



Honey and Honey Based Products - Food Standards Exemption

2 March 2015

TITLE

Animal Products Notice: Honey and Honey Based Products - Food Standards Exemption

COMMENCEMENT

This Animal Products Notice comes into force on 2 March 2015.

REVOCACTION

This Animal Products Notice revokes and replaces the Animal Products (Honey and Honey Based Products – Food Standard Exemption) Notice 2014.

ISSUING AUTHORITY

This Animal Products Notice is issued pursuant to sections 60B, 159(3), 167(1)(jb), and 167(1)(o) of the Animal Products Act 1999, and having had regard to the requirements of the relevant overseas markets, I, Paul Dansted, Acting Director Systems Audit, Assurance and Monitoring, issue the following notice for the purpose of exempting specified animal products that are intended for export from the requirements of food standards issued under Part 2A of the Food Act 1981.

Dated at Wellington this 2nd day of March 2015

[signed]

Paul Dansted
Acting Director, Systems Audit, Assurance and Monitoring
Ministry for Primary Industries
(Acting under delegated authority of the Director-General)
A copy of the instrument of delegation may be inspected at the Director-General's office.

Certified in order for signature

[signed]

Solicitor
Legal Services

2 / 3 / 2015

Contact for further information
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Introduction

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

Purpose

To exempt honey and honey based products from requirements in the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002 (which adopts the Australia New Zealand Food Standards Code) where importing country requirements differ.

Background

This notice exempts certain exported honey and honey based products from the requirements of the Australia New Zealand Food Standards Code where those products will comply with the importing country's requirements and the importing country requirements are sufficiently prescribed. It is important to note that the exemption (and any official assurance) does not guarantee access into the importing market. Product will need to comply with the importing country's requirements to be eligible for import.

The provisions of the Food Standards Code included in this notice are: Standard 1.2.8 (Nutrition Information Requirements) (available at: <http://www.comlaw.gov.au/Series/F2008B00608>), Standard 1.2.5 (Date Marking of Food) (available at: <http://www.comlaw.gov.au/Series/F2008B00605>), Standard 1.2.2 (Food Identification Requirements) (available at: <http://www.comlaw.gov.au/Series/F2008B00602>) and Standard 1.2.9 (Legibility Requirements) (<http://www.comlaw.gov.au/Series/F2008B00609>). If a provision of the Food Standard Code is not included under this notice, but an exporter considers an additional provision is appropriate, the Director-General may consider amending this notice in respect of that provision.

Exemptions from additional provisions of the Food Standards Code and other Standards made under the Food Act 1981 can be provided on a case-by-case basis by applying to MPI under the 60B exemption process. The existing prohibition on therapeutic claims still applies and is not affected by this notice. As such, applications to use statements such as "Anti-bacterial", "Non-Peroxide Activity", "Total Peroxide Activity", "Peroxide Activity", "Total Activity" and "Active" will not be approved.

The official assurance and verification processes that apply to the export of honey or honey based products that meet all the requirements under the Food Standards Code, other than the exempted requirements, continue to apply to products exempted under this notice.

Where an operator is relying on an exemption under this notice, the operator must retain documents which detail which products were not in compliance with the Food Standards Code (available at: <http://www.foodstandards.govt.nz/code/Pages/default.aspx>) and documents as evidence that those products labels were exempted from the Food Standard Code under this notice.

Who should read this Animal Products Notice?

This notice applies to food businesses which process honey or honey based products for export.

Why is this important?

The 60B exemption process assists in the facilitation of trade through the provision of a mechanism for businesses which allows them to meet importing country legislative requirements that vary from New Zealand legislative requirements. This notice reduces the administrative burden associated with specific labelling requirements which often varies between countries and would commonly be subject to the 60B exemption process

Part 1: Preliminary provisions

1.1 Application

- (1) This notice applies to honey and honey based product, sold as a food, which is intended only for export from New Zealand.
- (2) Nothing in this notice affects or limits any requirements imposed by or under the Animal Products Act 1999 or the Food Act 1981 (including under the Food Standards Code, Supplemented Food Standard 2013 and any other food standard) relating to the production of honey or honey based product, sold as a food that -
 - a) is not for export;
 - b) is for export to Australia; or
 - c) is for export to a country which requires compliance with New Zealand legislation.
- (3) Nothing in this notice affects or limits any other requirement or prohibition imposed by or under the Animal Products Act 1999 or the Food Act 1981 (including under the Food Standards Code, Supplemented Food Standard 2013 and any other food standard).

