Ministry for Primary Industries
Manatū Ahu Matua

Guidance Document

Meeting Requirements as a Registered Food Importer

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Title

Meeting Requirements as a Registered Food Importer

About this document

This document provides guidance to registered food importers on how to meet requirements set by, and under, the Food Act 2014 and gives guidance on how registered importers can meet these requirements.

Document history

Previous Version Date	Current Version Date	Section Changed	Change(s) Description

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1 Purpose

The purpose of this guidance is to help importers understand and comply with requirements as registered importers set out in the Food Regulations 2015.

2 Background

In order that there is better visibility and control over parties importing food into New Zealand the Food Act 2014 requires that the person either be a registered food importer or use an agent who is a registered food importer. The Food Regulations 2015 then set out requirements for all registered food importers.

The requirements are set to ensure that the New Zealand public are not exposed to an increased health risk when eating imported products compared with when they eat food produced in New Zealand.

3 Definitions

Food is defined in the Food Act 2014 and includes anything that is used, capable of being used, or represented as being for use, for human consumption (whether raw, prepared, or partly prepared).

Product Specification means the criteria to which a product must conform in terms of quality, labelling, composition etc. This includes the measurable levels and tolerances of characteristics which influence the level of risk associated with each product. A Product Specification may include:

a) name and brief description of the product;
b) name and address of manufacturer;
c) list of ingredients, nutritional information, storage conditions and shelf life details;
d) physical and chemical characteristics to which the product must conform, such as composition, pH, % salt, % moisture, microbiological limits, foreign matter;
e) product declarations relating to certain parameters such as preservatives, pesticide residues, allergen presence, GMO status; and
f) manufacturing food safety standards such as adherence to good manufacturing practices, operating under certified HACCP programme, operating under internationally recognised programme, approved thermal processing standard.

Regulations means the Food Regulations 2015.

Responsibility, in relation to the food, means ownership of the food or a contractual obligation to manage the food on behalf of the owner.

Supply Contract means a documented agreement between the purchaser (importer) and supplier outlining terms and conditions of supply and payment and specifying requirements related to product and delivery.

4 Sourcing Safe and Suitable Food

4.1 What is the requirement?

(1) Part Five of the Food Regulations require registered importers to take reasonable steps to assess and confirm the safety and suitability of food for import into New Zealand before importing the food. Additionally food for sale in New Zealand must meet the requirements set out in the Australia, New Zealand Food Standards Code. This covers what ingredients can be used, the composition of food and labelling requirements.

(2) Safe and suitable food means food that is fit for human consumption and:

a) is produced, manufactured, preserved, packaged or stored under hygienic conditions;
b) does not contain any food safety hazards (biological, chemical and physical hazards) at levels that may cause harm or injury to consumers;
c) does not contain or have anything attached to it that would make the food unfit for its intended use and consumer, such as foreign matter, decomposed or diseased animal or plant material, or filthy or putrid material;
d) is not adulterated; and
e) meets applicable New Zealand standards, including the Australia New Zealand Food Standards Code, Schedules 1 and 2 of the Importing Food Notice 2015 and relevant New Zealand product or process standards.

4.2 How can you meet the requirement?

(1) Safety and suitability depends on production and processing procedures and controls in place throughout all production and/or manufacture.

(2) Importers should have confidence in both the appropriateness of their suppliers and of the safety and suitability of the food they supply.

(3) The following sections give advice on the steps that should be taken to confirm the safety and suitability of food being sourced. Appendix 1 also gives an example checklist that may be useful in carrying out the assessment.

(4) A record of the assessment, including supporting evidence must be kept. See section 7.2.1 of this guide.

4.2.1 Ideally source from a supplier operating within a regulated environment

(1) Ideally all food should be sourced from suppliers that are operating within a regulated environment and are legally exporting in accordance with the exporting country requirements. Not all countries have well developed food safety regulatory systems and individual supplier food safety practises can vary. By sourcing food from a regulated market, importers can have some confidence that appropriate standards were applied during the products' manufacture.

