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New Zealand

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report 2018

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Report Highlights:

New Zealand has strict biosecurity rules for the import of plant and animal products as well as food and beverages. This report outlines the import requirements for these products.

DISCLAIMER: This report has been prepared by the USDA, Foreign Agricultural Service in Wellington, New Zealand for U.S. exporters of domestic food and agricultural products. New Zealand's quarantine regulations are constantly changing and the *information provided is for illustration purposes only*. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation or because clear and consistent information about these policies was not available. It is *essential* that U.S. exporters verify the full set of import requirements with their New Zealand importer, who is normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO NEW ZEALAND'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

Section I. General Food Laws:

The Ministry of Primary Industries (MPI) is the key organization that regulates food imported into New Zealand. The MPI has the lead role in biosecurity protection; in preventing unwanted pests and diseases from being imported and controlling, managing or eradicating pests should they arrive. The Food Standards Australia New Zealand (FSANZ) agreement is responsible for setting food standards that govern the content and labeling of foods sold in both New Zealand and Australia. The standards also cover food composition, contaminants, and microbiological limits. Under New Zealand's strict biosecurity rules, unprocessed products cannot be imported into New Zealand unless an Import Health Standard (IHS) has been developed. Import health standards specify the biosecurity requirements that are met for trade to occur. Information on Import Health Standards for specific products can be found at <http://mpi.govt.nz/importing/overview/import-health-standards/>.

In March 2015, the New Zealand government approved the [Food Act 2014](#), which came into force on March 1, 2016 and replaced the Food Act 1981. The legislation focuses on food production processes instead of the premises where food is made. A central feature of the new Act is a sliding scale under which businesses that are higher risk from a food safety point of view have to operate under more stringent food safety requirements than lower-risk food businesses.

The [Food Act 2014](#) introduced some fundamental changes to New Zealand's domestic food regulatory regime. These aim to provide an efficient, effective, and risk-based food regulatory regime to manage food safety and suitability issues, improve business certainty, and minimize compliance costs for business. There is a three-year transition period starting from March 1, 2016. The Act introduced the following food safety measures:

- Food control plans (FCPs) for higher-risk activities.
- National programs for lower-risk activities.

Information on the Act can be found at: <http://www.foodsafety.govt.nz/policy-law/food-act-2014/>.

Other important legislation and international agreements with New Zealand include:

- The Joint Food Standards Treaty, which committed the Australian and New Zealand Governments to a joint food standards system;
- The Agricultural Compounds and Veterinary Medicines Act 1997;
- Animal Products Act 1999 and Animal Products Amendment Act 2002;
- Wine Act 2003;
- The Trans-Tasman Mutual Recognition Arrangement - This allows products made or imported into New Zealand that meet New Zealand's legal requirements, to also be sold in Australia and vice versa (some products are currently exempted from the agreement, including each country's high-risk food list);
- The Sanitary and Phytosanitary Agreement and World Trade Organization Agreements; and

- Codex Alimentarius - the international body for setting food standards.

New Zealand often plays a leadership role in international standard setting bodies, such as the Codex Alimentarius Commission and the World Organization for Animal Health (OIE).

Australia New Zealand Joint Food Standards Code

Australia and New Zealand signed an agreement in 1995 that resulted in the formation of a joint food regulation agency, Food Standards Australia New Zealand (FSANZ) and the development of the Australia New Zealand Food Standards Code (otherwise known as [the Code](#)). The Code was adopted in New Zealand in February 2001 and took full effect in December 2002.

The Food Standards Australia New Zealand revised the Code from March 1, 2016. Information on Food Standards Code can be found at: <http://www.foodstandards.govt.nz/code/Pages/Food-Standards-Code-from-1-March-2016.aspx>.

Revised changes were only made to chapters one and two, which included the following clarifications:

- Clarifying language on the Code's requirements, including a clearer explanation of who has to comply with these changes;
- Provisions relating to food additives, processing aids, and nutritive substances;
- Revised language related to food composition requirements clarifying when a requirement is either legally required for the sale of a product or is a prerequisite for permission; for example to add a food additive to a product.

The Code that is administered by FSANZ has requirements relating to food composition, including foods that require pre-market assessment, such as novel foods, irradiated foods and foods produced using genetic modification. There are four chapters: (1) general food standards; (2) commodity standards; (3) food safety standards (Australia only); and (4) primary production and processing standards (Australia only). The chapters on general food standards and commodity standards are applicable only to New Zealand. In New Zealand, the standards in the Code are enforced by the Ministry for Primary Industries.

A number of areas are outside the scope of the joint food standards system and are covered under the [New Zealand Food Standards](#). These include:

- Maximum residue limits of agricultural compounds in food;
- Food hygiene and food safety provisions (including high risk imported foods);
- Export requirements relating to third country trade; and
- Supplemented food.

Key Organizations in New Zealand

New Zealand organizations that play key roles in regulating the food supply include the Ministry for Primary Industries (MPI) and Food Standards Australia New Zealand (FSANZ).

Ministry for Primary Industries (MPI)

In 2011, the New Zealand Food Safety Authority (NZFSA) and Biosecurity New Zealand (BNZ) merged with the Ministry of Agriculture and Forestry (MAF). In April 2012, the Ministry of Fisheries was then merged with an expanded MAF to create the Ministry for Primary Industries (MPI).

MPI has overall responsibility for food safety in New Zealand. Its primary responsibilities are to protect public health and to facilitate access to markets for food and food-related exports. Market access is a significant responsibility as New Zealand exports around 80 percent of the food it produces, accounting for over half of the country's export earnings.

The Ministry for Primary Industries administers the following legislation:

- Food Act 2014;
- The Animal Products Act 1999;
- The Agricultural Compounds and Veterinary Medicines Act 1997; and
- The Wine Act 2003.

New Zealand's Domestic Food Review commenced in 2003 and aimed to update and streamline New Zealand's decades-old regulatory program. Among other things, it was intended to address inequities in the way the food industry is regulated across the country and to clarify the roles of the regulators.

In concert with the Domestic Food Review, MPI implemented the outcomes of the Imported Food Review, which was completed in 2004. The Imported Food Review covered all imported foods and beverages, agricultural compounds (including fertilizers and animal feeds), veterinary medicines and pet foods. Under this review, New Zealand moved away from a system that relied on inspection and testing as the primary way of ensuring food safety to a risk based system. It now includes assessments and control recognition that are in place overseas, which ensure imported foods meet or are equivalent to New Zealand domestic food standards.

The new scheme categorizes food according to risk and places greater emphasis on importers to take steps to ensure food safety. The objective is to place more responsibility for managing food safety on importers to source food from countries that produce and export food that meets the New Zealand standard or equivalent. This system formally recognizes the role that the competent authority in exporting countries can be the 'risk manager' for the importing country. This initiative resulted in the [Food Act 2014](#) which is similar to the U.S. Food Safety Modernization Act.

In April 2009, two importing standards were established. One provided importers with a clear indication that MPI expected them to ensure that food imports are safe and suitable for human consumption. The other standard requires importers to provide details to MPI, such as their

company-trading name, and physical address and a contact person's name and address. Under the regime, importers must keep records that demonstrate that the imported products comply with all applicable New Zealand legislation. Evidence is also required to show the food products have been produced, transported, and stored safely, and that records of sellers and suppliers is correct, before food products can be imported into in New Zealand.

In 2018 the Labor-led government formed New Zealand Food Safety, a new division within MPI. The division is responsible for overseeing the food safety system and protecting consumers.

Food Standards Australia New Zealand (FSANZ)

[Food Standards Australia New Zealand \(FSANZ\)](#) is a statutory authority operating under the (Australian Commonwealth) [Food Standards Australia New Zealand Act 1991](#). FSANZ was established in 2002 and its primary objectives are: protection of public health and safety; providing adequate information to consumers to make informed choices; and preventing misleading or deceptive conduct. FSANZ is also responsible for setting food standards that govern the content and labeling of foods sold in both New Zealand and Australia. The standards also cover food composition, contaminants, and microbiological limits.

FSANZ administers [the Code](#) and it contains requirements relating to food composition, including foods requiring premarket assessment such as novel foods, irradiated foods and foods produced using genetic modification. It is broken down into four chapters: general food standards; commodity standards; food safety standards (Australia only); and primary production and processing standards (Australia only). Only the chapters on general food standards and commodity standards are applicable to New Zealand. In New Zealand, [the Code](#) is enforced by the Ministry for Primary Industries (MPI).

The Biosecurity Process in New Zealand

New Zealand has strict biosecurity rules. Goods that have the potential to harbor organisms, organic material or other things that may cause unwanted harm to natural and physical resources or human health cannot be imported into New Zealand unless an import health standard (IHS) has been developed.

Import Health Standards are developed by the Ministry of Primary Industries and are put in place to manage the biosecurity risks of imports. Requests for the development of new import health standards can be submitted to MPI at any time, although MPI prefers requests to be submitted via official channels. In the case of the United States, FSIS and AHIS are the regulatory agencies that can advocate to MPI for new standards.

In September 2012, amendments were made to the Biosecurity Act under the "The Biosecurity Law Reform Bill 2012." The amendments are relevant across the whole of the biosecurity system, and are the most significant change to the Biosecurity Act since 1997.

Key amendments included:

- Improving powers to gather information and use it for risk profiling so as to ensure that

- resources are allocated according to the level of risk;
- Adding a new duty that requires importers to ensure that their goods comply with the applicable import rules;
 - Improving the compliance and enforcement options for dealing with non-compliance at the border and post-border;
 - Improving the tools for dealing with the biosecurity risks that are presented by craft;
 - Adding a new part to the Biosecurity Act to provide the legal framework for Government-Industry Agreement for readiness and response (GIA);
 - Adding new provisions relating to the Farms Online database to support incursion responses; and
 - Adding new provisions that allow the Biosecurity Act to be used to manage biosecurity risks in the Exclusive Economic Zone.

The Biosecurity Law Reform Bill 2012 also amended provisions around import health standard review. Previously, the section 22A independent review provision was available for any submitter to trigger where, in their view, MPI had not given adequate consideration of the relevant science.

Under section 24 of the amended Act, those consulted during the development of an import health standard can request a review to determine whether MPI gave sufficient regard to significant scientific concerns raised during the consultation process. If this happens, the Director-General must ensure a process is in place to establish an independent review panel to address the issue.

Requests must be made in writing to the Director-General and must: (a) identify the part of the person's submission that explains the person's significant concern with the chief technical officer's consideration of the scientific evidence; (b) explain why the person considers that there has been insufficient regard to the scientific evidence; and, (c) include any additional scientific information related to the concern that was not provided to the chief technical officer during consultation.

