



Food Notice

Importing Food

TITLE

Food Notice: Importing Food

COMMENCEMENT

This Food Notice comes into force on 1 March 2016.

ISSUING AUTHORITY

The Chief Executive having consulted in accordance with section s380 of the Food Act 2014, issues this Notice under sections 405(1)(a), 405(2)(a), 405(2)(d) 405(3), 406(1)(t), 406(1)(u), 291(6) of the Act.

Dated at Wellington this ... day of 2015.

Name:

Role:

Ministry for Primary Industries

A copy of the instrument of delegation may be inspected at the Director General's office.

Contact for further information
Ministry for Primary Industries (MPI)
Regulation & Assurance Branch
Regulation & Assurance
PO Box 2526,
Wellington 6140
Email: food.assurance@mpi.govt.nz

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Introduction

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

Purpose

The purpose of this Notice is to:

- (1) specify the form and manner of applications for registration as an importer; and
- (2) specify the date on which the registration of an deemed importer expires for the purposes of Section 438(2) of the Act; and
- (3) specify which imported foods are of High Regulatory Interest and which are of Increased Regulatory Interest; and
- (4) specify the requirements that must be met to obtain a clearance for entry into New Zealand under Section 109 of the Food Act 2014 (the Act); and
- (5) approve laboratories for testing of food requiring clearance under Section 109 of the Act ; and
- (6) specify conditions that apply to Approved laboratories.

Background

- (1) To provide visibility and control over parties importing food into New Zealand, the Act provides that importers of food must be registered and requires that the manner be specified by Notice.
- (2) As all import consignments are managed through Joint Border Management Systems (JBMS), a pre-requisite for an importer to be registered is that they or their agent are a registered JBMS user.
- (3) Duties of an importer are detailed both in the Act and in Regulations. These duties relate to:
 - a) assessing the safety and suitability of food to be imported; and
 - b) keeping records to allow for traceability and verification of the foods safety and suitability; and
 - c) providing information to accompany consignments of food being imported; and
 - d) providing evidence to allow food to be cleared; and
 - e) managing un-cleared food; and
 - f) allowing verifiers and recognised persons to access business premises.
- (4) The regulations set out the following two categories of imported food that may require written clearance for entry into New Zealand:
 - a) High Regulatory Interest Food - imported food that presents an increased risk to human health based on the food's inherent nature and hazards associated with it, the nature of its processing or handling, or the nature of the food safety controls in the country of origin; and
 - b) Increased Regulatory Interest Food - imported food for which there is some uncertainty or concern about the risk to the safety and suitability of the food.
- (5) Food that is not notified as being in one of the above categories does not require clearance under the Food Act.
- (6) Categorising food in this manner allows a targeted approach to monitoring imported food based on risk.
- (7) This Notice sets out which foods are considered High Regulatory Interest and Increased Regulatory Interest. For each food, the requirements and mechanisms for clearance are also set out. The mechanisms include the supply of official certificates or manufacture declarations and sampling and testing of products.

- (8) The Regulation sets out a requirement that when imported food is required to be tested the testing must be completed by an approved laboratory. The Act requires laboratories to be approved by Notice. This Notice therefore approves laboratories for testing of imported food. The approvals are given with consideration to the criteria governing approvals set out in the regulations.

Who should read this Food Notice?

- (1) The persons who should read this Notice are:
- a) any person who wants to import food into New Zealand; and
 - b) food safety officers clearing food for import; and
 - c) laboratories approved for the testing of imported food.

Why is this important?

- (1) Not meeting the requirements of Parts 2 and 3 of this Notice may result in:
- a) failure to obtain entry of the food into New Zealand; or
 - b) re-exportation or destruction of the product at the importer's cost; or
 - c) suspension of an importer's registration.
- (2) Failure of laboratories to comply with the conditions of approval given in Part 4.2 of this Notice may result in suspension or withdrawal of the approval.
- (3) Operating other than in accordance with this notice may be an offence under section 233 of the Food Act 2014.

Other information

Food importers must also comply with requirements under the Biosecurity Act 1993 and Customs and Excise Act 1996.

Part 1: Preliminary provisions

1.1 Application

- (1) This notice applies as follows:
- Part 1 applies to importers of food for sale, imported food for sale, and laboratories approved to test imported food; and
 - Part 2 applies to importers of food for sale; and
 - Part 3 applies to imported food for sale; and
 - Part 4 applies to laboratories approved to undertake testing of imported food.

1.2 Definitions

- (1) In this notice:

the Act means the Food Act 2014

batch or lot mean a quantity of specific food which is prepared or packed under essentially the same conditions usually –

- from a particular preparation or packing unit; and
- during a particular time ordinarily not exceeding 24 hours

critical non-compliance means where one or more of the personnel, equipment, work conducted, facilities, working environment, or other resources (or lack of), may have had an adverse effect on the integrity of test results and is not in accordance with:

- the conditions of approval; or
- the requirements of ISO /IEC 17025

ISO/IEC 17025 means the current edition of ISO/IEC 17025 "General requirements for the competence of testing and calibration laboratories"; this refers to the latest edition of that standard, together with any additions, amendments, and deletions made to or from that standard up to that time.

official certificate means a certificate issued by, or under the control of the exporting country's competent authority, including by a certifying body recognized by the competent authority to issue such certificates;

Regulations means the Food Regulations 2015

- (2) All terms used in this Notice and that are defined by or under the Food Act 2014, or regulations made under that Act, but not defined in this Notice, have the same meaning as in the Act or regulations where it is defined.

Part 2: Registration as an importer

2.1 Application for registration as a food importer

- (1) A person applying to be a registered food importer must request to be a food importer in JBMS.

2.2 Registration expiry of deemed food importer

- (1) The registration of a person deemed to be a registered importer under section 438 expires on the 1st anniversary of the current listing after 1 July 2016.

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Part 3: Requirements applying to imported food

3.1 Categorisation of imported food

- (1) All food listed in Column A of Schedule 1 of this Notice is High Regulatory Interest Food, unless the food is imported from Australia.
- (2) Despite sub clause (1), the following products imported from Australia are High Regulatory Interest Foods:
 - a) bivalve molluscan shellfish (BMS) and products containing BMS; and
 - b) bovine meat and meat products containing greater than 5% of bovine meat.
- (3) All food listed in Column A of Schedule 2 of this Notice is Increased Regulatory Interest food unless the food is imported from Australia.

3.2 Clearance requirements for food of High Regulatory Interest and Food of Increased Regulatory Interest

- (1) All High Regulatory and Increased Regulatory Interest Food must meet the clearance requirement as listed in column C of the relevant Schedule.
- (2) The clearance mechanism in relation to a food from a specific country or geographic region of harvest, production or manufacture is listed in column E of the relevant schedule.
- (3) Specifically:
 - a) the official certificate must give assurance that food safety has been effectively managed; and
 - b) sampling and testing is in relation to the hazard specified in column B of the relevant schedule and must indicate that the clearance requirement in column C is met; and
 - c) the Chief Executive may direct a food safety officer to resample and allow retesting of certain batches or lots if satisfied that there is a critical non-compliance within the Approved laboratory that has impacted the integrity of the test results for samples from that batch or lot.
- (4) If no clearance mechanism is listed for a specific food and country or region of origin there is no agreed clearance mechanism for that food.

Part 4: Laboratories approved for testing imported food

4.1 Approval of laboratories

- (1) All laboratories specified in Schedule 3 of this Notice are approved to undertake testing of imported food under Section 312 and for the purpose of clearance under Section 109 of the Act.

4.2 Conditions of approval

- (1) An approved laboratory must only test samples of food where the integrity of the sample and packaging has been maintained through transport to the laboratory.
- (2) An approved laboratory must only use a test method:
 - a) that is covered in the scope of its ISO/IEC 17025 accreditation, and is suitable for the intended sample matrix; or
 - b) specifically agreed to by the Chief Executive in the following circumstances:
 - i) it is essential that a food is tested for an analyte for which no approved laboratory currently has a method within its scope of accreditation or agreed by the Chief Executive under this clause; and
 - ii) the approved laboratory can quantify the level of detection and uncertainty of the test method; and
 - c) which allows the results to be reported in the units specified in Schedules 1 and 2 of this Notice.
- (3) An approved laboratory must notify the Chief Executive of the following events within one working day:
 - a) the laboratory is notified by the accreditation body of suspension or withdrawal of accreditation; or
 - b) the laboratory becomes aware of a critical non-compliance that relates to test results supplied or ongoing testing; or
 - c) the laboratory becomes aware that the results or any test methods being utilised are in doubt and the reason why.
- (4) An approved laboratory must notify the Chief Executive within five working days if the laboratory makes changes to its premises, staff, equipment or operation that differs from that supplied when requesting approval, or impacts on the test results.
- (5) An approved laboratory must include the following information when reporting results:
 - a) the name and address of the laboratory, and the location where the tests were carried out, if different from the address of the laboratory; and
 - b) the name of the person requesting the testing; and
 - c) the unique reference for the consignment being tested; and
 - d) the sample number(s) used to identify the samples by the sampler; and
 - e) a description of the imported food tested; and
 - f) the analyte being tested; and
 - g) identification of the method used; and
 - h) the test results with, where appropriate, the units of measurement; and
 - i) the date of analysis; and
 - j) the name(s), function(s) and signature(s) or equivalent identification of person(s) authorising the test report.
- (6) The report may be in electronic format as approved by the Chief Executive.

Schedule 1: Food of High Regulatory Interest

- (1) All food listed in Column A of Schedule 1 is High Regulatory Interest Food unless the food is imported from Australia.
- (2) Despite sub clause (1), the following products imported from Australia are High Regulatory Interest Foods:
- bivalve molluscan shellfish (BMS) and products containing BMS; and
 - bovine meat and meat products containing greater than 5% of bovine meat.

Column A: Food	Column B: Hazard	Column C: Clearance Requirement	Column D: Country or geographic region of harvest, production or manufacture	Column E: Clearance Mechanism
Dairy: Raw milk products	<i>Listeria monocytogenes</i> <i>Salmonella</i>	<i>Listeria monocytogenes</i> not detected in 25g <i>Salmonella</i> not detected in 25g	Countries of the European Union Switzerland	Official Certificate
Dairy: Fresh cheese, curd cheese and soft cheese (pasteurised)	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> not detected in 25g	All countries	Official Certificate or Sample and Test
Fish: Histamine susceptible fish and fish products	Histamine	Histamine not exceeding 200mg/kg	All countries	Official Certificate or Sample and Test
Fish: Puffer Fish	Tetrodotoxin	Tetrodotoxin not detected	Korea	Official Certificate
Fish: Ready to Eat (RTE) smoked fish and smoke flavoured fish (chilled)	<i>Clostridium botulinum</i> <i>Listeria monocytogenes</i>	Salt content must be greater than 3.4% (aqueous phase basis) and Aerobic plate count per gram not to exceed 500,000 in a single sample <i>Listeria monocytogenes</i> not detected in 25g	All countries	Official Certificate or Sample and Test
Meat: Bovine meat and products	Bovine Spongiform Encephalopathy (BSE) agent	Bovine meat are of Australian and/or New Zealand origin.	Australia	Manufacturers Declaration

Column A: Food	Column B: Hazard	Column C: Clearance Requirement	Column D: Country or geographic region of harvest, production or manufacture	Column E: Clearance Mechanism
containing bovine meat		Minimal risk Bovine Spongiform Encephalopathy (BSE)	<ul style="list-style-type: none"> • Brazil • Canada • European Union • Japan • Mexico • Thailand (NZ origin Beef only) • United States of America • Vanuatu 	Official Certificate
Meat: Fermented meat products, meat paste and pâté	<i>Listeria monocytogenes</i> ,	<i>Listeria monocytogenes</i> not detected in 25g	Countries of the European Union	Official Certificate or Sample and Test
	<i>Salmonella</i> Coagulase producing <i>Staphylococci</i>	<i>Salmonella</i> not detected in 25g. Coagulase producing <i>Staphylococci</i> not exceed 1000/g	All countries other than countries of the European Union	Sample and Test
Nuts and seeds: Peanuts, and pistachio nuts and their products (including peanut butter)	Mould and insects	No visible signs of mould or insect infestation	All countries	Official Certificate or Sample and Test
	Aflatoxins	Aflatoxins less than 0.015ppm		
Nuts and seeds: Tahini and crushed sesame seeds and any products containing these	<i>Salmonella</i>	<i>Salmonella</i> not detected in 25g	All countries	Sample and Test
Seafood: Bivalve molluscan shellfish (BMS) and products containing BMS	<i>Listeria monocytogenes</i> , Norovirus Biotoxins,	E. coli/g less than 7 cfu/g (Ready to Eat BMS Only) <i>Listeria monocytogenes</i> not detected in 25g (Oysters Only) Norovirus not detected in 300g	<ul style="list-style-type: none"> • Australia • Canada • Chile • China • European Community • Japan • Korea • Peru • Thailand • United States of America 	Official Certificate or Sample and Test

Column A: Food	Column B: Hazard	Column C: Clearance Requirement	Column D: Country or geographic region of harvest, production or manufacture	Column E: Clearance Mechanism
		The following Biotoxins: <ul style="list-style-type: none"> • Saxitoxin equivalent less than 80 micrograms/100g • Diarrhetic Shellfish Poisoning toxin less than 0.16mg/kg • Amnesic Shellfish Poisoning toxin less than 20mg/kg • Brevetoxin-2 equivalent less than 0.8mg/kg • AZP less than 0.16mg/kg 	<ul style="list-style-type: none"> • Vietnam 	
Seafood: Ready to Eat (RTE) Crustaceans – lobsters, crabs, bugs shrimps and prawns and their products	<i>Listeria monocytogenes</i> and <i>Salmonella</i>	<i>Listeria monocytogenes</i> not detected in 25g <i>Salmonella</i> not detected in 25g	All countries	Official Certificate or Sample and Test
Spices: Pepper, Chilli and Paprika	<i>Salmonella</i>	<i>Salmonella</i> not detected in 25g.	All countries	Official Certificate or Sample and Test

Schedule 2 – Food of Increased Regulatory Interest

Column A: Foods	Column B: Hazard	Column C: Clearance Requirement	Column D: Country or geographic region of harvest, production and manufacture	Column C: Evidence Required for Clearance	Column F: Review Date

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Schedule 3: Laboratories Approved for Testing Imported Food

Laboratory	Physical address	Postal address; phone and fax number	Date of Expiry of Approval
AsureQuality Auckland	131 Boundary Road Blockhouse Bay Auckland 0600	PO Box 41 Shortland St Auckland 1140 Ph: 09 626 8200 Fax: 09 626 8282	28 February 2019
AsureQuality Christchurch	Unit 1, 6H Sir William Pickering Drive Christchurch 8053	Private Bag 4718 Christchurch 8140 Ph: 03 358 1830 Fax: 03 358 6222	28 February 2019
Cawthron Institute	98 Halifax Street East Nelson 7010	Private Bag 2 Nelson Ph: 03 548 2839 Fax: 03 546 9464	28 February 2019
Environmental Science and Research (ESR)	27 Creyke Road Ilam Christchurch 8041	PO Box 29-181 Fendalton Christchurch 8540 Ph: 03 351 6019 Fax: 03 351 0010	28 February 2019
Eurofins New Zealand Laboratory Services - Hamilton	Ruakura Research Centre East Street Hamilton 3240	PO Box 281 Hamilton. Ph: 07 838 5920 Fax: 07 838 5160	28 February 2019
Eurofins New Zealand Laboratory Services - Christchurch	43 Detroit Drive Rolleston 7675 Christchurch 8042	PO Box 11127 Sockburn Christchurch Ph: 03 343 5227 Fax: 03 343 5226	28 February 2019
Eurofins New Zealand Laboratory Services - Auckland	35 O'Rorke Road Penrose Auckland 1061	PO Box 12545 Penrose, Auckland Phone: 09 579 2669 Fax: 09 571 2285	28 February 2019
Eurofins ELS Ltd	85 Port Road Seaview Lower Hutt 5010	PO Box 36-105 Moera, Lower Hutt Ph: 04 576 5016 Fax: 04 576 5017 Free phone: 0800 576 5016	28 February 2019
RJ Hill Laboratories Christchurch	101C Waterloo Road Hornby Christchurch 8042	PO Box 16607 Christchurch 8042 Ph: 03 377 7176 Fax: 03 377 7276	28 February 2019
RJ Hill Laboratories Hamilton	1 Clyde Street Hamilton East 3216	Private Bag 3205 Hamilton 3240 Ph: 07 858 2000 Fax: 07 858 2001	28 February 2019

Laboratory	Physical address	Postal address; phone and fax number	Date of Expiry of Approval
MLS Envirolab	142 Esk Street Invercargill Southland 9810	PO Box 747 Invercargill Ph: 03 214 5848 Fax: 03 214 4041 Free phone: 0800-866-355	28 February 2019

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