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**Ministry for Primary Industries**  
Manatū Ahu Matua



16 January 2015

Document Number: B14-303

## Operation Concord – Next steps to respond to the threat to contaminate infant formula with 1080 poison

**Purpose:** This briefing seeks Ministers' agreement on the proposed next steps to respond to the threat of contaminating infant milk formula with 1080 poison.

Minister	Action Required:	Minister's Deadline
<b>Minister for Primary Industries</b>	Consider the contents and recommendations contained in this brief Refer to Ministers with the Power to Act for agreement on the proposed action, and to other Ministers with interests in Operation Concord for consultation Direct officials on your preferred course of action	As soon as convenient.
<b>Minister for Food Safety</b>	Consider the contents and recommendations contained in this brief	As soon as convenient.
<b>CC Prime Minister, Minister of Finance, Leader of the House, Minister for Economic Development, Minister of Local Government, Minister of Health, Minister for the Environment, Minister of Foreign Affairs, Minister of Trade, Minister for Police, Associate Minister of Trade, Minister of Conservation, Minister of Customs.</b>		

Contact for telephone discussion (if required)

	Name	Position	Work	After Hours
Responsible Manager	Scott Gallacher	DDG, Regulation and Assurance		
Principal Authors		Head of Planning and Preparedness		
		Principal Adviser, Policy and Trade		
		Principal Adviser, Policy and Trade		

9(2)(a)



## Key Messages

1. On 27 November 2014, Fonterra and Federated Farmers received an **anonymous threat to release 1080 contaminated infant or other formulas** [REDACTED]  
[REDACTED]  
[REDACTED] A sample of formula accompanied the letters.  
Analytical testing has confirmed the formula contained a dose of 1080 [REDACTED]  
[REDACTED] 6(c), 9(2)(d)
2. Officials are **treating this with utmost seriousness** because of the scale and significance of the consequences. Knowledge of the threat is restricted and subject to strict confidence agreements.
3. Police were immediately informed and a watch group of government officials was convened on the day the threat was received. The **threat has two dimensions – human health, if the threat is carried out, and economic, regardless of whether the threat is carried out.** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 6(c)
4. [REDACTED] MPI and Fonterra have collaborated to develop validated testing procedures for 1080 in milk and milk products and these are now in place to augment assurances that any final product is not contaminated. A communication strategy is in place if the threat becomes public other than a planned release. **A recall is not recommended at this stage, but it can be activated immediately.**
5. The **prime objective is to ensure human health is protected**, alongside mitigating the risks to markets and trade. **A staged and managed release of information is proposed** to meet these objectives and manage the risks. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 6(c), 9(2)(d)
6. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] 9(2)(g)(i)



7. If agreed, MPI in association with Police and MFAT would lead the staged release and:

- Meet with [REDACTED] affected manufacturers, followed shortly after by [REDACTED] key players in the global infant formula trade so that they can secure the supply chains and activate contingency plans;
- Within a week, or so, information would be released to industry and key stakeholders to advise them of the controls in place and allow them to prepare for the public release;
- Finally a wider public release would be made for people to manage any risks in the retail area, including the ability to purchase formula ahead [REDACTED]

6(a),  
9(2)(d)

6(c)

8. It is **only now that we have all the necessary plans in place** that a managed release of information is possible, in particular testing and ensuring that product is not contaminated or the supply chain compromised. Over the last six weeks officials have:

- Received information from and provided support to the ongoing Police investigation. [REDACTED]
- [REDACTED]
- [REDACTED]
- Overseen the development of a validated method for testing milk and milk products for 1080 [REDACTED]
- Identified [REDACTED] key New Zealand manufacturers and [REDACTED] major international companies that are effectively responsible for the world's infant formula markets that are directly affected by this threat;
- Identified significant export markets for infant formula and begun preparing contingency communications for overseas regulators; and
- Devised extensive reactive and proactive communications materials to respond to a range of scenarios by which the threat may become public.

6(c)

6(c)

9(2)(g)(i)

9. [REDACTED] 6(c)

10. [REDACTED]

6(c)

- [REDACTED]

11.

[REDACTED]

RELEASED UNDER THE OFFICIAL INFORMATION ACT



## Recommendations

12. MPI recommends that you:

- a) **Note** that a threat was received on 27 November 2014 to contaminate New Zealand infant and other formula with 1080 [REDACTED] [REDACTED] 6(c), 9(2)(d)  
**Noted**
- b) **Note** Officials are taking the threat seriously, as the threat was accompanied by a sample that contained [REDACTED] 1080. [REDACTED] 6(c)  
**Noted**
- c) **Note** the threat has two dimensions – human health, if the threat is carried out, and economic, regardless of whether the threat is carried out  
**Noted**
- b) **Note** an all of government response overseen by the Officials Committee for Domestic and External Security Coordination (ODESC) was launched on 28 November 2015.  
**Noted**
- d) **Note** that informing infant formula manufacturers will allow the risks to be mitigated, as manufacturers can better reduce risks along their supply chain.  
**Noted**
- e) [REDACTED] 6(a)  
**Noted**
- f) **Note** Officials are engaging with the Financial Markets Authority regarding the continuous disclosure obligations of publicly listed companies.  
**Noted**
- g) **Note** the situation could rapidly change and may result in the information being released in partially controlled or uncontrolled way.  
**Noted**

