



Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2012

Pursuant to section 60 of the Animal Products Act 1999, I, Paul Dansted, Manager Food Assurance issue the following notice for the purposes of facilitating access to overseas markets, and safeguarding assurances provided by New Zealand.

Signed at Wellington this 29th day of October 2012

[signed]

Paul Dansted
Manager Food Assurance
Ministry for Primary Industries
(Acting under delegated authority)

Certified in order for signature

[signed]

Solicitor
Legal Services

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Notice

1 Title

This notice is the Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2012.

2 Commencement

This notice comes into force on 29 October 2012.

Part 1 Preliminary Provisions

3 Application

- (1) This notice applies to all animal products intended for export that may be subject to an official assurance.
- (2) This notice applies to all operators within the meaning of the Act, insofar as they handle or export animal products mentioned in subclause (1).
- (3) This notice applies to all manufacturers and suppliers of official devices that will be used in association with the export of animal products.
- (4) This notice applies to recognised agencies carrying out Risk Management Programme or official assurance verification or certification activities for those operators mentioned in subclause (2).
- (5) The requirements for operator seals in this notice only apply to situations where the seals are used to secure consignments packed for export and the seal numbers will appear on an official assurance.

4 Interpretation

- (1) In this notice, unless the context otherwise requires—

Act means the Animal Products Act 1999

animal product has the same meaning as in the Act, but excludes live animals not exported as food and germplasm

approved criteria means additional requirements and guidance material published by NZFSA or MPI that are based on provisions established in an Export Requirement or MPI Specification

brand means a device for the application of the full size official assurance legend directly onto animal products, either by the use of approved ink or by heated metal

branded means the application of the official assurance legend directly onto animal products by using a brand, and **branding** has a corresponding meaning

carton seal means a serially numbered, adhesive official seal used for the purposes of—

- (a) displaying the full size official assurance legend of the operator and New Zealand Coat of Arms on the principal display panel of transportation outers containing animal products; and
- (b) providing tamper evidence to transportation outers that contain animal products

container seal means security seals that are used to secure the doors or other closures of conveyances, cargo containers, ships holds and the like, and are used to support official assurances or transfer documentation. Container seals include official seals and operator seals.

- (a) official seals display the letters MAF, NZFSA or MPI in association with a unique serial number; or they are seals approved in accordance with this notice by the Director General as providing

an equal degree of security as a MAF, NZFSA or MPI container seal, operator seals are not so recognised. Official seals may be used either: to secure consignments packed for export; or to secure transfers of animal products within New Zealand.

- (b) operator seals are only used for securing consignments packed for export. These seals have a unique alpha-numeric serial number and must not bear the letters MAF, NZFSA or MPI.

human food includes dietary supplements

intervention seal means a seal that is alike in every respect to a carton seal except that it does not include the identifier of the operator, but instead contains a statement indicating that the transportation outer to which the seal is attached was opened by an animal products officer or official assurance verifier

MAF means the Ministry of Agriculture and Forestry

MPI means the Ministry for Primary Industries

NZFSA means the New Zealand Food Safety Authority

official assurance legend means a mark of inspection or fitness for purpose approved - for the class of animal product concerned - under this notice, and where required under the Animal Products (Branding and Associated Requirements) Notice 2006. Under previous legislation official assurance legend was known as inspection legend.

official device means a brand, carton seal, intervention seal, reduced size legend, or any other official assurance legend bearing device approved for use by the Director General under this notice; and official container seals or any other security device approved by the Director General, in accordance with this notice, as an official device

officially marked means branded, or the use of cartons seals and / or reduced size legend on the packaging and labelling of animal products, and **official marking** has a corresponding meaning

pet food means all animal products intended to be used for feeding to companion animals (generally this means cats and dogs, but can include other carnivorous or omnivorous animals kept as pets) and includes animal products to be used in the manufacture of pet food. This definition includes nutritional supplements. This definition excludes rendered meals and tallow, unless incorporated into finished or partially processed product

reduced size legend means any image of an official assurance legend, applied to packaging or labelling, that is equal to or less than half the dimensions of the full size legend format. The reduced size legend may or may not include the border that forms part of the full size legend format; its approved presence or absence will determine the degree of control required (see subclause 5(3) and clause 10) and market eligibility.

