



Food Notice

Importing Food

17 November 2021

REVOKED

TITLE

Food Notice: Importing Food

COMMENCEMENT

This Food Notice comes into force on 10 December 2021

AMENDMENT

This Food Notice amends Part 1 to Schedule 3 of the Importing Food Notice, issued on 28 February 2020, by inserting the following Part 1 to Schedule 3.

ISSUING AUTHORITY

This Food Notice is issued under section 405 of the Food Act 2014 for the purpose of sections 291 and 387.

Dated at Wellington, 17 November 2021.

[signed]

Paul Dansted
Director Food Regulation
Ministry for Primary Industries
(acting under delegated authority of the Director-General)

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Food Regulation
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Introduction

This introduction is not part of the Food Notice but is intended to indicate its general effect.

Purpose

The purpose of this Notice is to:

- a) specify the form and manner of applications for registration as a food importer pursuant to section 113 of the Food Act 2014 (the Act);
- b) specify the date on which the registration of a deemed importer expires for the purposes of section 438(2) of the Act;
- c) specify which imported foods are of High Regulatory Interest and which are of Increased Regulatory Interest pursuant to regulation 130(2) of the Food Regulations 2015;
- d) specify the requirements that must be met to obtain a clearance for entry into New Zealand under section 109 of the Act;
- e) approve laboratories for testing of imported food under Section 312 of the Act and for the purposes of clearance under section 109 of the Act; and
- f) specify conditions that apply to approved laboratories pursuant to section 109 of the Act.

Background

The purpose of the Act is to achieve the safety and suitability of food for sale, maintain and improve confidence in New Zealand's food safety regime and provide for risk-based measures that minimise and manage risks to public health.

To provide visibility and control over parties importing food into New Zealand, the Act provides that importers of food must be registered and requires that the manner be specified by Notice.

Duties of an importer are detailed both in the Act and in the Food Regulations 2015 (the Regulations).

The Regulations set out the following two categories of imported food that may require written clearance for entry into New Zealand:

- a) High Regulatory Interest Food; and
- b) Increased Regulatory Interest Food.

Food that is not specified in a Notice as being in one of the above categories does not require clearance under the Act. Categorising food in this manner allows a targeted approach to monitoring imported food based on risk.

The Regulations set out a requirement that when imported food is required to be tested, the testing must be completed by a laboratory approved for that purpose.

Who should read this Food Notice?

The persons who should read this Notice are:

- a) any person who wants to import food into New Zealand; and
- b) laboratories approved for the testing of imported food.

Why is this important?

Not meeting the requirements of Parts 2 and 3 of this Notice may result in:

- a) failure to obtain entry of the food into New Zealand;
- b) re-exportation or destruction of the product at the importer's cost; or
- c) suspension of an importer's registration.

Failure of laboratories to comply with the conditions of approval given in Part 4.2 of this Notice may result in suspension or withdrawal of the approval.

Operating other than in accordance with this Notice may be an offence under section 233 of the Food Act 2014.

Document History

Version Date	Section Changed	Change(s) Description
1 March 2016		<ul style="list-style-type: none"> New document
28 February 2019	Schedule 1 Schedule 3	<ul style="list-style-type: none"> Addition of Fiji to bovine meat Updates to contact details and expiry dates
9 August 2019	Schedule 1 Schedule 2 Schedule 3	<ul style="list-style-type: none"> Addition of United Kingdom to Raw Milk Cheeses, Bovine Meat, Fermented Meat, BMS and RTE Crustacean HRIs Update to BMS HRI to include clearance requirements for roe-off scallop meat Minor amendments to clearance requirements to align with current clearance practices Addition of manufacturers declaration clearance limits Minor amendments to clearance requirements to align with clearance practices Update to contact details for one approved lab
28 February 2020	Schedule 3	<ul style="list-style-type: none"> Updates to expiry dates
17 November 2021	Schedule 1	<ul style="list-style-type: none"> Addition of Chinese Taipei to bovine meat

Other information

Food importers must also comply with requirements under the Biosecurity Act 1993 and Customs and Excise Act 2018.