(2) Importers should ask a potential supplier for:

a) evidence of the regulatory environment they operate in and the legal approval they have to operate in the country of production; and

b) certification that the products are made in premises verified by a competent authority as meeting hygiene standards, controlling hazards and following controlled procedures to ensure production of safe food. e.g. what domestic food laws they comply with; and
c) confirmation of the level of independent inspection or verification they are subject to.

(3) If the supplier does operate under a regulated environment the importer should assess the effectiveness of the regulated environment within which the supplier operates.

(4) If an importer is not able to confirm the supplier is operating from within a regulated environment, then they should find another supplier or place greater emphasis on confirming how the food is produced and can be considered safe for human consumption.

4.2.2 Examples of evidence that food has been sourced from a regulated environment

(1) This table provides examples of some known regulated environments and evidence that can be requested from them.

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Country	Examples of evidence that food has been sourced from a regulated environment
Australia	Health certification issued by the Australian Department of Agriculture and Water Resources
Canada	Certification issued by the Canadian Food Inspection Agency (CFIA)
China	Chinese entry-exit inspection and quarantine bureaus (CIQ) label on all products legally exported from China Certification issued by CIQ (formerly Chinese Commodity Inspection Bureau: CCIB)
European Union	Certification issued by competent authorities of European Community (EC) member states and produced in accordance with the European Union Food Law
United States	Certification issued by United States Department of Agriculture or State Department of Food and Agriculture or USDA Food Safety Inspection Service

4.2.3 Example of sourcing products from within a regulated environment - China

(1) The General Administration of Quality Supervision, Inspection, and Quarantine of the People's Republic of China (AQSIQ) manages export regulatory requirements of produce exported from China.

(2) All food products that have been exported from China from within their regulated export system are either:

a) accompanied by a certificate of assurance for bulk and risk commodities; or
b) have affixed to the outer shipping / transport carton the Chinese Inspection and Quarantine Bureau's exit inspection and quarantine labels (CIQ label). The CIQ label confirms that the export has been subject to AQSIQ exit inspections.

(3) During commercial contract negotiations around import of food from China you should require that products are accompanied by the CIQ mark (certificate of assurance or CIQ label). By doing so you will have taken reasonable steps to confirm the food is safe, suitable, and legally exported from China.

4.2.4 Confirming safety and suitability

(1) Whether or not food is being sourced from a supplier in a regulated environment the suitability of the supplier and the safety and suitability of the food should be considered.

(2) Relevant information sources that can be used by an importer to determine the appropriateness of a supplier are:

a) Supply contract or purchase agreement stipulating the agreed food safety measures;

b) Documented details of supplier's procedures, quality assurance measures and food safety systems, e.g. Supplier Questionnaire;
c) Documented details of manufacturing processes and conditions that demonstrate that hazards have been identified and critical steps of the manufacturing process are adequately controlled to ensure safety and prevent misrepresentation and fraud;
d) Verification by a recognised third party that products are manufactured to internationally recognised standards, such as Codex Standards, Hazard Analysis Critical Control Point (HACCP), British Retail Consortium (BRC), Safe Quality Food (SQF) etc. Third party auditors should be accredited to internationally recognised standards and accredited certification bodies. Certification should be specific product or process and for a specific site;
e) Independent external audits of premises, processes and food safety systems. The evaluation may be carried out by a technically competent person working on behalf of the importer;
f) A consistent and good history of sampling and testing or increased product controls such as sampling, laboratory testing, third party review etc.