- i) **Agree** that MPI release information in a managed and staged process starting with [REDACTED] affected manufacturers, followed closely by [REDACTED] key global infant market suppliers, before a larger group of key stakeholders are informed and finally the general public. 6(a)
- Agreed / Not Agreed**
- j) [REDACTED] 9(2)(g)(i)
- Agreed / Not Agreed**
- k) [REDACTED] 9(2)(g)(i)
- Agreed / Not Agreed**
- l) [REDACTED] 6(c)
- Noted**
- l) **Note** that there are no plans to accede to the threat's demand to cease using 1080 in New Zealand. **Noted**
- l) **Note** that ODESC have asked DPMC to lead a review of the regulatory controls on 1080. **Noted**

Scott Gallacher  
Deputy Director-General  
Regulation and Assurance  
for Director-General

Hon Nathan Guy  
Minister for Primary Industries

/ / 2015

Hon Jo Goodhew  
Minister for Food Safety

/ / 2015



## Summary

13. This paper seeks direction from Ministers on the next steps in the all-of-government "**Operation Concord**", in response to a threat to contaminate "infant and other formula" [REDACTED] 6(c)
14. The most important objective of Officials' work is the health and wellbeing of consumers. [REDACTED] 6(c)
15. [REDACTED]
16. Officials are ready to lead contingency plans for a product recall, to maintain domestic formula supply or an unplanned release of information.
17. Irrespective of whether or not the threat is carried out, coverage of the threat in the media could seriously impact on New Zealand's export interests for infant formula and, possibly, wider dairy exports as well as negatively impact the overall New Zealand brand. [REDACTED] 6(a)
18. If Ministers agree, we recommend taking a managed and staged approach to informing, first affected manufacturers of the threat, [REDACTED] 6(a)  
[REDACTED] then other industry stakeholders and ultimately consumers. Transparency is an important principle in managing food safety effectively.
19. The overall strategy is to ensure the government can best manage the release of information to affected manufacturers to secure the supply chain and prepare for contingency situations. Officials consider a decision needs to be made now on the appropriate time to confidentially inform affected parties. Subject to your agreement. MPI proposes using a staged process that will culminate in a public release, unless the threat is eliminated. The process and meeting will be led by MPI in association with the Police.



20. [REDACTED] Officials will work with industry and trading partners to minimise wider economic impact. [REDACTED] MPI will work with industry to prepare mitigations that can be included in the proactive public announcement, such as product testing or enhanced security. 9(2)(d), 6(c)
21. The critical step of advising affected manufacturers allows them to put into place additional measures to protect consumers and their business. [REDACTED] 9(2)(d), 6(a)
22. New Zealand has a world class food safety system, but no country's food safety system is designed to detect or prevent a criminal act involving intentional contamination of a food product. Existing controls within the food safety system provide us with a high level of assurance and MPI has focussed on exploring further assurances in light of this threat.
23. Since December 2014, MPI [REDACTED] have worked closely with testing laboratories to develop an accredited method for testing for 1080 in milk and milk products on a commercial scale. This is ready for implementation now. The all of government response is being coordinated through the ODESC process 9(2)(b)(ii)
24. [REDACTED] 6(a), 6(c)
25. Officials have been working with the Financial Markets Authority to understand the legal obligations of publicly listed companies and any trigger points. Within Fonterra and government, knowledge of the threat is being tightly held.



## Background

### What Ministers are being asked to consider

26. On 27 November 2014, the Chief Executives of Fonterra and Federated Farmers received the same letter outlining a threat to release New Zealand infant and other formula, containing traces of 1080 [REDACTED]

6(c), 9(2)  
(d)

27. An all of government response to the threat was immediately launched in association with an intensive Police investigation. This briefing brings Ministers up to date with the threat and the all of government response to it, and seeks direction from Ministers on the next steps to be taken to manage the threat.

28. The government response to the threat has been named Operation Concord.

[REDACTED]

6(c)

29. [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

33. [REDACTED]



6(c)

34. [REDACTED]
35. [REDACTED]
36. [REDACTED]
- [REDACTED]
37. [REDACTED]
38. [REDACTED]
39. [REDACTED]
40. [REDACTED]

#### The use of 1080 in New Zealand

41. In New Zealand, "pure" 1080 is available in two forms – the high purity analytical grade 1080 which is used by laboratories for research and testing, and the technical grade 1080 active ingredient which is imported for the manufacture of 1080 pest control products. Both the analytical grade 1080 and technical grade 1080 are highly toxic chemicals.