Part 1: General requirements

1.1 Application

- (1) This Notice applies as follows:
- Part 1** applies to importers of food for sale, imported food for sale, and laboratories approved to test imported food;
 - Part 2** applies to importers of food for sale;
 - Part 3** applies to imported food for sale;
 - Part 4** applies to laboratories approved to undertake testing of imported food.

1.2 Definitions

- (1) In this Notice:

batch or lot means a quantity of specific food which is prepared or packed under essentially the same conditions usually:

- from a particular preparation or packing unit; and
- during a particular time ordinarily not exceeding 24 hours;

critical non-compliance means where one or more of the personnel, equipment, work conducted, facilities, working environment, or other resources (or lack of), may have had an adverse effect on the integrity of test results and is not in accordance with:

the conditions of approval; or
the requirements of ISO/IEC 17025;

ISO/IEC 17025 means the current edition of ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories"; this refers to the latest edition of that standard, together with any additions, amendments, and deletions made to or from that standard up to that time;

MPI means the Ministry for Primary Industries which is the Ministry responsible for administering the Food Act 2014;

NZ Importer Assurance means a certificate issued by the Chief Executive based on an acceptable audit of the registered importers business;

official certificate means a certificate issued by, or under the control of the exporting country's competent authority, including by a certifying body recognised by the competent authority to issue such certificates; and

Regulations means the Food Regulations 2015.

- (2) All terms used in this Notice and that are defined in the Food Act 2014 (the Act) or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

Part 2: Registration as an importer

2.1 Application for registration as a food importer

- (1) A person applying to be a registered food importer must request to be a food importer in the Joint Border Management System.

2.2 Registration expiry of deemed food importer

- (1) The registration of a person deemed to be a registered importer under section 438 of the Act expires on the first anniversary of the date of the current listing after 1 July 2016.

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Part 3: Requirements applying to imported food

3.1 Categorisation of imported food

- (1) All food listed in column A of Schedule 1 of this Notice is High Regulatory Interest Food, unless the food is imported from Australia.
- (2) Despite clause 3.1(1), the following products imported from Australia are High Regulatory Interest Foods:
 - a) bivalve molluscan shellfish (BMS) and products containing BMS; and
 - b) bovine meat and meat products containing greater than 5% of bovine meat.
- (3) All food listed in column A of Schedule 2 of this Notice is Increased Regulatory Interest food, unless the food is imported from Australia.

3.2 Clearance requirements for food of High Regulatory Interest and Food of Increased Regulatory Interest

- (1) For clearance for entry, High Regulatory and Increased Regulatory Interest Food:
 - a) must be from a specific country or geographic region of export listed in column D of Schedule 1 or 2 of this Notice, as relevant; and
 - b) must meet the clearance requirements for the food as listed in column C of the relevant Schedule.
- (2) For clearance for entry, the importer must provide one of the forms of evidence for the food from that specific country or geographical region, as listed in column E of the relevant Schedule.
- (3) Any official certificate or manufacturers declaration required by column E of the relevant Schedule must give assurance that food safety has been effectively managed.
- (4) Sampling and testing required by column E of the relevant Schedule is in relation to the hazard specified in column B of that Schedule, and must indicate that the clearance limit in column C of that Schedule is met.
- (5) The Chief Executive may direct a food safety officer to resample and allow retesting of certain batches or lots if the Chief Executive is satisfied that there is a critical non-compliance within the Approved Laboratory that has impacted the integrity of the test results for samples from that batch or lot.

Part 4: Laboratories approved for testing imported food

4.1 Approval of laboratories

- (1) All laboratories specified in Schedule 3 of this Notice are approved to undertake testing of imported food under Section 312 of the Act and for the purpose of clearance under Section 109 of the Act.