(3) Evidence to demonstrate that the food has been produced and managed in a way to ensure it is safe and suitable should also be requested. Types of evidence that should be requested and reviewed are:

a) Relevant product information such as product specifications and lists of ingredients;
b) A Certificate of Conformance (CoC) stating that the product complies with the agreed specification;
c) A certificate of analysis (CoA) detailing testing results of the specific batch of product. CoAs should only be accepted from laboratories accredited to ISO 17025, which is an international standard for testing laboratories;
d) A completed Product Information Form (PIF) for each product e.g., Product Information Form issued by Australian Food and Grocery Council;
e) Where specific international or relevant domestic codes exist in the country of origin, importers should obtain evidence the food is produced in accordance with these, e.g., canned foods manufactured under the relevant Codex Alimentarius Commission code of practice;
f) Official certificate, e.g., export certificates that contain statements made by a foreign government or agent of that government attesting that one or more things have occurred in relation to the food product to ensure the food is safe and suitable.

(4) For foods identified as having an increased or potentially increased risk to human health additional evidence to confirm safety and suitability are required. See the guidance document Obtaining Food Safety Clearance.

5 Transporting and storing food to keep it safe and suitable

5.1 What is the requirement?

(1) The Regulations require a registered importer to take all reasonable steps to ensure that imported food, for which they are responsible, is transported and stored in a way that ensures its safety and suitability and minimises deterioration and contamination.

5.2 How can you meet the requirement?

(2) The importer should, whenever practicable, select a transport or storage operator that:

a) is consistently able to provide the following capabilities during the transport or storage of imported food:

– maintain food at specified transport or storage temperatures;
– protect food from pests, contaminants and deterioration;
– maintain the integrity of the food packaging;

- handle the volume of food to be transported or stored;
- meet delivery and other commercial requirements; and
- maintain and provide the necessary documentation and records for the identification, traceability and inventory control of the food; and

b) have written procedures covering the following:

- cleaning and maintenance of transport or storage units and containers
- inspection of transport or storage units prior to use;
- pest control
- separation between food and materials or products incompatible with food (e.g. chemicals and other hazardous goods)
- training of workers on hygienic handling of food
- refrigeration management, including temperature control and monitoring of refrigerated transport or storage units, calibration of temperature devices
- traceability and inventory control
- handling and disposition of contaminated, damaged or deteriorated goods
- documentation and record keeping
- notification procedures, including immediate notification of the importer when any non-conformance occurs affecting the imported food.

(3) Commercial arrangements between the importer and the selected transport or storage operator should be covered by a written agreement or contract covering the terms and conditions of the arrangements, including conditions related to maintaining the safety and suitability of the food.

(4) The registered importer should regularly verify the performance of the transport or storage operator, and obtain evidence demonstrating compliance to written procedures. Examples of ways this may be done include:

a) inspecting transportation units (e.g. bulk containers, shipping containers, vehicle cargo unit) for cleanliness, presence of incompatible materials (e.g. hazardous goods), etc. upon delivery of products;
b) inspecting the products upon delivery for product temperature, packaging damage, identification, etc.;
c) checking documents accompanying consignments; and
d) requesting documented evidence demonstrating the storage operator's compliance to their written procedures (e.g. summary of RMP or FCP audit outcomes, if applicable; temperature monitoring records).

6 Recall

6.1 What is the requirement?

(1) The regulations require registered importers to:

a) have procedures in place to recall food;
b) to recall in accordance with the procedures food that may be, or is, unsafe or unsuitable;
c) to notify MPI about the recall by phoning 0800 00 83 33 and asking to speak to a Food Safety Officer. This should be done as soon as practicable, and within 24 hours of the decision to recall a product being made; and
d) to keep records of any recall undertaken including;

i) the problem and the extent of the problem;

ii) actions taken to identify and remove food from sale; and
iii) any monitoring undertaken of the recall process.

6.2 How can you meet the requirement?

(1) Registered importers must develop recall procedures to recall product that is found to no longer be safe our suitable. The MPI Recall Guide will assist with this.

(2) Traceability records for each consignment must be accessible to allow importers to track the product to the next person in the food chain and back to their immediate supplier. Further information on record keeping is given below in Section 7.

(3) Registered importers **must** keep the records of recalls themselves. This is different to the other records which can be kept by another party as long as they are readily accessible to the registered importer.