Section II. Food Additive Regulations:

Food Standards Australia New Zealand (FSANZ) is responsible for the development and modification of food standards in the [Food Standards Code](#). The section of the code that governs food additives, [Standard 1.3.1](#) has been in force for several years. It was developed on the basis of food additive provisions from the former Australia Food Standards Code and the former New Zealand Food Regulations, 1984. The Code addresses additives in two ways. Some additives have specific permissions and levels allowed in food; others are permitted at levels determined by GMP (Good Manufacturing Practice). Information regarding permitted use of food additives is listed in [Schedule 8](#), of [Standard 1.3.1](#) of [the Code](#). A list of miscellaneous additives permitted in accordance with GMP in processed foods is listed in [Schedule 8](#) of [Standard 1.3.1](#).

A food additive may be used only where permitted by Standard 1.3.1 and only where it performs a technological function. These functions are listed in [Schedule 5](#) of the standard. The following criteria are guiding principles that FSANZ uses in assessing whether a food additive is listed in Standard 1.3.1 and is therefore permitted for use in foods. These specify that:

- The food additive poses no unacceptable risk to health when used in amounts up to the

- specified permitted limits;
- There is a demonstrable need for the substance and it fulfils a technological function that benefits consumers; and
- It is used in any food only up to the level that achieves the technological function, even if higher levels might pose no threat to health.

Food additives must be used in accordance with Good Manufacturing Practice (GMP). Manufacturers are responsible for justifying the use of additives, and the level of additive used. The Codex Alimentarius Commissions Procedural Manual sets out the following relevant criteria for use in assessing compliance with GMP:

- The quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
- The quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and
- The additive is prepared and handled in the same way as a food ingredient.

For the purposes of ingredient labeling, food additives are treated the same as other ingredients in a food. [Schedule 7](#) of the Code lists class names for additives based on their technical function. [Schedule 8](#) of the Code lists all permitted additives by their prescribed name and code number. An additive must be declared in the ingredient list in its correct place by using its appropriate class name (from Schedule 7) followed by the additive's specific name or code number (from Schedule 8). One exception to this rule is that enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

[List of New Zealand food additives](#)
[Maximum permitted levels of additives in food](#)

Maximum Permitted Levels for Food Additives

The Food Standards Code also sets maximum permitted levels (MPLs) for some additives, like benzoates, sorbates and sulphites, which are used as preservatives. The MPL is the maximum amount of an additive legally allowed in a food product – or in the product when it is prepared according to packaged food directions. While a MPL is the maximum level that may be used, the actual amount used must be the lowest possible level needed to get the desired effect in a particular food product. [Schedule 15](#) of the Code lists which substances can be added to foods and their corresponding MPLs.

Special attention should be given for additives that are genetically engineered. For more information on these declarations see the [genetically modified food labeling](#) section of the FSANZ website.

Section III. Pesticides and Other Contaminants:

Contaminants and Natural Toxicants

FSANZ sets standards for the maximum levels (MLs) of specified metal and non-metal contaminants and natural toxicants in nominated foods. Information on Contaminants and Natural Toxicants can be seen in [Standard 1.4.1](#) of the Code.

Pesticide Residues and Chemical Contaminants

The upper limit of agricultural and veterinary chemical residue allowed in a food is known as the Maximum Residue Limit (MRL). FSANZ sets MRLs for Australia only and these are specified in the Code. MPI has responsibility for setting and enforcing MRLs in New Zealand. All imported and domestically-produced food sold in New Zealand (except for food imported from Australia) must comply with the New Zealand [Food Notice on MRLs for Agricultural Compounds](#) issued under Food Act 2014. Under MRL Standards, agricultural compound residues in food must:

- Comply with the specific MRLs listed in the Food Notice on MRLs including the ‘default’ MRL of 0.1 milligram/kilogram (mg/kg) where no specific MRL is listed; (note that updates to this standard were made in 2010), or
- If the food is imported in New Zealand, it must comply with [Codex MRLs](#).

Under the Trans-Tasman Mutual Recognition Arrangement (TTMRA), food imported from Australia into New Zealand needs to comply with the Australia New Zealand Food Standards Code and Food Notice on MRLs for Agricultural Compounds.

In New Zealand, the Ministry of Primary Industries maintains a database to provide exporters with information on pesticide MRLs established by New Zealand major trading partners.

Section IV. Packaging and Container Regulations:

Food Packaging Materials

Under the New Zealand Food Act 2014, packaging material must not cause food to be unsafe or tainted. In addition, specific requirements in the Code, which relate to contaminants, must also be met (Standard 1.4.3 Articles and Materials in Contact with Food). It is the responsibility of food manufacturers and sellers to ensure their products are safe and that they comply with legislation. In practice, packaging suppliers need to ensure their products are suitable for their intended use. Compliance with recognized international food standards such as those of the European Union (EU) or the United States Food and Drug Administration would be reasonable evidence that materials are suitable for food use.

Members of the Australia Food and Grocery Council and the New Zealand Food and Grocery Council members are voluntarily phasing out Bisphenol A (BPA), which is a chemical used in the plastics industry in baby bottles and in food containers. As per a FSANZ report, BPA exposure in New Zealand and Australia is well below the internationally established safe levels and poses no significant human health risk. However, FSANZ will continue to liaise with the industry to provide alternative packaging materials, such as stainless steel, glass or BPA-free plastics and be

consistent with approaches taken by regulatory agencies in other countries, including the U.S. Food and Drug Administration.

Wood Packaging Materials Used for Shipping Products to New Zealand

Under the Biosecurity Act (1993) importers must comply with an IHS that outlines phytosanitary requirements for wood packaging material to be given biosecurity clearance into New Zealand. The IHS for [Wood Packaging Material](#) has been developed under the requirements of the Biosecurity Act (1993) and New Zealand's obligations under the International Plant Protection Convention (1997).

