



FOOD ACT 2014

The facts



This fact sheet is the first of a series providing you with information on the new Food Act and what it will mean for your business.

To view sector fact sheets and for more information go to www.mpi.govt.nz

Ensuring the safety of the food we sell, whether it's produced here, imported, or exported, is essential as a nation. Everyone working in the food industry has responsibilities to make sure that the food we buy is safe and suitable to eat, whether that involves growing and harvesting crops, the food manufacturing process, or preparation and sale of food at shops, cafés or restaurants.

The new Food Act gives food businesses the tools to manage food safety

themselves, based on the level of risk associated with the kinds of food activity undertaken and in a way that suits their business.

The new law allows businesses to be more adaptable to future changes in technology, overseas market access requirements, and consumer demands.

The provisions in the new Food Act for recalling food will be implemented immediately. Other parts of the Act will come into effect no later than 1 March 2016.



THE KEY CHANGES

- » The central feature of the new Act is a sliding scale where businesses that are higher risk from a food safety point of view will operate under more stringent food safety requirements and checks than lower risk food businesses.
- » The new law recognises that each business is different and is a positive step forward from the old Food Act 1981 and its one-size-fits-all approach to food safety. This means that a 'corner' dairy operator who reheats meat pies won't be treated in the same way as the meat pie manufacturer. Different measures may be applied – Food Control Plans (FCP) for higher-risk activities, and National Programmes for lower risk (see overleaf for details).
- » The Act only covers food that is produced and sold or traded commercially.

WHAT WILL THE FOOD ACT MEAN FOR ME?

If you make and sell food –

- » If you are producing higher risk foods like meat, dairy products or ready to eat meals for sale you will operate under a FCP (or continue to operate with a Risk Management Programme if you are under the Animal Products Act 1999).
- » Many businesses selling higher risk foods already have Food Safety Programmes in place. Where a business operates a food safety programme that is registered with MPI or their local council, the programme will be deemed to be a FCP under the Food Act 2014. After commencement (no later than 1 March 2016), and by the end of the transition period for their sector, the business will need to have met the requirements of the Food Act 2014.
- » If you make higher risk foods under the Food Hygiene Regulations, you will need to operate with a Food Control Plan. There will be a period of transition after the new Act commences for you to prepare to do this. MPI will be developing a range of templates, for example, for retailers such as butchers,

bakers, delicatessens and fishmongers to tailor to suit their business. A template is currently available for the food service sector.

If you make and sell lower risk food –

- » If you are producing lower risk foods like bread-only products, jams, pickles or confectionery for sale you will operate under one of three levels of National Programmes. MPI is developing guidance for businesses to meet regulatory requirements for National Programmes.

If you sell fruit and vegetables –

- » If you sell your own fruit and vegetables directly to the consumer, for example, at roadside stalls or farmers' markets, all you have to do is continue to sell safe food. Free food safety guidance will be available.
- » If you sell your own fruit and vegetables to another outlet, such as a supermarket, store or someone else's stall at a farmers' market, you'll need to operate under National Programme Level 1.

- » Growing food for personal use and sharing it with others, including 'Bring a plate' to a club committee meeting or a lunch for a visiting sports team or social group, is outside the scope of the Food Act.
- » Trading of seeds for planting will not be covered by the Act.
- » Unlike the old Act, the new Act provides a clear exemption to allow Kiwi traditions like fundraising sausage sizzles or home baking at school fairs to take place. These foods will need to be safe to eat but stall-holders will not be required to register their activities. The Act only covers food that is sold or traded. Free guidance material will be available to help people identify what they need to do to sell safe food.
- » While the Food Act sets the framework of the new law a lot of the detail will be in regulations. Preparation of regulations includes public consultation to ensure people can provide input into proposals before they are made law.



» If you sell food for fundraising –

- » The Act provides a clear exemption to allow Kiwi traditions like sausage sizzles, home baking at school fairs, raffles and charity fundraisers to take place.
- » The Act allows a person who trades in food solely for fundraisers or to support a charity or cultural or community events to do so up to 20 times in a calendar year without the need to be registered or undergo checks, but people will need to ensure that the food is safe and suitable to eat.

Exemptions –

The Act gives the chief executive of MPI the power to exempt food businesses from the requirement to operate under a Food Control Plan or under a National Programme. The chief executive must take certain matters into account when giving exemptions.

Importing food –

Imported food can only come into New Zealand through a registered importer. If you directly import food you will need to either register your importing business details with MPI, or use a registered importer.



FOOD ACT OVERVIEW

Food Control Plan

This will apply to the likes of restaurants and manufacturers of high risk foods, such as baby food, and meat, poultry and dairy products. It will require:

- » a written and evaluated Food Control Plan (MPI will supply free templates for retail food sectors);
- » annual registration of the plan;
- » an annual check (verification) to make sure the plan is being followed.

National Programmes

Operators of businesses subject to National Programmes will not be required to operate under a registered plan but they will have to follow requirements for producing safe food that will be set out in regulations. They will also have to register their business details, keep specified records and have periodic checks, with the frequency of checks reflecting compliance with requirements.

National Programme Level 3

This will apply to the likes of brewers/distillers, food additive manufacturers, fruit drink and flour manufacturers. It will require:

- » registration of business details;
- » a check to make sure the processes used are safe (proposed to be every two years).

National Programme Level 2

This will apply to the likes of bread bakeries, manufacturers of jams, chips, confectionery, sauces and spreads. It will require:

- » registration of business details;
- » a check to make sure the processes used are safe (proposed to be every three years).

National Programme Level 1

This will apply to growing and harvesting crops in the commercial horticulture sector and the likes of manufacturers of frozen fruit and vegetables. It will require:

- » registration of business details;
- » a check to make sure the processes used are safe (proposed to be a one-off check).

NEXT STEPS

A set of regulations, tools and guidance are being developed. There will be extensive consultation during the development time giving people the opportunity to have their say on the detail of the new food safety system.

Most of the Act doesn't come into force until 1 March 2016 at the latest. After this time, food businesses will transition in groups into the new rules over a staggered three year period.

New information will be posted on www.mpi.govt.nz

