



6 November 2015

Consultation: Proposals for notices under the Food Act 2014
Ministry for Primary Industries
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NEW ZEALAND

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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Proposals for notices under the Food Act 2014: MPI Discussion Paper No: 2015/36.***

Yours sincerely

Katherine Rich
Chief Executive

Ministry for Primary Industries
PROPOSALS FOR NOTICES UNDER THE FOOD ACT 2014: MPI
DISCUSSION PAPER NO: 2015/36

6 November 2015

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Proposals for notices under the Food Act 2014: MPI Discussion Paper No: 2015/36***.

New Zealand Food & Grocery Council

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

The Proposals

The Food Act provides for requirements to be specified in regulations and notices. The proposals for notices are intended to apply to the food businesses covered by the food sectors identified in Schedules 1 and 2 of the Food Act. Schedule 1 describes the food sectors that are generally subject to a food control plan. Schedule 2 describes the food sectors that are generally subject to a national programme. A national programme is categorised into 3 levels (level 3 to 1) in descending order of risk. The notices include the components of the MPI template food control plan, requirements to ensure food is safe and suitable, requirements for the registration process for importers and the clearance of certain imported foods, and matters relating to recognised agencies and persons.

Comments

NZFGC has generally confined its consideration to Notices of direct impact to our members operations and leaving comments on, for example the qualifications and requirements relating to recognised agencies and recognised persons and the template for food service and food retail to those operating in those area. Having said that we have no comments on the notice relating to Importing food.

Our main concern relates to the duplication in the ***Food Notice: Food Control Plans and National Programmes***. We believe that for readability and streamlining, much of the duplication can be removed as described below.

Food Notice: Food Control Plans and National Programmes

Title

It seems to us the title is too wide for the content of the Notice.

Purpose and Background

The Notice is unduly complicated by not using the title of the relevant Parts up front under both the Purpose and Background. For example, under Purpose, the subheadings are “Part 1 – the

purpose of this part of the Notice is:”, Part 2: the purpose of this part of this Notice is:” and “Part 3 the purpose of this part of this Notice is:”. This would be clearer, less confusing and save businesses a lot of time if the subheadings reflected the content of the Parts at the outset and read:

Part 1 – Requirements for transport, receiving, preparing or storing readily perishable food – the purpose is:” and

Part 2 – Requirements for self-supply water at places used for food – the purpose is:” and

Part 3 – What constitutes a significant amendment to a food control plan – the purpose is”.

There also seems to be an amount of unnecessary information in the first few pages. For example, Part 2 in the Notice is titled “Requirements for self-supply water at places used for food”. If a business does not ‘self-supply’ water, they could skip over this part of the Notice but it is not clear at the outset.

Background

The reason for the Background is not clear until the reader reaches “Who should read this Food Notice”. We do not think a separate section for the information in the Background is necessary. The definitions are in the relevant Parts and the information in background is only therefore relevant to “Who should read this Food Notice”. We suggest the explanations in background for Part 1 follow Part 1 under “Who should read etc”; the background for Part 2 does not require the first para and the second para should follow Part 2 under “Who should read etc”; the background for Part 3 does not require the first para and the remaining paras should follow Part 2 under “Who should read etc”.

Who should read this Food Notice?

See comments above. The heading is more properly a statement not a question and the question mark is unnecessary.

Why is this important?

It is not clear if ‘this’ refers to the Notice or the Parts although by para 2 under Part 1 (and for similar paras under Parts 2 and 3) the intention seems to be the Notice. In any event the information is largely repetitive although worded slightly differently and some emboldened unnecessarily for Part 2. It would be cleaner, more readable and briefer if it read as follows:

“Why this Notice is important

For Part 1, **readily perishable food** is food that if not handled properly by a food business can make people sick. The Food Act 2014 says that food must be safe and suitable.

For all Parts, those persons to whom this Food Act 2014 notice applies are responsible for ensuring compliance with all the requirements specified in this notice, and evidence of that compliance must be retained.

It is an offence under the Food Act 2014 to fail to comply with this notice.”

Other information

As with the above, this is immediately repetitive and could be simplified by a preamble that reads “For Part 2 and Part 3, Businesses operating under the Food Act 2014 etc...”

Part 1: Requirements for transport, receiving, preparing or storing readily perishable food

Since 1.1 Application and the definition of ‘operator’ in 1.2 Definitions make it clear that Part 1 applies to operators of food businesses that are subject to National Programmes why is it necessary for the chapeau to clauses 1.3, 1.4, 1.5 1.7, 1.8 and 1.9 need to restate “This section applies to all food businesses operating under national programmes”? If this was deleted 1.3 then a), b) and c) could become (1), (2) and (3). In fact the only section of the entire Part that

does not apply to all food businesses operating under national programmes is 1.6. Why not deal with that instead of six repetitions of the chapeau.

In 1.3 what steps is the operator expected to take to 'ensure the food is not contaminated' other than a visual inspection of it?

Part 2: Requirements for self-supply water at places used for food
No comments.

Part 3: What constitutes a significant amendment to a food control plan
No comments.

Food Notice: Approved Template Food Control for Schedule 1 Food Businesses: Food Service and Food Retail.

No comments but note some of the comments above apply to the drafting of this Notice.

Food Notice: Importing Food

No comments.

Food Notice: Components for the Template Food Control Plan

No comments.