Imported wood packaging material must be:

- Free of regulated pests;
- Free of extraneous material (e.g. leaves, soil);
- Bark-free in accordance with IHS for wood packaging material, section 4.3.2;
- Treated in accordance with IHS for wood packaging material, section 3.2;
- Certified in accordance with IHS of wood packaging material section 3.3.

Wood packaging that is treated and certified as per ‘‘International Standard for Phytosanitary Measures (ISPM) 15 standard’’ would be compliant with the New Zealand standard.

Import Health Standard for Sea Containers

The IHS for sea containers covers only shipping containers and does not include the contents which can be categorized as either ‘‘high or low risk’’ goods. All containers imported into New Zealand must comply with the requirements outlined in this IHS, which can be found at: [IHS for Sea Containers](#).

Containers arriving in New Zealand with:

- High risk goods containing any risk material (i.e. plant or animal products, used vehicles, machinery etc.), should refer to the appropriate Import Health Standard at: <http://mpi.govt.nz/importing/overview/import-health-standards/>
- Low risk goods may be released and the container may be given approval to move to Approved Transitional Facility (ATF), as long as the requirements meet the import health standard.

All containers imported into New Zealand must be clean and free of pests and biosecurity contamination. Inspections or checks to verify this must be carried out by legally approved person (e.g., MPI Biosecurity inspectors or an accredited company).

All containers arriving in New Zealand are required to send following information to MPI Biosecurity at least 12 hours prior to container arrival:

- Importer details;

- Exporter details;
- Container number;
- Container type;
- Country of origin;
- Port of loading;
- New Zealand port of discharge;
- New Zealand transitional facility destination;
- Quarantine declaration; and
- Complete and accurate description of the cargo or tariff code, including all packaging.

This information will be assessed by MPI Biosecurity to determine the regulatory interest of a container and subsequent actions to be taken. Containers with incomplete information will be deemed of high regulatory interest.

Every imported container must be delivered to a Biosecurity Approved Transitional Facility (ATF) within New Zealand and be inspected by a MPI Inspector or a trained Accredited Person (AP). All containers must have a Quarantine Declaration (a document signed by a manager of the packing or exporter facility) that declares: that a container was inspected internally and externally; was found to be free of contaminants; the type of packing materials and wood packaging used; and information pertaining to the container and ship number). Failure to provide a quarantine declaration will result in extra biosecurity checks and costs.

Only ISPM15 (an international packaging standard) compliant packaging is allowed entry into New Zealand and any non-compliant packaging (i.e. timber) will be required to be treated either overseas to New Zealand standards with approved methods; or inspected and treated in New Zealand (Fumigation with methyl bromide gas) prior to release of the container by the New Zealand Biosecurity Officer. If treated overseas, the original fumigation certificate must be produced prior to release.

In addition to the above, some containers that are deemed to be ‘‘high risk’’ must be subjected to either:

- Six-sided external inspection on the port area by an inspector within 48 hours of discharge; or
- Fumigated with methyl bromide or heat treated; or
- Be accompanied by an official phytosanitary certificate attesting to the container’s freedom from specific contamination; or
- Inspection under Biosecurity supervision at an Approved Transitional Facility.

To expedite clearance, additional certification of containers such as free from restricted packaging and free of contamination of either the external or internal surfaces of the container or both are options. In certain circumstances, certification may cover multiple arrivals of containers for periods of up to one year.

Import Health Standard for Air Freight Containers

Air freight containers used for the import of food products into New Zealand must meet a minimum standard of cleanliness. All parts of the container including the internal and external sides must be free of contamination. Every container must also be free of any of the following:

- Animals, insects or other invertebrates (any life cycle stage), egg casings or rafts, or any organic material of animal origin (including blood, bones, fiber, meat, secretions, excretions);
- Plants or plant products (including fruit, seeds, leaves, twigs, roots, bark, saw dust, or other organic material); or
- Soil or water.

For additional information, see the MPI import health standard: [Air Freight Containers from all countries](#); (MPI Regulatory Authority MPI-AIRCON-ALL).

V. Labeling Requirements:

Food sold in New Zealand must be labeled in accordance with the Australia New Zealand Food Standards Code (otherwise known as the Code). The Code is available online at the FSANZ website: <http://www.foodstandards.govt.nz/code/Pages/default.aspx>

Food Labeling Requirements

Most food for sale in New Zealand must be clearly labeled in English (other languages can be used in addition to English, as long as they do not contradict the information). Specific health and safety information about some food products must be given to consumers even when a complete label is not required (for example the presence of caffeine or allergenic substances). Additional labeling statements may be required under the individual food product standards specified in the Code. See [Standard 1.2.2](#) and [Standard 1.2.10](#) of the Food Standards Code for specific details.

Labels must include the following information:

- **The name of the food:** Food products must be accurately named and/or described on the label. If a name is specified for the food in the Food Standards Code then this name must be used.
- **Lot identification:** This is information that clearly indicates the premises where the food was packaged and/or prepared and the batch from which it came, to assist should there be a food recall. A date mark and supplier's address may be sufficient.
- **Name and address:** The supplier's name and business (street) address in New Zealand or Australia (Note: "Supplier" includes packer, manufacturer, vendor or importer of the food).
- **Mandatory warning statements, advisory statements and declarations for certain ingredients/substances:** Some products must have special advisory and warning statements about the food or ingredients/substances in a food (for example, food containing unpasteurized egg must advise/state that the product contains unpasteurized egg and foods containing royal jelly must include a specific *warning* statement). This information must be available even where a complete label is not required. Warning statements must appear

on labels on 3mm type (1.5mm for small packages).

- **Mandatory declaration of certain ingredients/substances:** The presence of common food allergens and food/ingredients that commonly cause food intolerances (e.g. peanuts, gluten) must be declared on food labels or where a complete label is not required, the information must be available to the consumer.
- **Ingredient list:** All ingredients must be listed by their common name, a description or, where specified in the Food Standards Code, the generic names in descending order of incoming weight. Ingredients are any substances used in the preparation, manufacture and handling of a food and include food additives, compound ingredients (any ingredient that is itself made up of two or more ingredients), and added water.
- **Food additives:** The class name of the additive (where specified in the Food Standards Code) followed by the additive's specific name or code number must be declared. Where the additive is a vitamin or mineral the class name 'vitamin' or 'mineral' may be used.
- **Date marking:** Most packaged foods with a shelf life of less than two years must have one of the following date marks:
 - **"Use By"** dates, which relate to food safety. Foods with a 'Use By' date should not be consumed after the date indicated for health and safety reasons. Food cannot be sold beyond their 'Use By' date.
 - **"Best Before"** dates, which relate to quality. Foods should be consumed by their 'Best Before' date to ensure quality. Foods can be sold beyond their 'Best Before' date provided it is still fit for consumption.
 - **"Baked On" and "Baked For"** dates can be used for breads with a shelf life of less than 7 days.
- **Directions for use and storage:** Storage instructions must be provided where necessary to ensure that the food will keep for the period indicated by the date mark and/or where the consumer should be aware of any storage and use requirements necessary to ensure food safety.
- **Percentage labeling:** The percentage of the characterizing ingredients, and/or components of most food products must be indicated on the label.
- **Net content** is required under the Weights and Measures Regulations 1999.

Nutrition Labeling Requirement

The nutritional information panel (NIP) must be set out specifically as shown below and is required on most packaged food products. Where average quantities or minimum/maximum quantities are given this must be indicated in the NIP.

Example of a blank nutrition information panel

NUTRITION INFORMATION		
Servings per package: (insert number of servings)		
Serving size: g (or mL or other units as appropriate)		
	Quantity per Serving	Quantity per 100g (or 100mL)
Energy	kJ (Cal)	kJ (Cal)
Protein	g	g
Fat, total	g	g
- saturated	g	g
Carbohydrate	g	g
sugars	g	g
Sodium	mg (mmol)	mg (mmol)
(insert any other nutrient or biologically active substance to be declared)	g, mg, µg (or other units as appropriate)	g, mg, µg (or other units as appropriate)

Labeling Requirements for Food Produced Using Gene Technology

Genetically engineered ingredients and foods can only be sold in New Zealand if they have been assessed for safety and approved by FSANZ. New Zealand and Australia have one of the most comprehensive labeling regimes for genetically engineered (GE) foods in the world. Wherever a GE ingredient, additive or processing aid is present in the final food, the food must be labeled. A typical ingredient list for a food containing a GE ingredient is as follows:

Ingredients: wheat flour, water added, yeast, soya flour (genetically modified), vegetable oil, sugar, emulsifiers (471, 472E), preservative (282), enzyme amylase.

Where ingredients derived from GE plants - such as sugars, oils and some GE additives and processing aids - have been refined to the extent that there is no residual genetic material or protein of the source plant in the final product, and the product does not have altered characteristics, special labeling is not required. Another exemption to the labeling requirements in processed foods are GE flavors, which are allowed to be present up to a level of one part in a thousand in the final food without being identified as GE. Foods prepared from GE ingredients, additives and processing aids, but sold unlabeled at the point of sale for immediate consumption, for example, restaurants, hotels and take-outs are also exempt from labeling requirements.

MPI is responsible for the enforcement of GE food labeling standards in New Zealand. For additional information, review [Standard 1.5.2](#). This standard regulates the sale of genetically engineered foods in Australia and New Zealand and was incorporated into the [Food Standards Code](#), which was revised on March 1, 2016.

Nutrition content claims and health food claims

A new food standard to regulate nutrition content claims and health claims on food labels and in advertisements became law in January 2013. Food businesses must comply with this standard

([Standard 1.2.7](#)), which was revised on March 1, 2016.

Nutrition content claims and health claims are voluntary statements made by food businesses on labels and in advertising about a food.

Nutrition content claims are claims about the content of certain nutrients or substances in a food, such as ‘low in fat’ or ‘good source of calcium.’ These claims will need to meet certain criteria set out in the Standard. For example, with a ‘good source of calcium’ claim, the food will need to contain more than the amount of calcium specified in the Standard.

Health claims refer to a relationship between a food and health rather than a statement of content. There are two types of health claims:

- **General level health claims** refer to a nutrient or substance in a food and its effect on a health function. They must not refer to a serious disease or to a biomarker of a serious disease. For example: **calcium is good for bones and teeth.**
- **High level health claims** refer to a nutrient or substance in a food and its relationship to a serious disease or to a biomarker of a serious disease. For example: **Diets high in calcium may reduce the risk of osteoporosis in people 65 years and over.** An example of a biomarker health claim is: **Phytosterols may reduce blood cholesterol.**

Other specific requirements

Food businesses wanting to make **general level health claims** will be able to base their claims on one of the more than 200 pre-approved food-health relationships in the Standard or self-substantiate a food-health relationship in accordance with detailed requirements set out in the Standard.

High level health claims must be based on a food-health relationship pre-approved by FSANZ. There are currently thirteen pre-approved food-health relationships for high level health claims listed in the Standard.