transportation outer means the outer packaging used to protect product during transport and distribution but which is not normally part of the packaging that is sold or distributed to the consumer

Part 2

Requirements for the Use, Manufacture, Supply and Security of Official Devices and Operator Container Seals

5 General

- (1) Operators, recognised agencies, exporters, suppliers and manufacturers shall document procedures addressing the use, control, manufacture and security of official devices appropriate to their activities and responsibilities. The documented procedures must give the Director General sufficient confidence that the opportunity for the misuse of official devices, or mis-representation of animal products, is minimised.
- (2) Official devices and operator container seals must be ordered, secured, distributed and inventoried to the satisfaction of the Director General.

- (3) The appearance, physical characteristics, written or printed content, and conditions of use of official devices must be approved by the Director General.
- (4) Recognised agencies shall carry out regular performance based verification of operator and exporter use and control of official devices and, when used in an official assurance capacity, operator container seals.
- (5) Except as specified by the Animal Products (Branding and Associated Requirements) Notice 2006, or any subsequent notice that replaces or corresponds to it: official devices must only be used in association with animal products intended for export with an official assurance; unless otherwise authorised by the Director General, in which case the requirements of this notice apply.

6 Identification of Certain Security Devices

Container seals and carton seals shall be individually and serially numbered such that no number is repeated within three years. The numbering format for carton seals and official container seals shall be determined by the Director General and may be either alpha-numeric or numeric only.

7 Products to be Officially Marked

- (1) The official marking of animal products must be carried out in accordance with this notice, the operator's documented procedures, and any specific country requirements issued under section 60 of the Act.
- (2) Animal products to which this notice applies, that are intended for human food and derived from species within the scope of the Animal Products (Branding and Associated Requirements) Notice 2006, or any subsequent notice that replaces or corresponds to it, must be officially marked using the appropriate—as provided by approved conditions of use under subclause 5(3)—one or more of the following methods, at the time of production—
 - (a) applying a brand directly to the surface of the animal product;
 - (b) using the reduced size legend on labelling, or on inner packaging that is directly contacting the animal product;
 - (c) the application of a carton seal on the transportation outer.
- (3) Despite subclause (1) official container seals may be used in-lieu of official marking for animal products transferred in bulk bins or casks for further processing and / or packing prior to export.
- (4) If an official marking method using an official assurance legend bearing device not mentioned in subclause (2) is approved by the Director General, operators may use the device in accordance with the conditions of use established by the Director General at the time of approval.

8 Sealing of Conveyances

- (1) The sealing of conveyances with official container seals must be in accordance with the requirements of this notice, operator documented procedures and any specific country requirement issued under section 60 of the Act.
- (2) All sea freight containers packed for export carrying the following animal products that are intended for human food or pet food must be sealed with an official container seal—
 - (a) the animal products covered by subclause 7(2);
 - (b) meat of avian species not otherwise covered by subclause 7(2);
 - (c) fish products.

9 Manufacturers and Suppliers of Official Devices Must be Approved

- (1) Manufacturers and suppliers of official devices must apply for approval to the Director General.
- (2) The approval of manufacturers of brands is addressed in the Animal Products (Branding and Associated Requirements) Notice 2006.
- (3) Information required by the Director General when assessing an application for approval includes—
 - (a) where the official device(s) will be manufactured

- (b) confirmation that the device(s) meet technical requirements established by the Director General. This may include the submission of samples of the official device made by the applicant
- (c) security and accountability arrangements during manufacture and distribution of official devices.

The information requirements are not necessarily restricted to those listed above, and are applied as deemed necessary by the Director General for the official device concerned.