42. New Zealand uses between 1 – 3.5 tonnes of technical grade 1080 annually, which accounts for about 80% of the world production of the pesticide. It is imported into New Zealand from the United States and transported to a manufacturing facility for use in the manufacture of 1080 pest control products.
43. New Zealand uses 1080 pest control products for the control of vertebrate pests and is the only country that undertakes widespread aerial application of baits containing 1080. 1080 is highly water soluble, readily biodegradable in soil and dilute quickly in water. It does not accumulate in the food chain. There are strict controls on its production, storage and use, including the requirement to keep tracking records of its location and use. 1080 is an essential management tool for conservation and managing bovine tuberculosis in cattle herds and deer. Both aspects have the potential to negatively impact on export interests and reputation.
44. The use of 1080 in New Zealand has been reviewed by the Environmental Protection Authority (EPA) in 2013 and the Parliamentary Commissioner for the Environment (PCE) in 2011. In 2007, the EPA approved the continued use of 1080 and the PCE has subsequently endorsed its widespread use. Despite the outcome of these reviews, there remains opposition to the widespread use of 1080 from individuals and some hunting and environmental groups. Forest and Bird supports the use of 1080 to protect our wildlife and forests.

#### Threat assessment

45. [REDACTED] 6(c)
46. [REDACTED] 6(a)
- [REDACTED] 6(c)
- [REDACTED] 6(c)



47. [REDACTED] 6(c)

48. [REDACTED]

#### Affected manufacturers

49. MPI, working with Fonterra, has identified the key manufacturers related to infant formula within New Zealand. [REDACTED] 6(c), 9(2)b(ii), 9(2)(ba), 6(a)

50. [REDACTED]



[REDACTED] 6(c), 9(2)b(ii), 9(2)(ba)

51. [REDACTED]

52. [REDACTED] 6(c), 9(2)b(ii), 9(2)(ba), 6(a)

#### Activities to date and overall assessment of the current situation

53. Officials consider a decision needs to be made now on the appropriate time to confidentially inform affected parties. Subject to your agreement, MPI proposes using a staged process that will culminate in a public release, unless the threat is eliminated. The process and meetings will be led by MPI in association with the Police.

54. In the six weeks since receiving the threat officials have:

- Received information from and provided support to the ongoing Police investigation. [REDACTED]
- Overseen the development of a validated method for testing milk and milk products for 1080 [REDACTED]
- Identified [REDACTED] affected New Zealand manufacturers and [REDACTED] major international companies that are effectively responsible for the world's infant formula markets [REDACTED]
- Identified significant export markets for infant formula and begun preparing contingency communications for overseas regulators; and
- Devised extensive reactive and proactive communications materials to respond to a range of scenarios by which the threat may become public.

6(c)

9(2)(g)(i)

6(a)



## Proposed Next Steps

55. We now have the ability to test for 1080 in the dairy supply chain on a larger scale that is sufficient for immediate needs. Implementing this requires MPI to engage with the key New Zealand-based manufacturers of infant formula (or ingredients) about the threat. MPI wishes to outline arrangements for product sampling and testing and seek cooperation with the supply of samples to laboratories.

6(c)

6(a)

56. Engaging with the [REDACTED] manufacturers at this stage also provides an ability to assess individual supply chains and to discuss other potential risk mitigation measures with a wider group. Once manufacturers have been told, sample testing can begin immediately from all manufacturers.

9(2)(g)  
(i)

57.

6(a)

58. However, if publicity about the threat is imminent or other circumstances arise, plans are in place to inform other companies and industry groups swiftly, as well as potentially [REDACTED] trading partners.

6(a)

59. Shortly after primary manufacturers are informed, MPI will inform the remaining [REDACTED] global formula companies (in addition to [REDACTED] which will have already been briefed) so that they too can prepare. We anticipate this will occur within one working day, however, this will be subject to discussion with manufacturers and the FMA. As the manufacturers and infant formula customers have close relationships, there is a high likelihood that these parties would find out in a relatively short time, if not informed directly. The companies too are best placed to understand and mitigate risks in the retail markets.

9(2)(b)  
(ii)

60. The next step, in the subsequent week, would be to inform health authorities and [REDACTED] trading partners in advance of a public release. Health authorities would take the lead in preparing public health agencies, such as Plunket and Healthline.

6(a)

61. Finally, industry groups and other stakeholders, such as the Infant Formula Exporters Association, the Dairy Companies Association of New Zealand (DCANZ), Dairy NZ and the Food and Grocery Council will be notified by MPI before the wider public to ensure they are appropriately prepared.



62. The process will conclude with a full public release to allow end consumers time to understand and prepare themselves well before the threat becomes imminent. It will also allow people to be vigilant against the potential for tampering, report any suspicious packaging and buy extra formula ahead of time, should they wish to.