All health claims are required to be supported by scientific evidence to the same degree of certainty, whether they are pre-approved by FSANZ or self-substantiated by food businesses. Food-health relationships derived from health claims approved in the European Union, Canada and the United States have been considered for inclusion in the Standard.

Health claims will only be permitted on foods that meet the nutrient profiling scoring criterion (NPSC). For example, health claims will not be allowed on foods high in saturated fat, sugar or salt.

Endorsements that are nutrition content claims or health claims will be permitted provided the endorsing body meets requirements set out in the Standard.

Standard 1.2.7 – Nutrition, Health and Related Claims will:

- Reduce the risk of misleading and deceptive claims about food;
- Expand the range of permitted health claims;
- Encourage industry to innovate, giving consumers a wider range of healthy food choices; and
- Provide clarity for the jurisdictions enforcing the Standard.

[Meeting requirements for labelling and composition](#)

[Health Star Rating](#)

[Regulations for health claims for high value foods](#)

[A guide to food labelling for businesses](#)

Section VI. Other Specific Standards:

Organic Foods

There are two major organic certifying agencies in New Zealand for the certification of locally produced organic products, BioGro and AsureQuality New Zealand. Both agencies are accredited by International Federation of Organic Agriculture Movements (IFOAM).

In New Zealand, there is no official standard set for organic food products. Products certified by the National Organics Program (NOP) in the United States can be exported to New Zealand and sold as organic. Further information on importing organic products can be found here: <http://www.mpi.govt.nz/importing/food/organics/index.htm> There are no mandatory labeling requirements for organic products imported into New Zealand, although the use of the term 'organic' is controlled through the Fair Trading Act 1986.

There are mandatory labeling requirements for products that are intended to be further processed in New Zealand and re-exported.

The MPI Technical Rules under Section 12 (Imported Product and/or Ingredient) details the requirements for organic products/ingredients imported into New Zealand for further processing and re-exported (refer to Technical Rules for Organic Production at: <http://www.foodsafety.govt.nz/elibrary/industry/nzfsa-standard-registration-documents/technical-rules.pdf>).

Section VII. Facility and Product Registration:

Registration

To import food for sale in New Zealand, businesses or individuals must register as a food importer with MPI or use an agent who is registered. To register as a food importer, individuals or companies must be a New Zealand resident as defined in sections YD1 (for persons) or YD2 (for companies) of the Income Tax Act 2007. For more information on registration go to <https://www.mpi.govt.nz/importing/overview/food-imports/>. To find a copy of the registration process and cost please click [here](#). You can also contact clientcodes@customs.govt.nz to begin the

registration process.

Inspection Requirements

Foods covered by emergency or prescribed food standards are targeted for inspection using customs tariff codes. From September 1, 2009, Central Clearing House (CCH), part of MPI, is now responsible for processing applications for all high-risk foods imported into New Zealand as referred from New Zealand Customs. Prior to CCH, Auckland Central Clearing House (ACCH) used to handle high-risk foods imported into New Zealand. CCH is also the initial contact point for information to importers and customs brokers. More information on CCH and other food importation can be found at: [Importing food into New Zealand](#). Some products require pre-shipment testing often from a biosecurity perspective for fresh produce which, can be consumed directly by consumers with no more processing. Please check the “Importing food into New Zealand” website shown above and the specific product IHS.

Specific Documentation and Certification Requirements

Please refer to the New Zealand Food and Agricultural Imports Regulations Standard (FAIRS) Export Certificate Report for specific import certification requirement for products entering New Zealand. The New Zealand FAIRS Export Certificate Reports can be found at: <http://gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx>; choose the custom date required; then the category - Exporter Assistance/Food and Agricultural Imports Regulations Standard Export Certificate Report; country – New Zealand; and post – Wellington.

Transitional and Containment Facilities

All sea containers arriving in New Zealand are sent to a transitional facility and unpacked there. Some higher risk imports – especially plants, animals, and related products – can be quarantined or held in a transitional or containment facility.

Transitional facilities hold, inspect, treat, identify, or destroy and dispose of un-cleared risk goods imported into New Zealand. They operate under a standard that details the minimum requirements for approval and monitoring transitional facilities functions.

Types of goods that need to go to transitional facilities include:

- agricultural chemicals and veterinary medicines;
- animals and animal products;
- biologicals;
- food products;
- plants and plant products;
- other organisms;
- used machinery or vehicles; and
- wood and wood products.

An IHS of a specific product details complete import requirements including transitional and containment facilities. More information regarding transitional facilities and other facilities can be seen at: <https://www.mpi.govt.nz/importing/border-clearance/transitional-and-containment->

[facilities/](#).

Treatments by approved operators

MPI has the responsibility to ensure any treatments applied to imported “risk” goods offer the best practicable level of control. MPI approves and oversees treatments and the treatment providers in order to ensure that only competent organizations and individuals are involved with the delivery of official treatment activities.

- **Post-entry Quarantine Facilities**
For plants and plant products that could have pests and unwanted organisms, New Zealand has post-entry quarantine (PEQ) facilities. Plants are held in PEQ facilities until they are assessed and a biosecurity clearance is granted.
- **Containment Facilities**
New Zealand also has containment facilities (i.e. laboratories for microorganisms testing) that are approved for holding organisms considered high risk.

Product Registrations

Importer Registration

A food importer is required to register with the Joint Border Management System in New Zealand. Only a New Zealand based individual or a company can register for importation of food products. The registration of a person or a company is deemed a registered importer under Section 438 of the Act, and this registration is valid for a year.