7 Record Keeping

7.1 What is the requirement?

(1) The regulations require registered importers to keep or have ready access to information:

a) to demonstrate that they have assessed and confirmed the safety and suitability of the food; and

b) to demonstrate that the food is transported and stored in a manner which maintains its safety and suitability; and
c) which describes the food imported; and
d) which enables the food to be traced from the supplier, while in the importer's control and to the next recipient in the supply chain other than the final consumer; and
e) regarding recalls undertaken; and
f) regarding the name and contact details of suppliers, manufacturers and where appropriate producers.

(2) Information must be available for any food for at least 4 years after its import into New Zealand.

7.2 How can you meet the requirement?

(1) Records should be:

a) Legible, permanent and accurately reflect actual events, conditions or activities. Errors or changes should be identified so that the original record remains clear (e.g. strike out with a single stroke and initial the correction/change);
b) Made available to a Food Safety Officer, Animal Products Officer, the Chief Executive or nominated person within 24 hours of being requested unless an alternative timeframes is agreed between MPI and the importer;
c) Ideally in English to ensure information is able to be provided as quickly as possible. If the records are not in English and are required to be provided to a Food Safety Officer then the Food Safety Officer may require the registered importer to arrange and pay for a translation as soon as practicable.

(2) The registered importer should ensure that records are stored in a manner and location that:

a) Protects the integrity of the records;
b) Prevents the loss of, or damage to, records; and
c) Allows records to be readily accessed, ideally within 24 hours.

(3) Where data is stored electronically there should be systems in place to:

a) manage access to the files and to ensure that they cannot be changed without authorisation;
b) record changes made to the files;
c) ensure appropriate data back-up.

(4) Registered importers should either keep all records required themselves or have in place a contract to ensure that another party maintains records on their behalf. Where the registered food importer contracts out record keeping they must have confidence that the contracted party has the systems in place to fulfil this obligation. The registered importer can obtain confidence by:

a) asking to review the systems in place or
b) by obtaining written assurances from the contracted party regarding the systems in place.

Whether the records are kept by the registered importer or another contracted party tests should be conducted regularly to confirm whether the appropriate records are being kept and can be accessed readily and ideally within 24 hours.

7.2.1 Records that demonstrate the assessment of safety and suitability

(1) All records gathered and reviewed to assess and confirm the safety and suitability of the food as outlined in Section 4 of this document should be kept or be readily accessible.

7.2.2 Records that demonstrate appropriate storage and transport

(1) The following documents should be kept or be readily accessible.

a) The terms and conditions of business from storage and transport facilities used to confirm appropriate handling of food;
b) Temperature records for chilled and frozen foods, including calibration records of temperature recording devices, as appropriate;
c) Assurances regarding premises, equipment and bulk containers being fit for use;
d) Documents to indicate when inspections of premises and operations are undertaken and any actions taking where issues are identified.

7.2.3 Records that allow food to be traced

(1) The following documents should be kept or be readily accessible:

a) Records that describe and identify the food imported by commodity, brand lot ID or batch code or date marking e.g., Best Before or Use by Date or other shelf life information;
b) Information regarding suppliers of the food;
c) Information about how the product got to New Zealand. (i.e. port of export, port of discharge, carrier and broker);
d) Sufficient inventory information to be able to determine where the product is stored, current stock held and details of stock sold;
e) Purchase records and invoices which provide proof of ownership and traceability information.

(2) Purchase records should include:

a) The quantity of the food imported in each transaction / consignment;
b) The product code or other traceability information such as product name and batch code or date marking;
c) Date of purchase from the supplier, wholesaler or manufacturer;
d) Buyer information is important where the buyer is not necessarily the importer such as a wholesaler in an exporting country or where an importing company has more than one buyer;

(3) Other useful information that may be recorded on the purchase records could include:

a) Supplier information;
b) Date of despatch;
c) Date of receipt;
d) Country of origin;
e) Country of export;
Transport details;

7.2.4 Records regarding the suppliers, manufacturers and producers

(1) The following documents should be kept or be readily accessible.

a) A list of suppliers, manufacturers and producers and their contact information, including each supplier's company name, address, phone and fax numbers, email address, contact person and products supplied.