9(2)(c)

### Managing risks: Human health and testing

63. The testing of milk and milk products for 1080 will provide an additional level of assurance overseas that New Zealand milk and milk products are not contaminated. Overseas authorities will seek details of any testing undertaken.

6(c),  
9(2)  
(b)(ii)

64.

MPI will prioritise an allocated portion of testing capacity so that all manufacturers have equitable access to testing. In addition, MPI will be purchasing some of the equipment needed to increase laboratory capacity.

65. A sampling strategy has been developed. The development and implementation of a validated test for detecting low levels of 1080 contamination of milk and formulated product including infant formula, gives MPI substantially increased confidence about the security and safety of the infant formula supply chain in New Zealand. This confidence will progressively increase as more test results are received from MPI and company testing programmes.

66.

9(2)(c)

67.

6(a)



68.

6(a)

[REDACTED]

69.

[REDACTED]

70.

[REDACTED]

71.

[REDACTED]

72.

[REDACTED]

### **Managing risks: Advising affected parties of the threat sequentially**

#### *Benefits of sequential release of information*

73. Providing confidential information early in a sequential way to affected parties will result in a better outcome by:



- Ensuring that all relevant New Zealand infant formula manufacturers share the same knowledge about the threat, including potential market reactions (Fonterra is currently the only manufacturer with this knowledge);
- Allowing manufacturers to increase vigilance and security of their supply chains and general security of their plants;
- Allowing manufacturers to implement procedures to test milk and/or milk products for 1080;
- Recognising the shared interests of manufacturers and the government in maintaining confidence in New Zealand's food products;
- Enabling careful management of public communications when customers and consumers are informed of the threat;

- [REDACTED] 6(a)
- Improving MPI's validation of the infant formula supply chain, [REDACTED] based on information provided by these manufacturers;

- [REDACTED] 6(c)

#### *Risks of sequential release of information*

74. The decision to proactively release information to a wider group of people increases the likelihood of the threat becoming public before planning is completed. This could potentially spark consumer and market reactions, as well as affecting the Police investigation.

75. In addition, some of the manufacturers have complex ownership arrangements, which may require them to share information with head offices positioned in other countries. This further increases the risk of information becoming public, or known to other regulatory authorities.

[REDACTED] 6(a)

76. There are also Financial Markets Authority (FMA) reporting obligations (discussed later in the briefing) and contractual obligations to customers which will affect publicly listed companies' ability to maintain full confidentiality of the information provided to them by the New Zealand government. Potentially, similar requirements will be triggered offshore.

#### *Mitigating risks of sequential release of information*

77. [REDACTED] 6(a)  
9(2)(g)  
(i)



78.

6(a),  
6(c)

79. Additional actions are recommended to further mitigate the above risks. These include:

- Confining information to an initial group of affected manufacturers first, and then the top [redacted] global infant formula companies;
- Requiring all parties to agree to and sign confidentiality agreements prior to receiving a verbal briefing;
- A commitment by officials to provide parties with regular updates on developments with the investigation and involving them in the response;
- A comprehensive communication strategy that includes material to support a proactive release (including to New Zealand Posts), as well as material to support an unplanned release
- Being prepared to brief other governments, as required.

9(2)(g)(i)

*Pre-requisite actions before advising manufacturers*

80. MPI has identified the following key actions to be completed before any information about the threat is released. [redacted]

9(2)(f)(iv)

- [redacted]
- Finalise Communication strategy and associated messaging for stakeholders and/or media (Completed – subject to decision to proceed and any updating as circumstances change)
- Communications plan for responding to test results confirming deliberate contamination once 1080 testing regime is in place. (underway)
- Meeting with FMA, MPI Officials and Fonterra to discuss disclosure obligations (scheduled for early next week).

**Timing of the first proposed meeting**

81. If the meeting with manufacturers is authorised, then arranging the meeting would require at least 3 days. It will be a face-to-face meeting held in Wellington that is expected to take up to 3 hours. [redacted]

6(a)



82. A detailed sequencing of activities has been planned to ensure the meeting achieves its objectives and to enhance the prospects of maintaining confidentiality.

83.



