

# Analysis of Submissions on the Emergency Food Standard for Imported Frozen Berry Fruits

2 December 2015

## **1 Summary**

The Ministry for Primary Industries commenced targeted consultation on 1 December 2015 on a proposal to issue an emergency food standard to impose certain requirements on imported frozen berry fruits. The consultation was focussed on major businesses that import, pack and sell frozen berry fruits. Certain government departments were also consulted.

MPI received 6 external submissions and 4 internal and inter-departmental submissions. All submissions were reviewed and analysed by the relevant MPI officials. The draft Emergency Food Standard was further reviewed in light of the submissions resulting in some minor changes. The table in the Schedule to this paper summarises the opinions, concerns and queries raised by external submitters. MPI has responded directly to internal and inter-departmental submitters.

## 2 Response to submissions

### Schedule: Proposed Emergency Food Standard for Imported Frozen Berries

Submitter	Submission	MPI Response
Submitter 1	<p>1.2.1 - definition of berry fruits. This list includes "black, white or redcurrants", but doesn't include boysenberries. The MPI CE's "Privileged Statement" includes boysenberries, but doesn't include black,white or redcurrants. This discrepancy could be confusing. Could you please clarify the situation as to boysenberries and currants.</p>	<p>Boysenberries have been included in the definition for avoidance of doubt. However, the food standard can cover items not mentioned in the CE statement. Black, white or red currants can also pose a risk for Hep A so they have been included in the Standard.</p>
	<p>2.2 - This section does not state whether retailers are precluded from putting frozen imported berries on sale, while the sampling and testing procedures are completed. (I.e. does testing need to be completed before frozen imported berries go on sale).</p>	<p>This is not specifically a part of the standard. Guidance will be provided to our Food Act Officers to clarify this.</p>
Submitter 2	<p>In the list of fruits, boysenberry is not listed. Is this an oversight?</p>	<p>Yes it was an oversight. This has been corrected in the Standard.</p>
Submitter 3	<p>Clause 2.2(2)(a) states that: "After the first 5 consignments, imported frozen berry fruits must either be:</p> <p>a) accompanied by an export certificate issued by the competent authority of the exporting country</p> <p>stating that risks associated with the berry fruits have been sufficiently managed; or...."</p> <p>This provision appears excessively broad and potentially meaningless to ask that a competent authority would attest that 'risks unspecified' have been sufficiently managed. A qualifier about 'food safety risks' or 'risks associated with food for human consumption' would provide more meaningful certification.</p>	<p>The provision has been amended to state "food safety risks associated with the berry fruits".</p>

	<p>Clause 3.1 Sampling states that “A Food Act Officer must sample any imported frozen berry fruits”. A note for this clause could helpfully link it to the MPI “<i>Sampling and testing protocol for imported prescribed foods</i>” which sets out information around samples per lot etc.</p> <p>There is no indication of whether the importer receives the results of the testing. This could be added.</p>	<p>A guidance box has been added to:</p> <ul style="list-style-type: none"> <li>• clarify that the existing sampling protocols for imported prescribed foods will apply; and</li> <li>• clarify that test results will be sent to the relevant Food Act Officer, who will then notify the relevant importer.</li> </ul>
Submitter 4	<p>How do you propose to handle multiple variants of retail packed fruit in one container? We often have up to five or six different retail bagged items in a container. Five samples for the whole container or five samples per each variant?</p>	<p>Refer note above regarding <i>Sampling and testing protocol for imported prescribed foods</i>” which sets out information around samples per lot etc.</p>
Submitter 5	<p>No comments</p>	<p>Noted.</p>
Submitter 6	<p>We have reviewed this and have no issues to raise.</p>	<p>Noted.</p>