1.2 Definitions

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

Food Standards Code means the New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002 (which adopts the Australia New Zealand Food Standards Code)

Honey has the same meaning as in Standard 2.8.2 of the Food Standards Code and is sold as a food

Honey based product is any product containing honey and is sold as a food
- (2) Any word defined by or under the Animal Products Act 1999 or the Food Act 1981, but not defined in this notice, has the same meaning as in the Act or regulations in which it is defined.
- (3) References to clauses and schedules are references to clauses in and schedules to this notice.

Part 2: General requirements

2.1 Exemption from labelling standards for export purposes

2.1.1 Nutritional information requirements

Honey and honey based product is exempt from the requirements in Standard 1.2.8 of the Food Standards Code relating to nutritional information panels if –

- a) it is for export to a country with different nutritional information panel (or equivalent) requirements from the Food Standards Code, specified in legislation; and
- b) it complies with the nutritional information panel (or equivalent) requirements of the country to which it is intended to be exported.

2.1.2 Date marking requirements

Honey and honey based product is exempt from the requirements in Standard 1.2.5 of the Food Standards Code relating to date marking if –

- a) it is for export to a country with different date marking (or equivalent) requirements from the Food Standards Code, specified in legislation; and
- b) it complies with the date marking (or equivalent) requirements of the country to which it is intended to be exported.

2.1.3 Language requirements

Honey and honey based product is exempt from the requirements in clause 2 of Standard 1.2.9 of the Food Standards Code relating to language if –

- a) it is for export to a country with different language requirements from the Food Standards Code, specified in legislation; and
- b) it complies with the language requirements of the country to which it is intended to be exported.

2.1.4 Address requirements

Honey and honey based product is exempt from the requirements in clause 3 of Standard 1.2.2 of the Food Standards Code relating to name and address of supplier if –

- a) it is for export to a country identified in column 1 of Schedule 1; and
- b) the name and address of supplier on the label complies with the requirements specified in column 2 of the corresponding country row of Schedule 1.

2.1.5 Record-keeping requirements

An operator relying on any exemption in this notice must keep records that are readily available and verifiable that detail nutrition information, date marking labelling, language or name and address of supplier labelling which does not comply with the Food Standards Code and must:

- a) identify product, whether at the product line level or otherwise, that has been processed under an exemption in this notice; and
- b) identify the country or countries to which the product identified in (a) is intended to be exported; and
- c) provide a copy of the current legislation of the country to which the product is intended to be exported relating to nutrition information panels, date marking, language and/or name and address of supplier; and
- d) if the label is subject to clause 2.1.3 provide a certified translation where the English translation is not required on the label; and
- e) include in the documents associated with the product-

- i) a statement that the product is subject to an exemption under section 60B of the Animal Products Act 1999 and varies from the Food Standards Code; and
- ii) a statement that the product cannot be sold for human consumption in New Zealand or Australia; and
- iii) an alert stating that the product is not suitable for sale in New Zealand, Australia or other country unless it is re-labelled in accordance with the requirements of Food Standards Code.

Schedule 1

Country	Requirements	Notes
Canada	Name and address of the packer or the importer	Although a physical location is required to be declared on labels, the legislation does not prescribe the level of detail necessary, nor does it state that a "complete mailing address" is required. The CFIA encourages industry to provide a mailing address that is complete enough so that consumers, who wish to communicate with the "person" in writing, can do so in a timely manner. The best practice is to include the civic address (street address), city, province, postal code and country.
European Union	The name or business name and address of the food business operator	The food business operator responsible for the food information shall be the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market.
United States of America	Name and address of the manufacturer, packer or distributor	Unless the name given is the actual manufacturer, it must be accompanied by a qualifying phrase which states the firm's relation to the product (e.g., "manufactured for" or "distributed by"); The statement of the place of business shall include the street address, city, State, and ZIP code; however, the street address may be omitted if it is shown in a current city directory or telephone directory.