9(2)(g)  
(i), 9(2)  
(f)(iv)

#### **Continuous disclosure requirements of the Financial Markets Authority (FMA)**

84. MPI has engaged with the Financial Markets Authority over this matter. Companies listed on the NZX are required to promptly disclose to the stock market matters that could affect share price. Listed companies are required to disclose material information immediately, unless all of the following points are met:
- The information is confidential and its confidentiality is maintained; and
  - The information comprises matters of supposition or is insufficiently definite to warrant disclosure; and
  - A reasonable person would not expect the information to be disclosed.
85. Disclosure to the market is required if any one of these criteria ceases to apply. One of the key aspects, therefore, is the confidentiality of the information in relation to the 1080 threat. If confidentiality is threatened then the trigger for disclosure may be met. MPI and FMA believe that confidentiality can be maintained, at this stage, by the process which has been proposed but this will need to remain under review and we will continue to engage with the FMA over this matter. A joint meeting between MPI, FMA and NZX will also occur prior to any proposed meeting with manufacturers
86. Disclosure is a company responsibility that each will need to take advice on. FMA considers it would be preferable for each company to be able to point to an announcement that is made by government in order to satisfy their disclosure obligations to ensure that further speculation is not created by different company announcements. To this end MPI and FMA will work together to develop a disclosure statement and offer this to companies to use in the event that Operation Concord becomes public. MPI will not provide any advice on a company's disclosure obligations, however, and the FMA have agreed to engage with the listed manufacturers directly.
87. The FMA recommends that any notification to customers or other manufacturers should occur as close to immediately prior to any public notification as practicable. The FMA notes that any adverse customer reaction may of itself trigger the disclosure statement threshold in respect of materiality. If other manufacturers are also told, this may further threaten the confidentiality and this will need to be considered.



88. [REDACTED] 9(2)(b)(ii)

89. At a meeting on 13 January, the FMA requested a register of all persons who are aware of Operation Concord. This will be developed and supplied to FMA and continuously updated.

#### **Security of information about Concord threat**

90. In considering whether to inform other parties about this matter it is important to understand who is currently aware of the threat and/or Operation Concord.

91. Apart from the threat faction, the threat recipients (Federated Farmers and Fonterra), a range of public service Officials and lab testing entities have been advised to various degrees about the threat. [REDACTED]

9(2)(b)  
(ii)

92. [REDACTED] 6(c)

#### **Communications Planning**

93. Extensive communications planning has been underway since the Concord threat was made. There has been cross agency input into this and it covers a range of scenarios for the threat being made public from an uncontrolled leaking of the threat to a planned and deliberate announcement.

94. One of the principles officials have been working to is that a planned, proactive announcement of the threat, at the appropriate time, is the best manner of maintaining public and trading partner trust and confidence (as opposed to an uncontrolled leak). [REDACTED]

9(2)(c)

[REDACTED] This may be alleviated if the threat was in some way eliminated, for example following a Police arrest.



95. This information (when it becomes public) is likely to lead to sustained global media attention being focused on New Zealand. MPI will be the lead agency for media responses, but NZ Inc agencies have developed an international media response protocol to support MPI. This includes setting up a media response centre and undertaking global media (and social media) monitoring. MFAT and NZTE offshore staff will also support the MPI response by providing advice on specific media requirements for their countries and regions.

*Process for proactive announcement*

96. As noted elsewhere in this paper, bringing other parties into the loop on the Concord threat is essential to enable risk mitigation measures to be put in place, in particular 1080 testing, [REDACTED] and to manage relationships with trading partners. Key proactive release talking points are annexed to this paper. 6(c)
97. [REDACTED] his scenario clearly assumes that other matters that might trigger an earlier announcement do not arise – for example a leak, financial market disclosure requirements, developments to the threat or criminal investigation [REDACTED] 6(a)
98. Additional planning is underway around post-announcement communications considering, for example, managing public health concerns (development of information and scripts for Healthline, Plunket DHBs etc), shaping the inevitable debate around 1080 use, social media engagement and developing a regular rhythm for media briefings.

**Public announcement process**

99. Subject to Minister's view, the key points in the announcement process from the Communications Strategy are:
- The initial public announcement will be made at a media conference, at Police National Headquarters, convened by Police and MPI
  - The Police Commissioner and MPI Director-General will lead the media conference – supported by appropriate senior staff
  - The media conference will be timed to enable a simultaneous market disclosure announcements for listed companies affected by the Concord threat
  - The initial media conference will be followed by a ministerial media conference – one to two hours later.



100.

6(a)

101.

102.

6(a), 9(2)  
(d)

103.

6(a),  
9(2)(d)

104. Overseas New Zealand Posts will be fully briefed and able to respond to any questions.

#### Further information

105. Operation Concord planning has considered a range of scenarios that might lead to the controlled, uncontrolled or partially controlled release of this matter to the public and has prepared plans accordingly.



106. [REDACTED] 6(c)

107. [REDACTED] 9(2)(g),  
6(a), 9(2)  
(d)  
6(c)

108. [REDACTED] 9(2)(d),  
6(a)

### Consultation

109. The following agencies have been consulted in the preparation of this paper and agree that a managed and staged release of information is appropriate:

- Treasury
- Ministry of Foreign Affairs and Trade
- Environmental Protection Agency
- New Zealand Police
- Department of Conservation
- The New Zealand Customs Service
- Ministry for the Environment
- Ministry of Health

110. The Department of the Prime Minister and Cabinet are an integral part of the Watch Group that has been set up as part of this response. They are aware of the contents of this briefing.