U.S. exporters must work very closely with their New Zealand importer to make sure that *all* conditions are met *before* shipping any product. Failure to do so may result in delays for the product entering the country .

For more information on food imports in New Zealand [click here](#).

Prohibited Products

The exporter must visit the prohibited products website to ensure his/her product is not prohibited for the latest food rejection report. Exporters bear the burden of shipping back the prohibited product or pay for its destruction.

To look up the Import Health Standard relating to your products please [click here](#).

SECTION VIII: OTHER CERTIFICATION AND TESTING REQUIRMENT

Foods covered by emergency or prescribed food standards are targeted for inspection using customs tariff codes. Central Clearing House (CCH), which is part of MPI, is responsible for

processing applications for all high-risk foods imported into New Zealand as referred from New Zealand Customs. Prior to CCH, Auckland Central Clearing House (ACCH) used to handle high-risk foods imported into New Zealand. CCH is also the initial contact point for information to importers and customs brokers. More information on CCH and other food importation can be found at: [Importing food into New Zealand](#).

Product Samples

Trade or product samples will be subject to the same requirements as imported food for sale unless there is sufficient evidence that the samples will not be consumed.

Section IX. Import Procedures:

All imported foods must comply with all aspects of the Food Act and Food Standards Code at the point of entry into New Zealand. The Ministry of Agriculture performs random inspections on any food imported. High-risk foods are targeted for inspection at a higher frequency.

All foods imported into New Zealand must be cleared by Customs, whether they are imported by air, sea or mail. While imports of low value will generally be released by Customs for delivery direct to consignees, importers are responsible for obtaining a formal Customs clearance for consignments of foods above set value limited (currently NZ\$ 1,000). New Zealand Customs import entry clearances or Electronic Cargo Information (ECI) can be lodged electronically via internet and by filling in Customs Online Declarations. More information regarding New Zealand customs can be found at: [New Zealand Customs requirements](#).

The minimum documentation required to be submitted with customs import entries include an airway bill or bill of lading, invoices and any other papers (including packing lists, insurance documents, import permits, phytosanitary documents).

New Zealand Food Importing Process

All food imported into New Zealand must be cleared by New Zealand Customs and MPI Biosecurity officers. The import process include the following:

- New Zealand importers are required to complete an import entry in the Customs Trade Single Window or via a customs broker; then,
- Once New Zealand Customs and MPI Biosecurity confirm that the food meets customs and biosecurity requirements, most foods are free to enter New Zealand. However, when the food requires food safety clearance importer need to do the following:
 - Send consignment information to the MPI Central Clearing House;
 - Food products are inspected, sampled and tested by MPI;
 - Food Safety clearance is given either for further sampling or testing and/or released; and
 - Once consignment is released, importer must ensure the imported food is stored and labeled properly.

To look up the Import Health Standard relating to your products please [click here](#).

Product Samples

Trade/product samples will be subject to the same requirements as imported food for sale unless there is sufficient evidence that the samples will not be consumed.

More information regarding the food import process can be found on the MPI website at: [Importing food into New Zealand](#).

SECTION X. COPYRIGHT AND/OR TRADEMARK LAWS:

Patents

The Patents Act of 2013 established the Intellectual Property Office of New Zealand for the purpose of communications to and from the public on matters arising under the Act; the power to appoint a Maori Advisory Committee; appointment of the Commissioner and Assistant Commissioners of patents; and the regulation-making powers of the Act.

The Act strengthens the criteria for granting a patent to ensure that patents are granted for genuine innovations that are a “manner of manufacture” and are novel, non-obvious and useful. The aim of the Act is to inhibit the grant of overly broad patents. As a net importer of technology, New Zealand faces increased costs and difficulty in implementing or adapting technologies covered by overly broad patents. The establishment of the Maori Advisory Committee will advise the Commissioner of Patents to address Māori concerns relating to the granting of patents for inventions derived from indigenous plants and animals or from Māori traditional knowledge.

Exclusions provided under the legislation include software, plant varieties, human beings and biological processes for their generation, inventions of methods for diagnosis practiced on human beings and for the treatment of human beings by surgery or therapy.

Trademarks

Protection is provided to registered trademarks through the Trademarks Act 2002. The registration of trademarks is not essential. Owners of trademarks may rely on common law rights to protect their trademarks. Although the owners of registered trademarks are statutorily defined, registration is often desirable. Unlike other forms of intellectual property, such as patents and designs, trademark registrations can be renewed indefinitely, thereby providing owners with the exclusive right to use their trade marks in perpetuity. Information on the Trade Marks Act is available at: [Trademarks Act 2002](#)

As a member of the World Trade Organization, New Zealand is a party to the Agreement on

Trade-Related Aspects of Intellectual Property Rights 1994 (the TRIPS agreement).

All of the obligations relating to trade marks imposed under the TRIPS agreement have been incorporated into the Act. These obligations include those in Article 15(1) of the TRIPS agreement, which states that ‘signs, in particular words including names, letters, numerals, figurative elements and combinations of colors as well as combinations of such signs, shall be eligible for registration as trademarks.’

Copyright

Copyright Act 1994 governs copyright law in New Zealand. These rights allow copyright owners to control certain activities relating to the use and dissemination of copyright works. New Zealand is party to various international agreements, including:

- The Agreement on the Trade-Related Aspects of Intellectual Property Rights (the [TRIPS Agreement](#)) (Annex 1C to the Agreement Establishing the [World Trade Organization](#) (WTO) 1994);
- The [Berne Convention for the Protection of Literary and Artistic Works 1928](#) (Rome Act revision); and
- The [Universal Copyright Convention 1952](#)

For a “work” or type of material to qualify for copyright protection, four conditions must generally be satisfied:

- It must fall within one of the categories or subject matter in which copyright can exist;
- It must be sufficiently “original;”
- The author must be a “qualified person;” and
- Certain works must be fixed either in writing or some other material form.