7.2.5 Other records that should be kept

(1) The following information relating to the import of food should also be kept or be readily accessible;

a) Information related to checks done on incoming goods;
b) Any applicable test results, such as microbial and chemical testing required as import requirements for specific foods;
c) Export certificates, as applicable;
d) Any communication to and from a Food Safety Officer, or an Animal Products Officer, or MPI in relation to a specific consignment or the importer's individual operation as an importer.

Appendix 1. Example of an imported food assessment

Note: If the supplier is not the manufacturer of the imported food, the registered importer should ensure that relevant information is obtained from the manufacturer, either directly from the manufacturer or through the supplier.

Points to consider	Types of evidence
1. Supplier's background (if the supplier is not the manufacturer)	
Supplier's details (e.g. name of the company, address, details of contact person, etc.)	
Is the supplier a registered exporter in the country of export (if required)	
Does the supplier have product traceability and recall?	
Storage and transport	
2. Manufacturer's background	
Manufacturer's details (e.g. name of the company, address, details of contact person, etc.)	Manufacturer's statement.
Is the manufacturer licensed or registered with the country's food regulatory authority to operate and produce food?	Copy of license or permit Confirmation letter from the regulatory authority
Has the company any type of domestic or international accreditation or approved supplier status (e.g. BRC, Woolworths, EU, US or Japan listing)?	Copy of accreditation or supplier approval.
Does the manufacturer currently export any other food product into New Zealand?	Manufacturer's statement.
Other countries that the manufacturer trades with?	Manufacturer's statement.
Has the manufacturer or any food it has produced been linked to a foodborne illness, border rejection or recall? If yes, how did the company manage and respond to the event (i.e. has the problem been resolved and what corrective actions were taken to prevent the same or similar event from occurring)?	Manufacturer's statement. Confirmation letter from the regulatory authority
Does the manufacturer have the ability to provide necessary consignment documents and any assurances required by the importer or MPI (e.g. certificates of analysis, manufacturer's declarations)?	Manufacturer statement.
3. Food safety plan	
Does the manufacturer have a documented food safety plan, HACCP plan or other similar type of food control programme? A food safety plan should cover: • Hygiene and sanitation	Confirmation letter from Manufacturer or copy of a registration or approval certificate issued by the regulatory authority that they

Points to consider	Types of evidence
• Good manufacturing practices • HACCP or the identification of food safety hazards and their controls • Process control and monitoring • Verification (including internal audits, product testing programmes) • Management of allergens • Management of non-conformances • Product identification, traceability and recall • Storage and transport • Export of products (including export documentation)	operate under a HACCP based system.
Is the food safety plan regularly audited by a government agency or an independent auditor? How often are the audits conducted and how did the manufacturer perform in previous audits?	Summary of last audit report. Manufacturer's statement.
4. Description and composition of the food	
Product description, including: • Brand and name of the product • List of raw materials and ingredients • Presence of any allergens • Packaging and pack size • Any specifications for important physical-chemical characteristics (e.g. pH, moisture content, water activity) and microbiological levels • Key preservation treatments (e.g. pasteurised, dried, frozen) • Required storage conditions and shelf-life • Intended use (e.g. ready-to-eat, requires cooking before consumption, ingredient in other foods) • Intended consumer	Product specification. Product Information Form (PIF)
Are the raw materials (e.g. meat) sourced from another country, if so where	
5. Compliance with New Zealand standards	
Does the product meet all relevant Food Standards, including those related to: • Permitted food additives and their levels • Microbiological limits • Composition • Contaminants • Packaging • Labelling (including allergen declarations, instructions for use and storage, any warnings).	Certificate of analysis Certificate of conformance PIF Laboratory test results Copy of label