4.2 Conditions of approval

- (1) An approved laboratory must only test samples of food where the integrity of the sample and packaging has been maintained throughout transport to the laboratory.
- (2) An approved laboratory must only use a test method that allows the results to be reported in the units specified in Schedules 1 and 2 of this Notice.
- (3) An approved laboratory must only use a test method that is:
 - a) covered in the scope of its ISO/IEC 17025 accreditation, and is suitable for the intended sample matrix; or
 - b) specifically agreed to by the Chief Executive, where the Chief Executive is satisfied that both of the following apply:
 - i) it is essential that a food is tested for an analyte for which no approved laboratory currently has a method within its scope of accreditation; and
 - ii) the approved laboratory can quantify the level of detection and uncertainty of the test method.
- (4) An approved laboratory must notify the Chief Executive of any of the following events within one working day of the event occurring:
 - a) the laboratory is notified by the accreditation body of suspension or withdrawal of accreditation;
 - b) the laboratory becomes aware of a critical non-compliance that relates to test results supplied or ongoing testing; or
 - c) the laboratory becomes aware that the results or any test methods being utilised are in doubt and the reason why.
- (5) An approved laboratory must notify the Chief Executive within five working days if the laboratory makes any changes to premises, staff, equipment or operation that:
 - a) alters the details supplied when requesting approval; or
 - b) has the potential to impact on the test results.
- (6) An approved laboratory must include all of the following information when reporting results:
 - a) the name and address of the laboratory, and the location where the tests were carried out, if different from the address of the laboratory;
 - b) the name of the person requesting the testing;
 - c) the unique reference for the consignment being tested;
 - d) the sample number(s) used to identify the samples by the sampler;
 - e) a description of the imported food tested;
 - f) the analyte being tested;
 - g) identification of the method used;
 - h) the test results with, where appropriate, the units of measurement;
 - i) the date of analysis; and
 - j) the name(s), function(s) and signature(s) or equivalent identification of person(s) authorising the test report.
- (7) The report may be in electronic format as approved by the Chief Executive.

Schedule 1: Food of High Regulatory Interest

- (1) All food listed in Column A of Schedule 1 is High Regulatory Interest Food unless the food is imported from Australia.
- (2) Despite sub clause (1), the following products imported from Australia are High Regulatory Interest Foods:
- a) bivalve molluscan shellfish (BMS) and products containing BMS; and
 - b) bovine meat and meat products containing greater than 5% of bovine meat.

Column A: Food	Column B: Hazard	Column C: Clearance requirements ¹	Column D: Country or geographic region of export	Column E: Evidence required
Dairy: Raw milk products	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> • Countries of the European Union • United Kingdom • Switzerland 	Official Certificate
	<i>Salmonella</i>	<i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g		
Dairy: Fresh cheese, curd cheese and soft cheese (pasteurised)	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> • Countries of the European Union • United Kingdom • Norway 	Official Certificate or Sample and Test
			All other countries	Sample and Test
Fish: Histamine susceptible fish and fish products	Histamine	Histamine ≤ 200 mg/kg	<ul style="list-style-type: none"> • Canada • Countries of the European Union • United Kingdom • Norway • Thailand 	Official Certificate or Sample and Test
			All other countries	Sample and Test
Fish: Puffer Fish	Tetrodotoxin	Tetrodotoxin not detected	Korea	Official Certificate

