



Emergency Food Standard for Imported Frozen Berry Fruits

2 December 2015

TITLE

Food Standard: Emergency Food Standard for Imported Frozen Berry Fruits

COMMENCEMENT

This Food Standard comes into force:

- a) in relation to persons notified under section 11M(3)(e), on 2 December 2015; and
- b) in relation to all other persons, immediately upon its being notified in the *Gazette*.

EXPIRY

This Food Standard expires on 29 February 2016.

ISSUING AUTHORITY

This Emergency Food Standard is issued by the Director-General pursuant to sections 11M and 11C of the Food Act 1981 after considering:

- a) that the issue of the food standard is necessary to alleviate or minimise the death of, or any risk of serious harm to, any person; and
- b) it is not practicable in the circumstances of the particular case for the Minister to issue a food standard to effectively alleviate or minimise that risk.

Dated at Wellington this 2nd day of December 2015

[signed]

Martyn Dunne
Director-General
Ministry for Primary Industries

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Introduction

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

Purpose

The purpose of this Emergency Food Standard is to specify requirements for the management of food safety risks associated with imported frozen berry fruits.

Background

Under section 11M of the Food Act 1981, the Director-General is empowered to issue an emergency food standard if it is necessary to alleviate or minimise any risk of the death of, or serious harm to, any person, and it is not practicable in the circumstances of the particular case for the Minister to issue a food standard to effectively alleviate or minimise that risk. This Food Standard imposes requirements that are considered necessary to alleviate or minimise risks associated with imported frozen berry fruits.

Who should read this Food Standard?

This Emergency Food Standard should be read by any person who imports frozen berries into New Zealand.

Why is this important?

Operating other than in accordance with this Standard is an offence under section 11Q of the Food Act 1981, and may, upon conviction, result in a fine up to a maximum of \$5,000 for an individual or \$20,000 for a body corporate.

Part 1: General requirements

1.1 Application

- (1) This Emergency Food Standard applies to imported frozen berry fruits for sale, other than those imported frozen berry fruits set out in clause 1.1(2).
- (2) In line with the Trans-Tasman Mutual Recognition Arrangement, this Emergency Food Standard does not apply to:
 - a) frozen berry fruits of Australian origin; or
 - b) frozen berry fruits re-exported from Australia that are not of Australian origin but have been accepted by the Australian Department of Agriculture and Water Resources, formally the Department of Agriculture (DA) for sale to the Australian market.

1.2 Definitions

- (1) In this Standard, unless the context otherwise requires:

Act means the Food Act 1981;

berry fruits mean any small, pulpy edible fruits, and includes boysenberries, strawberries, raspberries, blueberries, blackberries, black, white or redcurrants and any mixtures of those fruits;

Food Act Officer means an officer appointed under section 7 of the Act.
- (2) Any other terms used but not defined in this Standard, but are defined in the Act or regulations or standards issued under the Act, have the meaning given to them under the Act or those regulations or standards.

Part 2: Requirements for imported frozen berry fruits

2.1 Imported frozen berry fruits are prescribed foods

Imported Frozen berry fruits, are prescribed food for the purposes of section 11P of the Act.

2.2 Sampling and testing and certification requirements

- (1) The first 5 consignments of frozen berry fruits imported by an importer from each supplier from each exporting country must be sampled and tested in accordance with Part 3 of this Standard.
- (2) After the first 5 consignments, each consignment of imported frozen berry fruits must either be:
 - a) accompanied by an export certificate issued by the competent authority of the exporting country stating that food safety risks associated with the berry fruits have been sufficiently managed; or
 - b) accompanied by a certificate issued by an accredited laboratory in the exporting country stating the berry fruits meet the acceptable microbiological quality; or
 - c) sampled and tested in accordance with Part 3 of this Standard.
- (3) Sub clauses (1) and (2) do not apply to consignments of frozen berry fruits imported for the purposes of further processing where a declaration has been provided by the importer that the processing contains a heat step sufficient to inactivate any Hepatitis A virus (85°C for one minute or equivalent).

2.3 Information requirements

An importer who imports frozen berry fruits into New Zealand must keep the following information and make it available to a Food Act Officer on demand:

- a) the type and quantity of frozen berry fruits being imported;
- b) the country where the frozen berry fruits are imported from.

Part 3: Sampling and testing requirements

3.1 Sampling

A Food Act Officer must sample any imported frozen berry fruits.

Food Act Officers will carry out sampling in accordance with MPI's existing sampling protocol for imported prescribed foods, which is outlined in the MPI food safety website:

http://www.foodsafety.govt.nz/elibrary/industry/Nzfsa_Sampling-.pdf

Once the test results are available to the Food Act Officer, this will be communicated to the relevant importers.

3.2 Test method

- (1) Where sampling and testing of frozen berry fruits are required under this Standard, testing must be conducted in accordance with the table below:
- (2) Berry fruits, as described in column 1 of the table, must be tested for the hazard in column 2 using the test method prescribed in column 3.

Food description	Hazard	Sampling plan and limits
Imported frozen berry fruits	E.coli	<p>$n=5$, $c=2$, $m=10$, $M=100$ cfu/g</p> <p>n = the minimum number of sample units which must be examined from a lot of food</p> <p>c = the maximum allowable number of defective sample units i.e. that have counts between 'm' and 'M'</p> <p>m = the acceptable microbiological level in a sample unit</p> <p>M = the level which when exceeded (i.e. the level is greater than M) in one or more samples would cause the lot to be rejected</p> <p>Reference: International Commission for the Microbiological Specifications of Foods (ICMSF)—Microorganisms in foods 8.</p>

3.3 Laboratory capacity and capability

Testing of any imported frozen berry fruits must be carried out in a laboratory that:

- a) is accredited to ISO/IEC 17025 by an accreditation body; and
- b) has suitable facilities, equipment, procedures, materials and staff to ensure that all testing and other required functions are carried out properly and completely at all times.