## Annex 1: Key government agency actions in response to the Concord threat

### **Immediate actions following receipt of the threat**

- Threat received by Fonterra and Federated Farmers on Thursday 27 November 2014 6(c)
- Police and Government agencies advised;
- Police investigation initiated;
- Officials begin working [REDACTED] on the response to the threat. 9(2)(b)(ii)

### **All of Government response coordination through ODESC and Watch Group**

- First watch group convened Thursday 27 November;
- First ODESC meeting Friday 28 November;
- Activities coordinated by DPMC with regular weekly watch group meetings and two-weekly ODESC meetings.
- ODESC meeting on 9 January 2015 commissioned this briefing for Ministers.

### **Initial preparedness activity**

- Across agency communications meeting to commence comms planning – reactive and proactive messages prepared to respond to different scenarios by which information about the threat might become public.

### **Police investigation**

- [REDACTED] 6(c)
- [REDACTED]
- [REDACTED]

### **MPI activities**

- Established a formal response to Concord threat;
- [REDACTED] 6(c)
- [REDACTED] developed validated test method to detect 1080 in milk and milk powder; 9(2)(b)(ii)
- Developed contingency plan if tests detect 1080 in milk or product;
- [REDACTED] 6(a)
- Prepared and continued to update, a communications strategy;
- Developed procedures and sequencing for advising infant formula manufacturers, foreign regulators and others about the threat;
- Worked with FMA over continuous disclosure requirements for listed companies.

### **MFAT activities**

- [REDACTED] 6(a)



- Identified extent of infant formula markets and various ownership and regulatory relationships.

***Keeping Ministers informed***

- First aide memoire to Ministers Guy and Goodhew Monday 1 December; (AM14-263)
- Subsequent aide memoires to Ministers Guy and Goodhew – also used by other departments to advise Ministers:
  - Friday 5 Dec (AM-272)
  - Friday 12 Dec aide memoire (AM-280)
  - Friday 19 Dec aide memoire (AM-288)

Annex 2 is withheld under 6(c).



**Annex 3: Key Talking points for proactive announcement**

**Ministry for Primary Industries**  
Manatū Ahu Matua



## **Operation Concord**

### **Communications Strategy for a controlled announcement - full testing regime in place**

This strategy considers a planned, proactive announcement following receipt of direction from Ministers.

This strategy assumes that the implementation of a new 1080 testing regime for the manufacturing of retail ready infant formula and relevant base powders is underway. This scenario also assumes that other matters that might trigger an earlier announcement do not arise – for example a leak, financial market disclosure requirements, developments to the threat or criminal investigation [REDACTED] 6(a)

The timings below are based on the proposal to Ministers that a sequenced process to release the information [REDACTED] 9(2)(g)(i)

#### **Notes**

- The initial public announcement will be made at a media conference, at Police National Headquarters, convened by Police and MPI.
- The initial media conference will be timed to enable simultaneous market disclosure announcements for listed companies affected by the threat.
- The initial media conference announcing the threat will be followed by a media briefing with key subject matter experts and then a media conference with Ministers. This allows time for media outlets to file the initial story about the existence of the threat and then follow up with additional reports that include more detail
- Detailed planning is underway for post announcement communications considering a range of matters including public health messaging, frequency of daily media briefings, stakeholder updates etc. This will also consider managing various issues that are likely to develop post announcement [REDACTED]

9(2)(g)(i)



• **Announcement timings**

Activity prior to day of announcement						
	Engagement	Owner	Mechanism	Objective	Inputs	Time
6(a)	[REDACTED]	[REDACTED]				[REDACTED]
9(2)(g)(i)	2 [REDACTED] identified affected manufacturers advised of face-to-face meeting with MPI in Wellington in two days time.	MPI	Phone			T - 3 weeks
	3 Formal meeting with [REDACTED] affected manufacturers	MPI	Face-to-face meeting			T - 3 weeks
9(2)(b)(ii)	4 [REDACTED] largest global infant formula suppliers advised	MPI				T - 3 weeks - soon after affected manufacturers are advised
6(a)	5 MFAT activates trading partner announcement plan for markets [REDACTED]	MFAT officials	Formal message	Transparency Information sharing	Talking points Supporting documents	T - 2 weeks
	6 Public health agencies eg Plunket briefed on situation	MPI and MoH	Face-to-face	Preparation Information sharing Cooperation and alignment (of messaging) No surprises	Talking points for conversation Talking points for them to provide to their frontline nurses and Plunket Line	T - 1 to 2 weeks
	7 Briefing to key Ministers Press Secretaries					T - 48 hours



8  9(2)(b)(i)	Key stakeholders advised of a conference call briefing the following day  [REDACTED]	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency	Talking points for conversation Talking points for them to provide to their members	T – 15 hours
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DRAFT



