



# Examples of how the Food Act 2014 applies to early childhood education (ECE) services

The Food Act 2014 applies to all food for sale. This includes the food sold by ECE services as part of an inclusive service.

Many ECE services receive government funding. If you operate solely on government funding, and there is no charge to attend, then there is no sale of food. This means your service is outside the scope of the Food Act, and you do not need to register.

All ECE providers must make sure the food they serve is safe and suitable. The table below helps you understand whether you also need to register under a national programme. This table is aimed at early childhood education services. Schools should see 'examples of how the Food Act 2014 applies to schools.'

Activity	Description and examples	Is registration required?
Shared lunch	Children/whanau contribute food that the education service prepares and serves to all children attending. No sale of the food is taking place.	— No registration required.
Lunch box	Children bring their own food to eat. The education service provider may or may not handle (i.e. heat up) and serve. No sale of the food is taking place.	— No registration required.
Curriculum catering	The education provider purchases ingredients, and prepares and serves food with children participating as part of the curriculum (e.g. preparing, handling, serving food). This could range from crackers and marmite through to cakes, scones, and meals.	— No registration required for the curriculum food. Curriculum would also include tuition on food safety and suitability. Trade in food is not the purpose of the curriculum exercise.

Activity	Description and examples	Is registration required?
The education provider purchases, prepares and serves food to children attending:	Minimal handling: e.g. fruit, manufacturer-produced food such as crackers and marmite, breakfast cereal, biscuits, muffins, scones, pikelets, butter, jam, honey, etc. e.g. breakfast club, after school club	— No registration required.
	Makes food, e.g. meals, sandwiches and filled rolls. Food is for sale - either as part of the education service provided, or as cash sales.	— National programme 2 required.
	Handles manufactured pre-prepared food – e.g. reheats pies, scoops ice cream, and re-packages lollies.  Food is for sale - either as part of the education service provided, or as cash sales.	— National programme 2 required.
The education provider purchases food. Volunteers prepare and serve meals to children attending:	Volunteers prepare and serve meals to children attending e.g. breakfasts (other than minimally handled foods (see above), lunches such as soups, pies, salads, sushi.  Food is ‘deemed’ for sale as part of the education service provided.	— If the activity is a one-off event it is not required to operate with a national programme. — Otherwise, national programme 2 required.
Meals provided by caterer	The education provider purchases and serves (i.e. heats up) meals that have been prepared by a registered catering business  Food is deemed for ‘sale’ as part of the education service provided.	— The caterer is required to operate with a food control plan. — If an early childhood education centres or kōhanga reo reheats and serves the food, it is required to operate under a national programme 2.
Meals – food donated	Outside organisations donate food, volunteers prepare and serve meals to children attending.  Food is for sale as part of the education service provided.	— National programme 2 is required.

Activity	Description and examples	Is registration required?
Festival or event	<ul style="list-style-type: none"> <li>— Food sold by local traders e.g. Mr Whippy .</li> <li>— Cake stall, homemade jam stall run by parents.</li> <li>— Fundraiser food stall.</li> </ul>	<ul style="list-style-type: none"> <li>— Businesses (local traders) need to operate under a food control plan or national programme depending on type/ scope of food.</li> <li>— No registration required for the other (non-business) stalls if it is a one-off event or for fundraising up to 20 times in a calendar year.</li> </ul>
Fundraisers such as sausage sizzles	Provided by team members, parents, volunteers etc.	<ul style="list-style-type: none"> <li>— No registration required if fundraising for a charitable purpose up to 20 times in a calendar year.</li> </ul>