

17 OCT 2016

Ministry for Primary Industries
Manatū Ahu Matua



OIA16-0557

Graham Carter
c/- FYI website

Dear Graham Carter

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 22 September 2016 relating to imported seafood and labelling requirements.

Please find a response to each part of your question under the Official Information Act 1982 (OIA):

How much of our seafood sold and consumed in NZ is imported?

The Ministry for Primary Industries (MPI) does not hold this information, therefore this request is refused under section 18(g) of the OIA. However, in accordance with section 13 of the OIA, for information on how much seafood is imported, you may wish to contact the New Zealand Customs Service (Customs) at feedback@customs.govt.nz. Information on how much seafood is sold and consumed may be held by Statistics New Zealand. You can contact them at info@stats.govt.nz.

How much imported seafood is checked and tested by the MPI and customs [sic]?

All imported seafood has to comply with food safety requirements under the Food Act 2014 and biosecurity requirements under the Biosecurity Act 1993.

There are approximately 70,000 consignments of food imported into New Zealand per annum. Last year 7692 consignments were stopped at the border for food safety checks. 19% of these were tested. This testing is in line with international standards. Specific data imported seafood is not readily available from MPI's database.

All high risk foods (including fish products) are subject to relevant Import Health Standards (IHS) and are checked to ensure the correct documentation is provided to authorities. Fish products that are flagged to MPI for ascertaining compliance must meet these requirements in order to be given clearance into New Zealand.

Growing and Protecting New Zealand

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Food safety checks by MPI at the border include the targeting of specific types of seafood with known risk. Seafood with known risk may both be sampled and tested, or the importer could be required to provide official certification from the relevant competent authority of the exporting country confirming that the food is free from such known risk. Please find links to the Biosecurity Act 1993 and the Food Act 2014 below:

Biosecurity Act 1993:

<http://www.legislation.govt.nz/act/public/1993/0095/latest/DLM314623.html>

Food Act 2014:

http://www.legislation.govt.nz/act/public/2014/0032/latest/DLM2995811.html?search=ta_act_F_ac%40ainf%40anif_an%40bn%40rn_25_a

What precautions are taken to ensure that Antibiotics, antifungals and antiparasitics, are not in imported seafood?

Food importers must meet several requirements to demonstrate that their food is safe. This includes registering as an importer, keeping or having access to records to show where food has come from and that it is safe, and getting clearance for foods that have a higher food safety risk, such as seafood. For further information on this, you can visit the following MPI website: <https://www.mpi.govt.nz/importing>

As stated above, there is a wide variety of obligations for imported food to meet to minimize and eliminate food risk. Food importers (including those who import seafood) have legal obligations they must meet under the Biosecurity Act 1993, Animal Products Act 1999, Agricultural Compounds and Veterinary Medicines Act 1997, Food Act 2014 and the Australia New Zealand Food Standards Code (the Code).

If a product is found to be in breach of the relevant legislative requirements as stated, MPI is able to take action to ensure that this product does not reach the shelves.

Once food passes through the border, there are further checks in place. This includes the Food Residues Surveillance Programme (FRSP) which surveys foods for pesticide residues and chemical contaminants. It covers New Zealand-produced and imported food, and monitors all kinds of residues and contaminants in all types of food. All of the data collected through the FRSP is publicly available. Further information can be found at the following website: <http://www.foodsafety.govt.nz/policy-law/food-monitoring-programmes/food-act-1981/frsp/> .

In addition to the FRSP, every five years the New Zealand Total Diet Study (NZTDS) is undertaken. This survey tests for exposure to chemical residues, contaminants and selected nutrients from foods representative of the average diet within the New Zealand population. You can find more about it at the following website:

<http://www.foodsafety.govt.nz/science-risk/programmes/total-diet-survey.htm>

Does the MPI recognize the Country of origin labeling [sic] (CoOL) regulations?

Anyone selling food in New Zealand needs to comply with the requirements outlined in the Code:

<http://www.foodstandards.govt.nz/code/Pages/default.aspx>

Country of origin labelling for food is voluntary in New Zealand, and there is no requirement under the Code to state where a food or its ingredients originate from.

Country of origin labelling is not related to food safety as contamination can occur at any stage and in any country. Knowing the country of origin does not convey whether the food is safe or suitable. This is established by food safety measures such as pre-clearance arrangements with exporting countries and ensuring compliance with New Zealand's food safety laws. When we become aware of a food that is being sold in New Zealand that presents a risk to health we take the appropriate action, no matter whether the food is from overseas or New Zealand.

The existing labelling requirements on packaged food provide information relevant to food safety and public health (ingredients, including additives and preservatives, nutrition, including sugar, fat, energy content, and allergens). Country of origin labelling serves no such food safety or public health purpose.

Food businesses may voluntarily provide country of origin information to meet consumer demand. This is already happening in many cases. For example, the two major supermarket companies, Foodstuffs and Progressive Enterprises, which have a large market share of all food sold in New Zealand, have voluntarily adopted a policy to provide country of origin labelling for all single ingredient food in their stores.

What oversight or monitoring is done or carried out to ensure the CoOL regulations are adhered to [sic]?

As noted in the above response, labelling requirements as per the Code do not require country of origin labelling. However, packaged food must have contact details for distributors or manufacturers in New Zealand, so consumers can contact them to ask for more information. When country of origin information is provided on a label it must be truthful. The Commerce Commission has the following fact sheet on place of origin claims which has some information specific to food:

<http://www.comcom.govt.nz/fair-trading/fair-trading-act-fact-sheets/place-of-origin-representations/>

What monitoring is done to ensure that restaurants, processed fish products, or, fish markets indicate where their fish comes from and whether they were farmed or wild-caught?

MPI's primary concern is the safety of the food, as the agency responsible for food safety. However, any claims made on a product need to be able to be substantiated. If such a claim cannot be substantiated, it may require referral to the Commerce Commission. For further information, please see the below website:

<http://www.comcom.govt.nz/fair-trading/fair-trading-act-fact-sheets/unsubstantiated-representations/>

I trust this information is useful.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Peter McCarthy', with a long, sweeping underline that extends to the right and then curves back down.

Peter McCarthy
Chief Legal Adviser