- (4) Official devices shall only be produced to order.
- (5) When considering granting an approval the Director General may place conditions on the approval with respect to manufacture, identification, security and recordkeeping.
- (6) The Director General may cancel the approval of a manufacturer or supplier without prior notice, if the Director General determines that the conditions of approval are no longer being met by the manufacturer or supplier.
- (7) The Director General may suspend the approval of the manufacturer or supplier without prior notice pending the outcome of any investigation regarding the manufacturer's or supplier's ongoing compliance with the conditions of approval.
- (8) Revocation of approval does not prevent a manufacturer or supplier from re-applying for approval.

10 Manufacturers and Suppliers of Reduced Size Legends Are Exempt

Despite clause 9, manufacturers and suppliers of reduced size legends are exempt from the requirement to be approved by the Director General.

11 Notification of Approved Manufacturers and Suppliers

- (1) Where the Director General determines to approve a manufacturer or supplier, the Director General shall—
 - (a) include the name and details of the approved manufacturer or supplier on the [Register of MPI Devices](#) located on the MPI website; and
 - (b) notify the manufacturer or supplier in writing of their approval.
- (2) The Register of MPI Devices will show the following matters—
 - (a) The name and postal address of the approved manufacturer or supplier;
 - (b) At a minimum the town in which the manufacturer or supplier is located, the full physical address may also be shown;
 - (c) The category or categories of official device for which the manufacturer or supplier is approved.

12 Requirements for Operator Seals Used as Part of the Official Assurance System

- (1) Where the Director General has issued a notice under section 60 or section 167 of the Act permitting operator container seals to be used as part of the official assurance system, operators who use such seals must provide the Director General, MPI or Official Assurance Verifier, as the case may be, with the following manufacturer / supplier details within 24 hours of a request for those details being made—
 - (a) the name;
 - (b) the postal and physical address;
 - (c) the telephone and fax numbers;
 - (d) the e-mail and website details, if they exist; and
 - (e) the name of the accountable individual, their position within the company (e.g. chief executive, owner etc) and their contact details if different from those above.
- (2) Official Assurance Verifiers must assess any change in format of operator seals against—
 - (a) the characteristics of the seal being discontinued from use to ensure there is no unacceptable degradation in seal performance, and;
 - (b) any conditions of use contained in the enabling notice to ensure the new seal format complies.
- (3) The operator must have systems in place to ensure the security, and to control the use of, operator seals. These systems will be subject to verification in accordance with subclause 5(4).

Part 3 Transitional Provisions

13 Carry Over Approvals

- (1) Manufacturers and suppliers that were approved at the commencement date of this notice are deemed to be approved for the purposes of this notice, and the requirements of this notice apply accordingly.
- (2) Official assurance legends, carton seals, reduced size legend bearing materials and official container seals that have been accepted for use on export animal products prior to the commencement date of this notice are deemed to be approved in accordance with the requirements of this notice, and the requirements of this notice apply accordingly.
- (3) Where operator container seals were used as part of the official assurance system for certain animal products prior to the commencement of this notice, such uses continue to be permitted and the requirements of this notice apply accordingly.

14 Exemptions

The Director General may permit operators to use devices that do not comply with any or all parts of this notice, for a limited period of time, for the purpose of phasing in requirements that were not in place, for the devices concerned, prior to the implementation of this notice.

Part 4 General

15 Revocation

This notice revokes the Animal Products (Export Requirements for Branding, Marking and Security Devices) Notice 2006, dated 26 September 2006.

Explanatory Note

This export requirement carries forward the long standing tradition of the use of official assurance legends and the MAF / NZFSA / MPI brand as symbols of assurances that animal products meet the high standards of production New Zealand is internationally recognised for. The notice is written in a way that allows MPI to be responsive to: changes in industry, regulatory and market access needs; and technological innovations.

In regards to reduced sized legend material only: The requirement for manufacturers and suppliers to be approved has been removed. Manual 15 is operational guidance material only, whereas this notice contains the legal requirements that must be met. This notice takes precedence over any requirements in Manual 15.

Where Overseas Market Access Requirements (OMARs) require a higher level of control these take precedence over this notice.

Issued under section 60 of the Animal Products Act 1999.

Date of notification in Gazette:

This notice is administered by the Ministry for Primary Industries.
