



## Food (Imported Milk and Milk Products) Standard 2009

Pursuant to section 11C of the Food Act 1981, I, Kate Wilkinson, Minister for Food Safety, issue the Food (Imported Milk and Milk Products) Standard 2009.

Issued at Wellington this 24<sup>th</sup> day of August 2009

(signed)

Hon Kate Wilkinson  
Minister for Food Safety

Certified in order for signature

(signed)

Solicitor  
13 August 2009

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## Standard

- 1 Title**  
This standard is the Food (Imported Milk and Milk Products) Standard 2009.
- 2 Commencement**  
This standard comes into force on 1 October 2009.

### 3 Revocation

Under section 11L of the Food Act 1981, the Food (Milk and Milk Products Processing) Standard 2007, issued by the Minister for Food Safety on 30 July 2007 is revoked.

## Part 1 Preliminary provisions

### 4 Purpose

This standard sets out requirements for all milk and milk products imported into New Zealand for sale.

### 5 Interpretation

(1) In this standard, unless the context otherwise requires,—

**commercially sterile** means the absence of viable micro-organisms or spores capable of growing in UHT treated product at normal non refrigerated conditions at which the UHT treated product is likely to be held during manufacture, distribution and storage

**ice cream treatment** means heat treatment of an ice cream mix to be used in ice cream by—

(a) retaining the ice cream mix —

- (i) at a temperature of not less than 69°C for not less than 20 minutes; or
- (ii) at a temperature of not less than 74°C for not less than 10 minutes; or
- (iii) at a temperature of not less than 79.5°C for not less than 15 seconds; or
- (iv) at a temperature of not less than 85.5°C for not less than 10 seconds; or
- (v) at another temperature for a time which achieves an equivalent result to the treatments in paragraphs (a) to (d); and then

(b) freezing the ice cream mix

**milk** means the mammary secretion of milking animals

**pasteurisation** means treatment according to one of the following methods—

- (a) The holding method, by which the milk or milk product is—
  - (i) rapidly heated to a temperature of not less than 63 °C and not more than 66 °C; and
  - (ii) retained at that temperature for not less than 30 minutes:
- (b) The high-temperature short-time method, by which the milk or milk product is:
  - (i) rapidly heated to a temperature of not less than 72 °C; and
  - (ii) retained at that temperature for not less than 15 seconds:
- (c) Any other heat treatment method that is as effective in terms of bacterial reduction as the methods referred to in (a) and (b).

**ultra high temperature (UHT) treatment** for milk or liquid dairy material means the application of heat to a continuously flowing milk or liquid dairy material using such high temperatures for such time that renders the product commercially sterile at the time of processing. When the UHT treatment is combined with aseptic packaging, it results in a commercially sterile dairy product that is sufficient to ensure that the product remains microbiologically stable after incubating:

- (a) for 15 days at 30 °C in closed containers; or
- (b) for seven days at 55 °C in closed containers; or

- (c) after any other method demonstrating that the appropriate heat treatment has been applied.
- (2) Any term or expression that is defined in the Food Act 1981 and used but not defined in this standard has the same meaning as in that Act.

**Part 2**  
**Import requirements for milk and milk products**

**6 Import requirements for milk and milk products**

Milk and milk products may be imported into New Zealand for sale if they have been either—

- (a) processed in accordance with part 3; or
- (b) manufactured in accordance with part 4.

**Part 3**  
**Permitted processing methods for milk and milk products**

**7 Permitted processing methods for milk and milk products**

Subject to clause 8, the milk and milk products listed in column 1 of table 1 may be imported into New Zealand for sale if they have been processed in accordance with an applicable permitted processing method specified in column 2 of table 1.

**Table 1**

<b>Column 1</b>	<b>Column 2</b>
<b>Milk or milk product</b>	<b>Permitted processing method</b>
All milk and milk products	1. Pasteurisation; or 2. UHT
Ice-cream	Ice-cream treatment

**8 Alternative processing methods**

- (1) In addition to the permitted processing methods specified in clause 7, milk and milk products may be imported into New Zealand for sale if they have been processed in accordance with a processing method that has been approved by the Director-General in accordance with subclause (2).
- (2) For the purposes of subclause (1), the Director-General may approve a processing method for milk or a milk product if he or she is satisfied that the method will ensure that the processed milk or milk product achieves at least an equivalent level of safety protection for consumers as that which is achieved by the permitted processing methods listed in column 2 of table 1 in clause 7.