Column A: Food	Column B: Hazard	Column C: Clearance requirements ¹	Column D: Country or geographic region of export	Column E: Evidence required
Fish: Ready to Eat (RTE) smoked fish and smoke flavoured fish (chilled)	<i>Clostridium botulinum</i> <i>Listeria monocytogenes</i>	Salt (NaCl) content > 3.4% (aqueous phase basis) and Aerobic Plate Count (APC) n = 5, c = 2, m = 50,000 cfu/g, M = 500,000 cfu/g <i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> • Canada • Countries of the European Union • United Kingdom • Thailand 	Official Certificate or Sample and Test
			All other countries	Sample and Test
Meat: Bovine meat and products containing bovine meat	Bovine Spongiform Encephalopathy (BSE) agent	Bovine meat is of Australian and/or New Zealand origin.	Australia	Manufacturers Declaration
		Bovine meat originates from Australia, Canada, Netherlands, Sweden, Japan, New Zealand or the United States of America	<ul style="list-style-type: none"> • Fiji • Thailand (NZ Origin Beef Only) 	Official Certificate
		Minimal risk Bovine Spongiform Encephalopathy (BSE)	<ul style="list-style-type: none"> • Brazil • Canada • Countries of the European Union • United Kingdom • Japan • Mexico • United States of America • Vanuatu 	Official Certificate
			Chinese Taipei	Official Certificate

Column A: Food	Column B: Hazard	Column C: Clearance requirements ¹	Column D: Country or geographic region of export	Column E: Evidence required
Meat: Fermented meat products, meat paste and pâté	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> Countries of the European Union United Kingdom 	Official Certificate or Sample and Test
	<i>Salmonella</i>	<i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g		All other countries
Nuts and seeds: Peanuts, and pistachio nuts and their products (including peanut butter)	Mould and insects	No visible signs of mould or insect infestation	<ul style="list-style-type: none"> China United States of America 	Official Certificate or Sample and Test
	Aflatoxins	Total Aflatoxins ≤ 0.015 mg/kg (Sum of Aflatoxins B1, B2, G1, G2)		All other countries
Nuts and seeds: Tahini and crushed sesame seeds and any products containing these	<i>Salmonella</i>	<i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g	All countries	Sample and Test
Seafood: Ready to Eat (RTE) crustaceans – lobsters, crabs, bugs, shrimps and prawns and their products	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> Malaysia Thailand Countries of the European Union United Kingdom 	Official Certificate or Sample and Test
	<i>Salmonella</i>	<i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g		All other countries

Column A: Food	Column B: Hazard	Column C: Clearance requirements ¹	Column D: Country or geographic region of export	Column E: Evidence required	
Seafood: Bivalve Molluscan Shellfish (BMS) and products containing BMS	Scallop Meat - Whole adductor muscle with viscera and roe completely removed	<i>E.coli</i> Marine Biotoxins (PSP, DSP, ASP, NSP, AZP)	Whole adductor muscle of the scallop with viscera and roe completely removed	All countries	
	All other BMS and products containing BMS	<i>E.coli</i> Marine Biotoxins <ul style="list-style-type: none"> • Paralytic Shellfish Poison (PSP) • Diarrhetic Shellfish Poison (DSP) • Amnesic Shellfish Poison (ASP) • Neurotoxic Shellfish Poison (NSP) • Azaspiracid Shellfish Poison (AZP) 	<i>E. coli</i> n = 5, c = 1, m = 230 MPN/100g, M = 700 MPN/100g Marine Biotoxins <ul style="list-style-type: none"> • Saxitoxin dihydrochloride equivalent ≤ 0.8 mg/kg • Okadaic acid equivalent ≤ 0.16 mg/kg • Domoic Acid ≤ 20 mg/kg • Brevetoxin-2 equivalent ≤ 0.8 mg/kg • Azaspiracid equivalent ≤ 0.16 mg/kg 	<ul style="list-style-type: none"> • Australia • Canada • Chile • Countries of the European Union • United Kingdom • Japan • Korea • Peru • Thailand • Vietnam 	Official Certificate or Sample and Test
		<i>Listeria monocytogenes</i> (RTE BMS Only)	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g	United States of America	Documented Evidence
		Norovirus (Oysters Only)	Norovirus not detected in 300 g	China	Sample and Test
Seafood: Ready to Eat (RTE) crustaceans – lobsters, crabs, bugs, shrimps and prawns and their products	<i>Listeria monocytogenes</i> <i>Salmonella</i>	<i>Listeria monocytogenes</i> n = 5, c = 0, m = not detected in 25 g <i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g	<ul style="list-style-type: none"> • Malaysia • Thailand • Countries of the European Union • United Kingdom 	Official Certificate or Sample and Test	
			All other countries	Sample and Test	