## Day of announcement (February – exact date TBC)

	Engagement	Owner	Mechanism	Objective	Inputs	Time
9	Health agencies (Health Line, Medical Officers of Health)	Ministry of Health	Phone Follow up email	Information sharing Alignment	Talking points Fact Sheets	0800hrs
10	Announcement of media conference	Police comms	Media advisory	Preparation	Media advisory Media list	0900hrs
12	Key industry stakeholder conference call	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency No surprises	Talking points for conversation Talking points for them to provide to their members	0900 to 0930hrs
13	Final pre-media conference briefing session - Spokes people briefing and preparation	MPI and Police Comms	Face to face	Preparation	Q & A	0930hrs

9(2)(f)(iv)



15	<b>General public</b> - <b>Media Conference 1</b> <b>Spokespeople:</b> Police Commissioner and MPI Director-General – supported by appropriate senior staff	MPI and Police	<b>Media conference</b> <b>Web</b> <b>Social media</b>	<b>Transparency</b> <b>Openness</b> <b>Advice</b> <b>Reassurance</b>	<b>Media release</b> <b>1080 Fact Sheets (use in New Zealand)</b> <b>Web &amp; social media content</b>	1100 to 1130hrs
16	Market disclosure by manufacturers who are listed companies					1100hrs
At conclusion of media conference, media are advised of run-plan for the day – that is, Media Conference with subject matter experts subject matter briefing to occur at 1230hrs and Ministerial Media Conference at 1300hrs. Will also advise on the rhythm for media briefings in subsequent days and process for managing interview requests.						
18	<b>General public</b> - <b>Media Conference 2</b> (subject matter experts – 1080, testing, public health / infant health)	MPI	<b>Media conference</b>	To provide more detail to media		1200 to 1230hrs
19	Announcement of Ministerial media conference	Lead Minister's office	Media Advisory	Preparation	Media advisory	1130hrs
20	<b>General public</b> - <b>Media Conference 3</b>	<b>Minister of Police</b> <b>Minister for Primary Industries</b>	<b>Media conference</b> <b>Web</b> <b>Social media</b>	<b>Transparency</b> <b>Openness</b> <b>Advice</b> <b>Reassurance</b>	<b>Media release</b> <b>Web &amp; social media content</b>	1300 to 1330hrs
On-going communications plan activated (note – separate plan being developed considering a range of matters including public health messaging, frequency of daily media briefings, stakeholder updates etc. This will also consider managing various issues that are likely to develop post announcement – )						

9(2)(g)(i)



## Key Talking points

- A threat targeting New Zealand interests has been received, relating to opposition to 1080 use in New Zealand.
- The threat involves a stated intention to release 1080 contaminated infant and other formula [REDACTED] 6(c)
- [REDACTED]
- These are abhorrent threats which Government views with utmost seriousness. Police immediately launched a criminal investigation and MPI, with the support of multiple government agencies, and industry, has been focused on putting additional measures in place to further protect the infant formula supply chain.
- Since the threat was received, MPI has worked with industry to put in place additional measures to enhance supply chain security. This includes a 1080 testing regime that gives us a very high degree of confidence that no retail ready infant formula on shelves here, or exported overseas, is contaminated with 1080. [REDACTED] 6(a)  
[REDACTED] 6(c)
- There is significant resource being brought to the investigation and operational response and the full force of the law will be applied.
- We are asking anybody that might have any information relevant to this criminal investigation to call Police on [tbc]. As a country we need to come together to overcome this threat – regardless of our personal views on 1080.
- [REDACTED] This is not about the integrity of our food safety system which is world class. 6(c)
- Our first priority in responding to this threat has been and will continue to be the safety of consumers.
- [REDACTED] 6(a)  
[REDACTED] 6(c)
- New Zealand infant formula processing factories maintain high levels of security as a normal routine and there has been no evidence found to date that normal supply chain assurances or factory security has been compromised.
- The situation reflects deeply held opposition in some sectors of the community about 1080 use in New Zealand, despite independent and rigorous reviews that have endorsed its use within tightly regulated pest control operations.



- 1080 is a critical tool for pest control and protecting New Zealand's native flora and fauna – which are a vital part of what makes New Zealand New Zealand. It is also a vital tool for controlling bovine tuberculosis and as such is very important to our agricultural industries.
- As always, our advice to consumers is that if product appears to have been tampered with – for example seals broken or punctured – then it should not be consumed and it should be reported to the appropriate authorities. In New Zealand this is the Ministry for Primary Industries on 0800 69 37 21 or [info@mpi.govt.nz](mailto:info@mpi.govt.nz)



AM14-309

Ministry for Primary Industries  
Manatū Ahu Matua



**Aide-memoire:**

**From:** Andrew Coleman  
Deputy Director-General, Branch  
for Director-General

**Contact:** Andrew Coleman [REDACTED]

9(2)(a)