**9 List of alternative processing methods**

- (1) The Director-General must keep a list of all alternative processing methods approved in accordance with clause 8.
- (2) The list referred to in subclause (1) must be maintained and published on the New Zealand Food Safety Authority website: <http://www.nzfsa.govt.nz>, and must be made available.

**Part 4**  
**Recognised overseas sanitary standards for the  
 manufacture of milk and milk products**

**10 Recognised equivalent overseas sanitary standards**

Subject to clause 11, a milk or milk product listed in column 1 of table 2 may be imported into New Zealand for sale if it has been manufactured either—

- (a) in accordance with the applicable sanitary standard listed in column 2 of table 2; and
- (b) in the applicable country or geographical region listed in column 3.

**Table 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Milk and milk products</b>	<b>Sanitary standard</b>	<b>Country or geographical region in which processing must occur</b>
1. Emmental cheese; and 2. Gruyere cheese; and 3. Sbrinz cheese	Ordinance on Quality Assurance in the Dairy Industry of the Swiss Federal Council of 18 October 1995, and any subsequent ordinance or amendment that replaces or amends that ordinance.	Switzerland
1. Milk and milk products for human consumption listed in annex V section 3 part 8 of Council Decision 97/132/EC which have been determined equivalent; and 2. Roquefort cheese; and 3. Extra hard grating cheese.	1. European Commission (EC) Regulation No 852/2004, and any subsequent regulation or amendment that replaces or amends that regulation; and 2. European Commission (EC) Regulation No 853/2004, and any subsequent regulation or amendment that replaces or amends that regulation; and 3. European Commission (EC) Regulation No 854/2004; and any subsequent regulation or amendment that replaces or amends that regulation.	In a member state of the European Union

**11 Alternative overseas sanitary standards**

- (1) In addition to the recognised equivalent overseas sanitary standards specified in clause 10, milk and milk products may be imported into New Zealand for sale if they have been manufactured in accordance with an overseas sanitary standard that has been approved by the Director-General in accordance with subclause (2).

- (2) For the purposes of subclause (1), the Director-General may approve an overseas sanitary standard for a milk and milk product if he or she is satisfied that the standard will ensure that the manufactured milk or milk product achieves at least an equivalent level of safety protection for consumers as that which is achieved under New Zealand law.

## **12 List of alternative overseas sanitary standards**

- (1) The Director-General must keep a list of all alternative overseas sanitary standards approved in accordance with clause 11.
- (2) The list referred to in subclause (1) must be maintained and published on the New Zealand Food Safety Authority website: <http://www.nzfsa.govt.nz>, and must be made available.

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Issued under section 11C of the Food Act 1981.

Date of notification in *Gazette*: [            ]

This standard is administered by the New Zealand Food Safety Authority.

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## **Food standards subject to Regulations (Disallowance) Act 1989**

Food standards, including this amendment, are subject to the Regulations (Disallowance) Act 1989. Any person has the right to make a complaint about a food standard to the Regulations Review Committee.

### **Availability of food Law**

An outline of New Zealand food law, and further advisory information on this amendment, can be viewed on the New Zealand Food Safety Authority (NZFSA) web site: <http://www.nzfsa.govt.nz> or can be obtained from the NZFSA, Policy Group, PO Box 2835, Wellington.

*Copies of all New Zealand food law, including food standards, can be viewed free of charge at NZFSA, 86 Jervois Quay, Wellington, or purchased from:*

- Bennetts, Massey University Albany Campus, New Teaching Block, Gate 1, Albany, Auckland, Ph: (09) 443 9707, Fax: (09) 443 9708, Email: [aku@bennetts.co.nz](mailto:aku@bennetts.co.nz)
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The Food Standards Code can be viewed on the Food Standards Australia New Zealand website: <http://www.foodstandards.govt.nz> or can be viewed free of charge at NZFSA, 86 Jervois Quay, Wellington. Copies of the Code, or Amendments to the Code, can be purchased by subscription from: ANSTAT, PO Box 447, South Melbourne, VIC 3205, Australia, <http://www.anstat.com.au>, Email [foodcode@anstat.com.au](mailto:foodcode@anstat.com.au), or Phone +61 3 9278 1144.