,000 or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

21. Compounding of offences

(1) The principal veterinary officer upon consideration of the report sent to him or if he himself establishes the breach, failure, omission or contravention in respect of any

offence referred to in sections 18 and 19, may issue an offender with a compounding notice giving such offender the option of paying a fine on the scale prescribed by the Judicial Committee or appearing before the Court for a trial.

(2) The maximum fine to be levied by way of a compounding notice shall not exceed the maximum fines as shall be prescribed under subsection (1).

PART 7 – MISCELLANEOUS

22. Meat Advisory Board

(1) The Minister may, by order, appoint such persons as he thinks fit to constitute a Meat Advisory Board whose function is to advise the Minister on matters pertaining to the meat industry.

(2) In establishing a Board under subsection (1) the Minister shall, in that order, provide for the chairmanship, tenure and vacation of office by members, quorum, proceedings, meetings of the Board, and determination of the Board.

(3) The Board shall submit to the Minister a report annually on the meat industry in Vanuatu.

23. Delegation of powers of the Minister

(1) The Minister may by writing under his hand, delegate to the principal veterinary officer any of the powers or functions conferred on or assigned to the Minister by this Act. In the exercise of his powers the principal veterinary officer shall be subject to the directions of the Minister.

(2) Subject to any general or special directions given by the Minister, the principal veterinary officer may exercise those powers delegated in the same manner and with the same effect as if they had been directly conferred on the principal veterinary officer by this Act and not by delegation.

(3) The principal veterinary officer purporting to act under any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting within the terms of the delegation.

(4) Any such delegation may at any time be revoked by the Minister, in whole or in part, but that revocation shall not affect in any way anything done under the delegated authority.

(5) No such delegation shall prevent the exercise by the Minister himself of any of the powers and functions conferred on the Minister by this Act.

24. Forfeiture of meat etc., not complying with requirements

Meat or meat products, fish or fish products and poultry meat or poultry meat products failing to complying with the provisions of this Act or of any order or regulation made under it may be seized and forfeited to the state or destroyed or otherwise disposed of by, or by order of, an authorised officer together with any other meat or meat products, fish or fish products and poultry meat or poultry meat products stored with them.

25. Costs of seizure and destruction

All costs and expenses of, and attendant upon, any inspection, examination, testing, seizure, treatment, detention, destruction, trimming, disposal or other dealings therewith of any animal, animal product, meat or meat product, poultry meat or poultry meat product, fish or fish product ordered or required under the provisions of this Act shall be borne by the operator of the approved establishment or agent thereof and shall be recoverable by him as a debt due to the state.

26. Compensation not payable

No compensation shall be payable in respect of –

(a) the slaughter, death, loss of production or earnings or devaluation of any animals, or the destruction, condemnation, deterioration or devaluation of any animal product, meat or meat product, poultry meat or poultry meat product, fish or fish product consequent to any detention, examination, test, treatment, suspension of operations or other action taken or ordered under the provisions of this Act or of any order or regulation made thereunder;

(b) trespass or damage to any property or premises caused by an authorised officer in carrying out his duties and obligations or in exercising his powers under this Act or of any order or regulation made thereunder; provided that at all times due care was taken.

27. Suspension and revocation of approval

(1) The Minister may suspend or revoke his approval of any approved establishment if, after an inspection of, or an inquiry into, the method of operation of the approved establishment and a report by an authorised officer and, in the case of revocation of approval, after consultation with the operator, he is satisfied in respect of that establishment that the requirements of this Act or of any order or regulation made under it are no longer complied with, or have not been complied with and no action has been taken to ensure that a similar breach does not occur in future, or that the conditions attached to the approval of that establishment in accordance with subsection (8) or subsection (9) of section 2 have not been observed.

(2) The Minister shall forthwith notify the operator of his decision under subsection (1) to suspend or revoke his approval of the approved establishment, of the date on which the suspension or revocation is to take effect and of the reasons for such suspension or revocation.

(3) Any notification under subsection (2) shall be given in writing in the case of any revocation of approval and may be given orally or in writing in the case of any suspension of approval, and where any such notification is given orally it shall be confirmed in writing.

(4) Where the Minister has suspended approval of an approved establishment, that establishment shall be treated throughout the period of suspension as if approval had not been granted under this Act.

(5) Where the suspension of approval of an approved establishment under this Act is not expressed to end on a specified date it may, if the Minister thinks fit, be ended by notice given by him to the operator.

28. Regulations by Minister

The Minister may make regulations not inconsistent with this Act –

(a) prescribing general conditions for the approval of establishments;

(b) prescribing special conditions for the approval of fish packing houses, slaughterhouses, export cutting plants and export cold stores and poultry plants, either together or separately;

(c) prescribing conditions for the construction and operation of approved establishments, either together or separately;

(d) prescribing minimum standards of hygiene of staff, premises and equipment;

(e) providing for compulsory ante- and post-mortem health inspection;

(f) prescribing minimum standards for slaughter and cutting hygiene;

(g) prescribing requirements for fish intended for processing and packing or meat and poultry meat intended for cutting;

(h) providing for health control of packed fish and stored fish, cut meat and stored meat, cut poultry meat and stored poultry meat;

(i) providing for health marking;

(j) prescribing conditions for the wrapping and packaging of fresh fish, meat and poultry meat;

(k) providing for the issue of health certificates;

(l) prescribing conditions for the storage, transport and export of fish, meat and poultry meat;

(m) prescribing conditions for the marking, storage, sale and supply of fish, meat and poultry meat in controlled areas not for human consumption;

(n) prescribing minimum levels of service to be provided to the public by approved establishments;

(o) prescribing maximum fees to be charged for services provided to the public by approved establishments;

(p) prescribing fees payable for inspections, examinations and other services rendered and certificates issued and the persons by whom the fees are payable;

(q) declaring any part of Vanuatu, or any premises, or any type of premises to be a controlled area for the purposes of this Act or any order or regulation made under it;

(r) regulating, controlling or banning the slaughter, cutting up, storage or sale of specified animals, types of animal, animal products, meat or meat products, poultry meat or poultry meat products, fish or fish products considered to be infected with any disease, treated or exposed to any specified or unspecified drug, chemical, substance or ionizing radiation, or containing or considered to contain any residue of harmful substance;

(s) prescribing forms to be used for the purposes of this Act;

(t) prescribing recognized codes of practice to be adopted and for their provisions to be generally or partially applicable in Vanuatu;

(u) providing for the introduction and operation of grading schemes;

(v) prescribing all matters which are necessary or required to be prescribed for the carrying out or giving effect to this Act.

29. Repeal

(1) The following legislations are repealed -

(a) Meat Supply Act [Cap. 51];

(b) Abattoirs Act [Cap. 99];

(c) Butcheries Act [Cap. 100].

(2) Notwithstanding the repeal of the legislations referred to in subsection (1) (repealed Acts):

(a) any certificate or licence issued or written consent granted under or in accordance with the repealed Acts as is in force on the date of operation of this Act in so far as the condition of such certificate, licence or written consent is not inconsistent with the provisions of this Act shall remain valid for a period of one year from the date of commencement of this Act;

(b) any regulation or order made under the repealed Acts as is in force on the date of operation of this Act in so far as such regulation or order is not inconsistent with the provisions of this Act, shall be deemed to be a regulation or order made under this Act and may be amended by regulations or orders made under this Act.

Table of Amendments

1	*Amended by Acts 27 of 1992, 40 of 2000*
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10(c)	*Amended by Act 40 of 2000*
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12 heading & (1)	*Amended by Act 27 of 1992*
24	*Amended by Act 40 of 2000*
25	*Amended by Act 40 of 2000*
26(a)	*Amended by Act 40 of 2000*
28(b), (g), (h), (j), (l), (m),(r)	*Amended by Act 40 of 2000*