Copyright protection applies only for a limited period (mostly lasting 15-50 years). Once copyright expires, it falls into the public domain and can be freely used.

On February 23, 2010, New Zealand introduced the Copyright (Infringing File Sharing) Amendment, repealing Section 92A of the Copyright Act. The Act puts in place a three-notice regime intended to deter illegal file sharing. The amendment came into force in July 2011. The first notices under this amendment were issued in November 2011, pertaining primarily to illegal downloads of music files.

Appendix I. Government Regulatory Agency Contacts:

Ministry for Primary Industries (MPI)
P.O. Box 2526
Wellington
New Zealand
Phone: (+64)-4-894-0100

Fax: (+64)-4-894-0720
Web: www.mpi.govt.nz

Food Standards Australia New Zealand
P.O. Box 10559
Wellington 6143
New Zealand
Phone: (+64)-4-978-5630
Fax: (+64)-4-473 9855
Email: info@foodstandards.govt.nz
Web: www.foodstandards.govt.nz

Environmental Protection Authority
Private Bag 63002
Wellington 6140
New Zealand
Phone: (+64)-4-916 2426
Fax: (+64)-4-914 0433
Email: info@epa.govt.nz
Web:— www.epa.govt.nz

New Zealand Customs Service
(Wellington, Corporate Office)
P.O. Box 2218
Wellington, New Zealand
Phone: (+64)-4-473 6099
Fax: (+64)-4-473 7370
Email: feedback@customs.govt.nz
Web: www.customs.govt.nz

Ministry of Consumer Affairs
P.O. Box 1473
Wellington, New Zealand
Phone: (+64)-4-474 2750
Fax: (+64)-4-473 9400
Email: mcainfo@mca.govt.nz
Web: www.consumeraffairs.govt.nz

New Zealand Commerce Commission
P.O. Box 2351
Wellington
New Zealand
Phone: (+64)-4-924 3600
Fax: (+64)-4-924 3700
Email: contact@comcom.govt.nz
Web: www.comcom.govt.nz

Intellectual Property Office of New Zealand
P.O. Box 30 687
Lower Hutt
Wellington
New Zealand
Phone: (+64)-4-569 4400
Fax: (+64)-4-569 2298
Web: www.iponz.govt.nz

The Commissioner
Plant Variety Rights Office
P.O. Box 24
Lincoln
New Zealand
Phone: (+64)-3-325 2414
Fax: (+64)-3-325 2946

Ministry of Health
P.O. Box 5013
Wellington
New Zealand
Phone: (+64)-4-496 2000
Fax: (+64)-4-496 2340
Email: moh@moh.govt.nz
Web: www.moh.govt.nz

Central Clearing House
Ministry for Primary Industries
Level 1, 96 New North Road, Eden Terrace, Auckland
P.O. Box 3540, Eden Terrace, Auckland
Phone: (+64) 9 909 6210 or (+64) 9 909 6211
Fax: (+64) 9 909 6208
Email: imported.food@mpi.govt.nz

Department of Conservation
P.O. Box 10420
Wellington, New Zealand
Phone: (+64)-4-471 0726
Fax: (+64)-4-471 1082
Web: www.doc.govt.nz

Auckland Regional Public Health Service
Cornwall Complex, Floor 2
Building 15, Greenlane Clinical Centre
Private Bag 92605

Symonds Street
Auckland 1150
Tel: +64-9-623-4600
Email: arphs@adhb.govt.nz

SPS and TBT Contacts

Coordinator, SPS New Zealand
Ministry for Primary Industries
P.O. Box 2526
Wellington
New Zealand
Phone: (+64)-4-474 4226
Fax: (+64)-4-470 2730

TBT Enquiry Point
Trade Negotiations Division
Ministry of Foreign Affairs and Trade
Private Bag 18 901
Wellington
New Zealand
Phone: (+64)-4-439 8000
Fax: (+64)-4-472 9596
Email: tnd@mft.govt.nz
Web: www.mfat.govt.nz

Appendix II. Other Import Specialist Contacts:

Foreign Agricultural Service, U.S. Department of Agriculture
U.S. Embassy
P.O. Box 1190
Thorndon, Wellington
New Zealand
Phone: (+64)-4-462 6030
Fax: (+64)-4-462 6016

Email: AgWellington@fas.usda.gov
Web: <https://nz.usembassy.gov>

American Chamber of Commerce
P.O. Box 106 002
Auckland, New Zealand
Phone: (+64)-9-309 9140
Fax: (+64)-9-309 1090
Email: amcham@amcham.co.nz
Web: <http://www.amcham.co.nz/>

New Zealand Grocery Marketers Association
P.O. Box 1925
Wellington, New Zealand
Phone: (+64)-4-473 9223
Fax: (+64)-4-496 6550
Contact: <http://www.fgc.org.nz/Contact>
Web: www.fgc.org.nz

Intellectual Property Policy Group
Regulatory and Competition Policy Branch
Ministry of Economic Development
33 Bowen Street, P.O. Box 1473
Wellington, New Zealand
Phone: (+64)-4-472-0030
Fax: (+64)-4-473-4638
Email: info@med.govt.nz