

## IMPORTING FOODS MADE WITH FORTIFIED INGREDIENTS INTO NEW ZEALAND

**Purpose:** To provide information/guidance on the sale of imported foods containing vitamins and minerals due to the use of fortified ingredients.

**Approach:** This document draws on the content of the Australia New Zealand Food Standards Code (the Code), policy guidelines and Food Standards Australia New Zealand documents that informed drafting of standards contained in the Code. It has been developed in collaboration with food industry representatives and stakeholders.

**Intended Audience:** Food importers, food retailers, verifiers, consultants, and Food Safety Officers.

This document should be read in conjunction with [A guide to Food Labelling](#).

### Context

Fortification means vitamins and/or minerals have been added to a food or ingredient, generally for the purpose of improving nutrition or providing health benefits. But addition of too much of a vitamin or mineral in a food, or too many fortified foods in the food supply, may result in excessive amounts of nutrients for some people and cause harmful side effects.

The Code seeks to manage risks from both too many or too few vitamins and minerals in the food supply by specifying certain foods that must be fortified, as well as indicating when food manufacturers can choose to add vitamins and minerals to food (what and how much). The fortification requirements and permissions contained in the Code have been established based on risk assessments specific to the Australia and New Zealand populations.

The risk of excess intakes of vitamins and/or minerals from dietary sources differ around the world, so other countries may have different rules for food fortification. These differences can impact on whether food made in one country meets the rules, and can be imported and sold, in New Zealand.

### The Problem

Importers and food retailers in New Zealand have expressed concern and confusion about some imported food consignments because they have been assessed as not complying with the Code due to non-permitted fortification. For example, shortbread (biscuits) made in Scotland with flour fortified according to the United Kingdom's mandatory fortification standard, confectionery containing vitamin D fortified margarine, cheesecakes made with a biscuit crumb base in which the biscuit was made with fortified flour.

The Code states (in Standards 1.1.1 and 1.1.2—12) vitamins and minerals can only be added to food for a nutritional purpose, if expressly permitted by a standard in the Code. Most vitamin and mineral permissions can be found in the Code in Standard 1.3.2 and Schedule 17, but other standards also permit, or require, vitamin and mineral addition. The interaction between the standards can give rise to differing opinions about what the Code allows.

For example, Schedule 17 does not expressly permit direct addition of iodine to bread. However, Standard 2.1.1 requires the use of iodised salt in bread, but not in breadcrumbs, although iodised salt may be used. Schedule 17 does not have any express permissions for any vitamins and minerals added to a prepared meal, like lasagne, and neither do any of the other standards in the Code.

### **MPI's Compliance & Enforcement Approach**

Vitamins and minerals can only be added to food for a nutritional purpose if permissions exist in the Code (Standards 1.1.1 and 1.1.2—12).

However, review of relevant Food Standards Australia New Zealand (FSANZ) documents indicates that there was an intention to permit carry over of ingredients fortified in compliance with the Code into final food (such as the use of zinc fortified cereal flour and/or vitamin D fortified margarine in biscuits), and use of fortified final foods as an ingredient in a mixed food (such as iodised salt used to make bread that was then used as breadcrumbs for crumbed fish).

This intention did not extend to alcoholic beverages (the Policy Guideline regarding food fortification explicitly states that fortification is not permitted in alcoholic beverages).

Further, the Code is clear that compound ingredients that make up less than 5% of the final food do not need to declare fortified ingredients.

Compliance and Enforcement under the Food Act 2014 takes a graduated, risk based and proportionate approach to managing non-compliance. This graduated model focuses on encouraging compliance as well as managing non-compliance. All reports or referrals of non-compliance are assessed and prioritised according to risk and whether there is a breach of legislation.

Responses to such reports or referrals range from low-level approaches (where there is minimal or no harm), through to high-level directed approaches (where the non-compliance has caused or could cause serious harm to public health, the behaviour is deliberate or reckless or the conduct is repeated).

A low-level approach may include:	no action advice education
-----------------------------------	----------------------------------

In addition, management of reports of imported foods containing non-permitted vitamins and minerals due to the use of fortified ingredients will consider:

- acknowledgment that there is some ambiguity created by the way the standards relate to each other
- the intentions stated in relevant supporting documentation
- acknowledgment that some countries may have mandatory fortification of certain ingredients such that the ingredient is not fortified in compliance with the Code.

For example, in the United Kingdom, calcium carbonate is required to be added to flour, but calcium carbonate is not permitted to be added to flour in Australia and New Zealand.

In such circumstances a low-level approach is likely, but each occurrence will be assessed on a case-by-case basis.

The flow diagram below outlines the types of foods covered by this guidance:

