



Food Notice

Importing Food

1 March 2016

TITLE

Food Notice: Importing Food

COMMENCEMENT

This Food Notice comes into force on 1 March 2016.

REVOCATION

This Food Notice revokes and replaces:

- a) the Food Notice: Importing Food, which was issued on 15 December 2015; and
- b) the Food Standard: Emergency Food Standard for Imported Frozen Berry Fruits, which was issued on 2 December 2015.

ISSUING AUTHORITY

The Chief Executive having consulted in accordance with section 380 of the Food Act 2014, issues this Notice under sections 405(1)(a), 405(2)(a), 405(2)(d), 405(3), 406(1)(t) and 406(1)(u) of the Act.

Dated at Wellington this 26th day of February 2016.

[signed]

Paul Dansted
Manager, Food Assurance
Ministry for Primary Industries
(acting under delegated authority of the Director General)
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
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Wellington 6140
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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:

- specify the form and manner of applications for registration as a food importer;
- specify the date on which the registration of a deemed importer expires for the purposes of section 438(2) of the Food Act 2014 (the Act);
- specify which imported foods are of High Regulatory Interest and which are of Increased Regulatory Interest;
- specify the requirements that must be met to obtain a clearance for entry into New Zealand under section 109 of the Act;
- approve laboratories for testing of imported food under Section 312 of the Act and for the purposes of clearance under section 109 of the Act;
- specify conditions that apply to approved laboratories.

Background

The purpose of the Act is to achieve the safety and suitability of food for sale, maintain and improve confidence in New Zealand's food safety regime and provide for risk-based measures that minimise and manage risks to public health.

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.

Duties of an importer are detailed both in the Act and in the Food Regulations 2015 (the Regulations).

The Regulations set out the following two categories of imported food that may require written clearance for entry into New Zealand:

- High Regulatory Interest Food;
- Increased Regulatory Interest Food.

Food that is not specified in a Notice as being in one of the above categories does not require clearance under the Act. Categorising food in this manner allows a targeted approach to monitoring imported food based on risk.

The Regulations set out a requirement that when imported food is required to be tested the testing must be completed by a laboratory approved for that purpose.

Who should read this Food Notice?

The persons who should read this Notice are:

- any person who wants to import food into New Zealand; and
- laboratories approved for the testing of imported food.

Why is this important?

Not meeting the requirements of Parts 2 and 3 of this Notice may result in:

- failure to obtain entry of the food into New Zealand;
- re-exportation or destruction of the product at the importer's cost;
- suspension of an importer's registration.

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.

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: General requirements

1.1 Application

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

1.2 Definitions

- (1) In this Notice:

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

- a) from a particular preparation or packing unit; and
- b) 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:

- a) the conditions of approval; or
- b) 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

MPI means the Ministry for Primary Industries which is the Ministry responsible for administering the Food Act 2014

NZ Importer Assurance means a certificate issued by the Chief Executive based on an acceptable audit of the registered importers business

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 in the Food Act 2014 (the Act) or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

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 the Joint Border Management System.

2.2 Registration expiry of deemed food importer

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

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 clause 3.1(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) For clearance for entry High Regulatory and Increased Regulatory Interest Food:
 - a) must be from a specific country or geographic region of harvest, production or manufacture listed in column D of Schedule 1 or 2 of this Notice, as relevant; and
 - b) must meet the clearance limits for the food as listed in column C of the relevant Schedule.
- (2) For clearance for entry the importer must provide one of the forms of evidence for the food from that specific country or geographical region, as listed in column E of the relevant Schedule.
- (3) Any official certificate or manufacturers declaration required by column E of the relevant Schedule must give assurance that food safety has been effectively managed.
- (4) Sampling and testing required by column E of the relevant Schedule is in relation to the hazard specified in column B of that Schedule, and must indicate that the clearance limit in column C of that Schedule is met.
- (5) The Chief Executive may direct a food safety officer to resample and allow retesting of certain batches or lots if the Chief Executive is 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.

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 of the Act 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 throughout transport to the laboratory.
- (2) An approved laboratory must only use a test method that allows the results to be reported in the units specified in Schedules 1 and 2 of this Notice.
- (3) An approved laboratory must only use a test method that that is:
 - a) covered in the scope of its ISO/IEC 17025 accreditation, and is suitable for the intended sample matrix; or
 - b) that is specifically agreed to by the Chief Executive where the Chief Executive is satisfied that both of the following apply:
 - 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; and
 - ii) the approved laboratory can quantify the level of detection and uncertainty of the test method.
- (4) An approved laboratory must notify the Chief Executive of any of the following events within one working day of the event occurring:
 - a) the laboratory is notified by the accreditation body of suspension or withdrawal of accreditation;
 - b) the laboratory becomes aware of a critical non-compliance that relates to test results supplied or ongoing testing;
 - c) the laboratory becomes aware that the results or any test methods being utilised are in doubt and the reason why.
- (5) An approved laboratory must notify the Chief Executive within five working days if the laboratory makes any changes to premises, staff, equipment or operation that:
 - a) alters the details supplied when requesting approval; or
 - b) has the potential to impact on the test results.
- (6) An approved laboratory must include all of 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;
 - b) the name of the person requesting the testing;
 - c) the unique reference for the consignment being tested;
 - d) the sample number(s) used to identify the samples by the sampler;
 - e) a description of the imported food tested;
 - f) the analyte being tested;
 - g) identification of the method used;
 - h) the test results with, where appropriate, the units of measurement;
 - i) the date of analysis;
 - j) the name(s), function(s) and signature(s) or equivalent identification of person(s) authorising the test report.

- (7) 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 Limits	Column D: Country or geographic region of harvest, production or manufacture	Column E: Evidence Required
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	<ul style="list-style-type: none"> Countries of the European Union Switzerland 	<ul style="list-style-type: none"> Official Certificate NZ Importer Assurance
Dairy: Fresh cheese, curd cheese and soft cheese (pasteurised)	<i>Listeria monocytogenes</i>	<i>Listeria monocytogenes</i> not detected in 25g	All countries	<ul style="list-style-type: none"> Official Certificate Sample and Test NZ Importer Assurance
Fish: Histamine susceptible fish and fish products	Histamine	Histamine not exceeding 200mg/kg	All countries	<ul style="list-style-type: none"> Official Certificate Sample and Test NZ Importer Assurance
Fish: Puffer Fish	Tetrodotoxin	Tetrodotoxin not detected	Korea	<ul style="list-style-type: none"> Official Certificate NZ Importer Assurance
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	<ul style="list-style-type: none"> Official Certificate Sample and Test NZ Importer Assurance

Column A: Food	Column B: Hazard	Column C: Clearance Limits	Column D: Country or geographic region of harvest, production or manufacture	Column E: Evidence Required
Meat: Bovine meat and products containing bovine meat	Bovine Spongiform Encephalopathy (BSE) agent	Bovine meat are of Australian and/or New Zealand origin.	Australia	<ul style="list-style-type: none"> Manufacturers Declaration NZ Importer Assurance
		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 	<ul style="list-style-type: none"> Official Certificate NZ Importer Assurance
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	<ul style="list-style-type: none"> Official Certificate Sample and Test NZ Importer Assurance
	<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	<ul style="list-style-type: none"> Sample and Test NZ Importer Assurance
Nuts and seeds: Peanuts, and pistachio nuts and their products (including peanut butter)	Mould and insects	No visible signs of mould or insect infestation	<ul style="list-style-type: none"> China United States of America 	<ul style="list-style-type: none"> Official Certificate Sample and Test NZ Importer Assurance
	Aflatoxins	Aflatoxins less than 0.015ppm	All countries other than China or the United States	<ul style="list-style-type: none"> Sample and Test NZ Importer Assurance
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	<ul style="list-style-type: none"> Sample and Test NZ Importer Assurance

Column A: Food	Column B: Hazard	Column C: Clearance Limits	Column D: Country or geographic region of harvest, production or manufacture	Column E: Evidence Required
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 The following Biotoxins:	<ul style="list-style-type: none"> • Australia • Canada • Chile • Countries of the European Union • Japan • Korea • Peru • Thailand • United States of America • Vietnam 	<ul style="list-style-type: none"> • Official Certificate • Sample and Test • NZ Importer Assurance
		<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"> • China 	<ul style="list-style-type: none"> • Sample and Test • NZ Importer Assurance
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	<ul style="list-style-type: none"> • Malaysia • Thailand • Countries of the European Union 	<ul style="list-style-type: none"> • Official Certificate • Sample and Test • NZ Importer Assurance
			All countries other than Malaysia, Thailand and Countries of the European Union	<ul style="list-style-type: none"> • Sample and Test • NZ Importer Assurance
Spices: Pepper, Chilli and Paprika	<i>Salmonella</i>	<i>Salmonella</i> not detected in 25g.	All countries	<ul style="list-style-type: none"> • Sample and Test

Column A: Food	Column B: Hazard	Column C: Clearance Limits	Column D: Country or geographic region of harvest, production or manufacture	Column E: Evidence Required
				<ul style="list-style-type: none"><li data-bbox="1257 405 1441 465">• NZ Importer Assurance

Schedule 2 – Food of Increased Regulatory Interest

Column A: Foods	Column B: Hazard	Column C: Clearance Limits	Column D: Country or geographic region of harvest, production and manufacture	Column E: Evidence Required
Frozen Berries	Pathogenic organisms Hepatitis A Virus	<i>E coli</i> <100 MPN/g or <100cfu/g Nil detection of Hepatitis Virus	All countries	<ul style="list-style-type: none"> • Official Certificate • Manufacturers Declaration • Sample and Test • NZ Importer Assurance

Schedule 3: Laboratories Approved for Testing Imported Food

Laboratory	Physical address	Postal address; phone and fax number	Date of Expiry of Approval
AsureQuality Limited Laboratory Services - 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 Limited Laboratory Services - 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
Institute of Environmental Science & Research Ltd	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 Ltd - 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 Ltd - 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 Ltd - 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 Ltd - Hamilton	1 Clyde Street Hamilton East 3216	Private Bag 3205 Hamilton 3240 Ph: 07 858 2000 Fax: 07 858 2001	28 February 2019
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