**To:** Hon. Nathan Guy  
Minister for Primary Industries  
Hon. Jo Goodhew  
Minister for Food Safety

**Cc:** Prime Minister, Minister of Finance, Leader of the House, Minister of  
Economic Development, Minister of Local Government, Minister of  
Health, Minister of Trade, Minister of Police

**Date:** 21 January 2015

**Operation Concord: Addendum to BN14-303**

**Situation**

1. Ministers met on 19 January 2015 to discuss a proposed managed and staged release of information to respond to the threat to contaminate infant milk formula (please refer to BN14-303 annexed). This aide memoire provides further information for the Ministers' next meeting on Thursday 22 January 2015.
2. Following your meeting on 19 January, officials were directed to find out additional information on: access to, and import controls on, 1080; the infant formula supply chain in New Zealand; and what food safety assurances the new testing regime can provide; and progress with the Police investigation.

**1080**

3. [REDACTED]

6(c)



**Security Level – Restricted**

4.

[REDACTED]

6(c)

5.

[REDACTED]

6.

[REDACTED]

[REDACTED]

7.

[REDACTED]

8.

[REDACTED]

[REDACTED]

9.

[REDACTED]



**Security Level – Restricted**

[REDACTED] 6(c)

10. [REDACTED]

11. [REDACTED] 6(c), 9(2)(b)

[REDACTED]

**Assurance levels provided by the new testing regime**

12. There is strong evidence that contamination with 1080 has not occurred in the New Zealand dairy manufacture and supply chain through to export, or entry into the domestic retail chain. All milk and product testing is undertaken by the MPI designated accredited laboratories [REDACTED] 9(2)(b)

13. In addition to MPI's current National Chemical Contaminants Programme, confidence in the testing regime is assured through the additional MPI sampling and testing programme for 1080. This programme will:
- Provide statistical confidence that 1080 is not present in NZ raw milk, milk products or formulated milk products for infants and young children
    - The statistical assurance is that at least 99% of manufactured products are compliant, with a 95% confidence of this figure
  - Ensure samples accurately represent the range of milk products and formulated milk products from all manufacturers and the range of animals
  - Have a high probability of identifying contamination of milk, milk products or formulated milk products, if this were to occur at the point of milk production or manufacture
  - Ensure all laboratories undertaking testing of samples for this programme are accredited to ISO 17025 and approved as MPI recognised dairy laboratories
  - Ensure test methods are validated, and able to test to very low levels of sensitivity that are below the toxicological 'safe level'
  - Require immediate reporting of all results as soon as they are available



**Security Level – Restricted**

- Enable MPI to provide robust assurance to other competent authorities and markets that New Zealand dairy products are free of 1080.

14. The expected widespread dairy industry testing of milk, milk products or formulated milk products will include a significantly greater numbers of samples than the MPI programme. It will add confidence that industry testing does indeed provide results that can be relied upon, and that New Zealand milk, milk products or formulated milk products are free of 1080. The results of industry testing will:
- Provide robust evidence to importers and importing countries that commercial consignments of dairy products are free of 1080
  - Enhance confidence in each manufacturer's products.

15.

[REDACTED]

6(c)

**Police investigation**

16.

[REDACTED]

6(c)

17.

[REDACTED]

**Other matters**

18. The communications teams continue to work on refining key messages and identifying experts and other competent people that can comment on 1080 use and other aspects, including health.
19. Further steps are outlined in the annexed briefing note (BN14-303) in paragraphs 7 and 55-82.

**Minister / Minister's Office**

Seen / Referred

/ /2014



AM14-326

**Ministry for Primary Industries**  
Manatū Ahu Matua



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**Aide-memoire:**

**From:** Martyn Dunne  
Director-General

**Contact:** Andrew Coleman [REDACTED]

9(2)(a)

**To:** Hon. Nathan Guy  
Minister for Primary Industries  
Hon. Jo Goodhew  
Minister for Food Safety

**Date:** 28 January 2015

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**Operation Concord: Changes to Sub14-030**

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**Situation**

1. Cabinet Ministers met on 27 January 2015 to discuss a proposed managed and staged release of information to respond to the threat to contaminate infant milk formula (please refer to Sub14-030, briefing note BN-303 and aide memoire (AM-309)). Cabinet deferred its consideration till the following week, pending changes to the paper.
2. Officials have now amended the paper as requested, so that the paper can be considered at Cabinet on 2 February 2015. Submission Sub14-030 is attached for you to re-submit to the Cabinet Office.



Security Level – Restricted

Recommendations

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1. MPI recommends that you:

a) **Note** the contents of this aide memoire and revised Cabinet paper

**Noted**

b) **Agree** to submit revised Cabinet paper (Sub14-030) to the Cabinet Office

**Agreed / Not Agreed**

Martyn Dunne  
Director-General

Hon Nathan Guy  
Minister for Primary Industries

/ / 2015

Hon Jo Goodhew  
Minister for Food Safety

/ / 2015