

What does the **Food Act** mean for me?

# Market Guidance

If you are thinking of selling food at a local market it is a good idea to speak with your local council's Environmental Health Officer (EHO) and the market organiser first.

**Everyone selling food must make sure it's safe and suitable. Even if you don't need to register you can still be checked and held accountable if you make people sick.**

## When you need to register:

There is information in this leaflet to help you find out if you need to register to sell food at a market. You can also go online and use the MPI '[Where Do I Fit](#)' tool if what you do isn't described in this leaflet. If you are still unable to work it out please contact [foodactinfo@mpi.govt.nz](mailto:foodactinfo@mpi.govt.nz).

## When you don't need to register.

You won't need to register a Food Control Plan or National Programme if you are:



### Fundraising

You can sell food for fundraising up to 20 times a year without registering. You just need to make sure that the food is safe (it won't make people sick) and suitable.



### Selling once a year

You sell food for personal profit on one occasion a year only.



### Selling your own fruit and vegetables

You sell your own fruit and vegetables that you **grew yourself** directly to consumers.



### Selling packaged food

You sell manufacturer-packaged food – like chippies, chocolate bars and soft drinks – that don't need to be kept cold to keep them safe to eat.



### A very small scale, occasional caterer

You are a very small scale caterer working from home, and only sell your food, intended to be eaten straight away, infrequently (e.g. less than 20 times per year) at a market.



## When you might not need to register.

If you sell low risk food infrequently you can apply for an exemption from having to register. For example, if you:



### Make jam

You make jam made from your own produce when it is in season, and you sell it at a market less than 20 times a year.



### Sell homemade baking

You make homemade scones, cakes, slices, that don't need to be refrigerated, and sell them at the market.



### Have a share table with produce

You sell excess produce from local growers on a shared table – and you are not one of the growers.

In such cases you might be a suitable candidate for exemption. Applications for exemption are made with MPI. There is a fee. You can find out more about applying for an exemption here: [mpi.govt.nz/foodact](https://mpi.govt.nz/foodact).

When you make an application for exemption you need to be able to explain how you make sure that the food you sell is safe to eat. You also need to provide a valid reason why your business should be exempt, particularly if other businesses doing the same thing are not.

## When you do need to register.

The answer will generally be 'yes' if you are selling at markets most weeks and:

- you make food e.g. you bake a loaf of bread, or
- you handle food, e.g. you re-package sweets, or
- you sell pre-packaged food that needs storing cold (or hot) to keep it safe, e.g. packs of bacon from your local butcher.

What you need to register depends on what you do with food and the type of food you sell. **Here are some examples:**

	If you make and sell meals and snacks that are meant to be eaten straight away	<b>Template Food Control Plan</b>
	If you sell foods such as unpackaged meat and fish, dairy, and bakery products	<b>Template Food Control Plan</b>
	If you make and sell drinks like ginger beer, or kombucha	<b>National Programme level 3</b>
	If you sell fruit and vegetables <u>grown by somebody else</u>	<b>National Programme level 3</b>
	If you make and sell jams, preserves, relishes and pickles that are shelf-stable	<b>National Programme level 2</b>
	If you sell food that has a high chance of making people sick, or you use technically-challenging processes to make your food	You may require a <b>custom Food Control Plan</b>