Column A: Food	Column B: Hazard	Column C: Clearance requirements ¹	Column D: Country or geographic region of export	Column E: Evidence required
Spices: Pepper, chilli and paprika	<i>Salmonella</i>	<i>Salmonella</i> n = 5, c = 0, m = not detected in 25 g	All countries	Sample and Test

¹Where:

n = the number of sample units

c = the number of sample units allowed to exceed **m**

m = the acceptable microbiological limit

M = the limit which must not be exceeded

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Schedule 2: Food of Increased Regulatory Interest

Column A: Foods	Column B: Hazard	Column C: Clearance Requirements ¹	Column D: Country or geographic region of export	Column E: Evidence Required
Frozen Berries	Pathogenic organisms (Hepatitis A Virus)	<i>E.coli</i> n = 5, c = 2, m = 10 MPN/g, M = 100 MPN/g	All countries	Official Certificate
		Declaration stating: Has been treated with a heat step of 85°C for 1 minute or equivalent or Declaration stating: Will be treated with a heat step of 85°C for 1 minute or equivalent at a NZ manufacturer	All countries	Sample and Test
				Manufacturers Declaration

¹Where:

n = the number of sample units

c = the number of sample units allowed to exceed m

m = the acceptable microbiological limit

M = the limit which must not be exceeded

Schedule 3: Laboratories Approved for Testing Imported Food

Laboratory	Physical address	Postal address and phone number	Date of Expiry of Approval
AsureQuality Ltd Laboratory Services - Auckland	131 Boundary Road Blockhouse Bay Auckland 0600	PO Box 41 Shortland St Auckland 1140 Ph: 09 626 8203	28 February 2023
AsureQuality Ltd Laboratory Services - Christchurch	Unit 1, 6H Sir William Pickering Drive Christchurch 8053	Private Bag 4718 Christchurch 8140 Ph: 03 358 1830	28 February 2023
Cawthron Institute - Nelson	98 Halifax Street East Nelson 7010	Private Bag 2 Nelson 7042 Ph: 03 548 2839	28 February 2023
Institute of Environmental Science & Research Ltd (ESR) - Kenepuru	34 Kenepuru Drive Porirua 5022	PO Box 50348 Porirua 5240 Ph: 04 914 0700	28 February 2023
Institute of Environmental Science & Research Ltd (ESR) - Christchurch	27 Creyke Road Ilam Christchurch 8041	PO Box 29181 Christchurch 8540 Ph: 03 351 6019	28 February 2023
Eurofins Food Analytics NZ Ltd - Auckland	35 O'Rorke Road Penrose Auckland 1061	PO Box 12545 Penrose, Auckland Phone: 09 579 2669	28 February 2023
Eurofins ELS Ltd – Wellington	85 Port Road Seaview Lower Hutt 5010	PO Box 36105 Moera, Lower Hutt Ph: 04 576 5016	28 February 2023
Eurofins ELS Ltd - Christchurch	43 Detroit Drive Rolleston 7675	PO Box 11127 Sockburn, Christchurch Ph: 03 343 5227	28 February 2023
RJ Hill Laboratories Ltd - Hamilton	221A Ellis Street Frankton Hamilton 3204	Private Bag 3205 Hamilton 3240 Ph: 07 858 2000	28 February 2023
RJ Hill Laboratories Ltd - Christchurch	101 Waterloo Road Hornby Christchurch 8042	PO Box 16607 Christchurch 8042 Ph: 03 377 7176	28 February 2023
Watercare Services Ltd - Invercargill	142 Esk Street Invercargill 9810	PO Box 747 Invercargill Ph: 03 214 4040	28 February 2023