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## Genetically modified food and ingredients

April 2013

This document outlines the Ministry for Primary Industries (MPI) expectation of food importers in relation to genetically modified (GM) food and ingredients intended for sale for human consumption.

When importing any food or ingredients you **must** know whether or not it is GM in order to comply with requirements. You should be aware that MPI may check your compliance with the notified standards through visits to importers to inspect records or through sampling and testing of imports at any stage.

All importers and sellers **must** ensure the food they import and sell is safe and suitable. All imported products must comply with all applicable New Zealand legislation including the Australia New Zealand Food Standards Code:

### [Genetically Modified Foods](#)

Australia New Zealand Food Standards Code - Standard 1.5.2 - Food Produced Using Gene Technology prohibits the sale and use of GM foods unless they are specifically included in the Table to clause 2. It is important to review this standard if contemplating the importation of genetically modified foods

Also the general information on the following web pages may be of assistance:

### [GM Foods - Safety](#)

### [Consumer Information - Genetically modified food](#)

Importers **must** take all reasonable steps to:

1. find out whether every food or ingredient they intend to import is genetically modified, or contains genetically modified ingredients
2. once confirmed as being GM, find if this type of GM is permitted under the Australia New Zealand Food Standards Code. Standard 1.5.2: Food Produced Using Gene Technology prohibits the sale and use of GM foods unless they are specifically included in the Table to clause 2.

Note that in this standard the *current* version is the one at the top of the list.



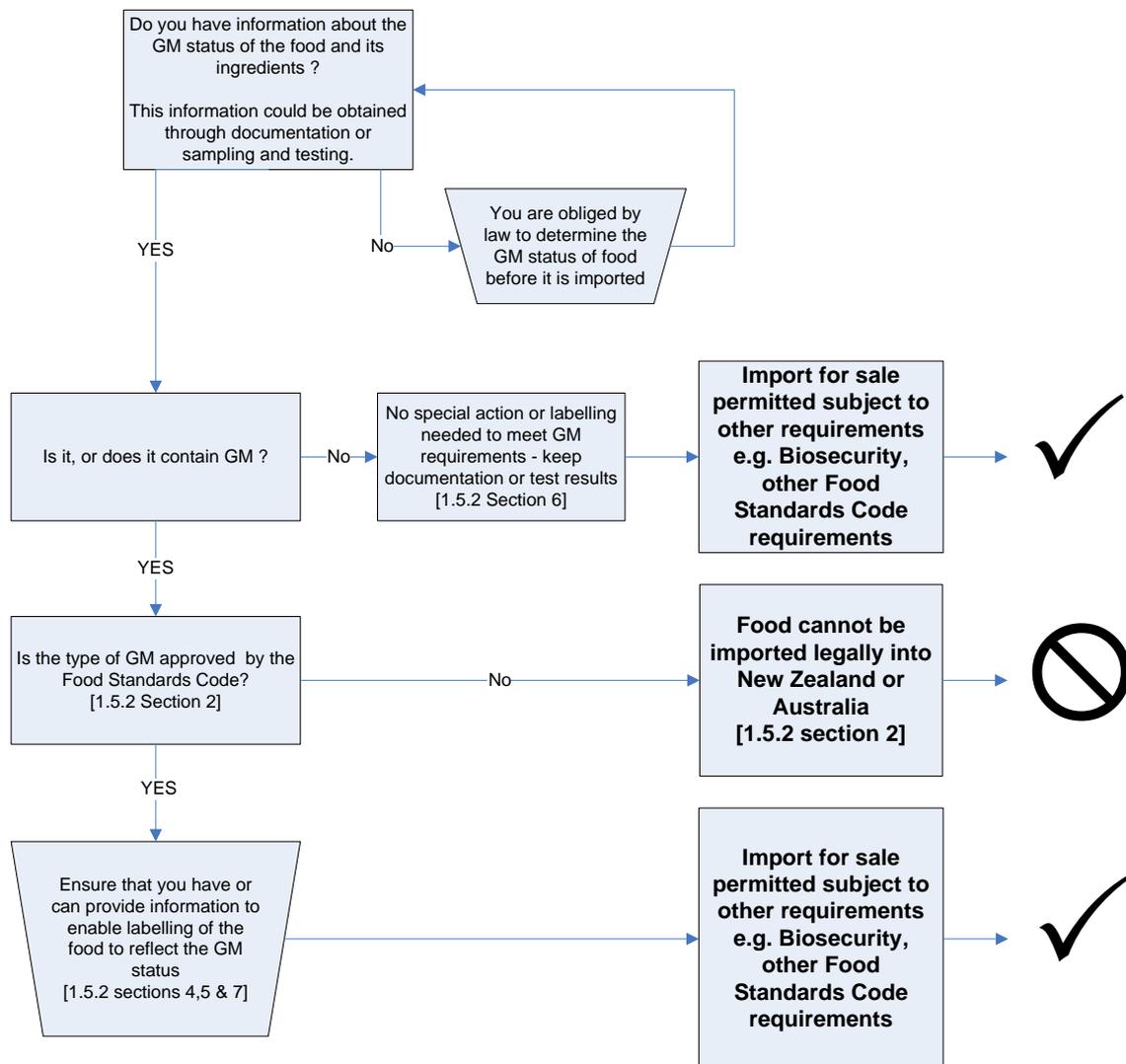
To assist further, the following guide has been located on the New South Wales Food Authority website:

[Compliance Guide to FSC on Food Produced Using Gene Technology](#)

- if the food or ingredient for import is permitted under the Food Standards Code, you must determine the labelling requirements. Guidance can be found at:

[Labelling of GM Food](#)

Is the food intended for import and sale for human consumption?





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## Demonstrating compliance

When negotiating commercial supply arrangements for products you intend to import you **must** ensure your supplier is able to supply products that comply with all applicable New Zealand legislation - including GM requirements.

Compliance with the Food (Importer – General Requirements) Standard 2008 requires you to take all reasonable steps to ensure compliance with the legislation. The Standard also requires you document and keep relevant records relating to the food imported.

You will need to determine whether (or not) the intended import is or contains a GM ingredient in order to comply with the Food Standard. Evidence to show the GM status of the food or ingredient can be shown by documentation or testing.

Documentary evidence regarding the GM status of the food or ingredient can be sought from your supplier. Suitable documentary evidence could be a manufacturer's declaration, certificate of analysis (CoA) or documented satisfactory results of laboratory analysis linked to each consignment. For some products an official assurance from the exporting government's competent authority may be available.

If you cannot obtain this information, you may choose to have the food or ingredient tested to confirm whether it contains GM material prior to arranging for its import. Alternatively, you will need to seek other sources of supply for which you can demonstrate compliance with applicable legislation.

If you establish from documentation or testing that the food or ingredient is from a GM source, the next steps are to determine:

1. Whether it is permitted under the Australia New Zealand Food Standards Code - Standard 1.5.2 and
2. If it is required to be labelled 'genetically modified' according to Standard 1.5.2.

If you establish from documentation or testing that the food or ingredient is not from a GM source, then there are no further requirements to be met in order to comply with the Standard 1.5.2.

**If you find that the product contains an unapproved GM, you must not import the product for the purpose of sale for human consumption as this is against the law.**

The required documentation regarding the GM status of the food can be carried forward along the supply chain from growers, processors, suppliers and importers to manufacturers and retailers.



Where foods do not contain novel DNA and / or protein there is no requirement to state this under Standard 1.5.2. However, manufacturers, importers, and retailers should be aware that any voluntary claim about GM free status of a product would breach the Fair Trading Act 1986 if any GM material was present.

## **Unapproved import of rice and rice products containing Bt63 – an alert to all importers**

In July 2008 NZFSA confirmed that it found rice and rice products containing the unauthorised genetic modification (GM) Bt63 in the New Zealand market. Because of this finding product was recalled.

Food regulators in other countries also found this unauthorised GM in their markets.

All importers of rice and rice products can avoid similar incidents by ensuring compliance with the applicable New Zealand legislation and by requesting appropriate assurances from suppliers.

### **Additional assurances required:**

For additional protection, importers should always seek higher levels of assurance from suppliers when importing product types that have an international history of, or have been found in other markets to test positive for unapproved genetic modification.

In these instances specific things to look for as assurances could include:

- A sanitary certificate issued by a relevant competent authority e.g. with specific Bt63 free attestation as demonstrated by an official or accredited laboratory, or
- Obtaining from the supplier an original analytical report issued by an official or accredited laboratory, which demonstrates that the product in the consignment does not contain, consist of, or is not produced from a genetically modified organism. This is also known as a Certificate of Analysis (CoA), e.g. Bt63, or
- Satisfactory results of analysis that the product has been sampled and tested at an approved New Zealand or overseas laboratory e.g. testing for the presence of Bt63.

## **Regulation of GM food in New Zealand**

The Australia New Zealand Food Standards Code sets out the regulations for GM foods. Standard 1.5.2 contains a list of the approved foods and labelling requirements. GM foods can only be sold in New Zealand if FSANZ has assessed their safety and have provided an approval.



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A limited number of foods and ingredients on local and international markets come from GM sources. While limited in number, GM food can be used as ingredients in a wide range of food. The approved GM ingredients for New Zealand and Australian markets come from specified GM approved crops such as corn, canola, cotton oil, soybean and sugar beet.

Some GM foods produced on the international market have not been approved for use in New Zealand. Importers must ensure imported products are approved for sale in New Zealand.

The Food Standards Code sets out the labelling requirements for GM foods. Processed foods containing approved GM ingredients must be labelled accordingly.

Mandatory GM food labelling is required for foods that contain novel DNA and/or protein, or have altered characteristics as a result of gene technology (e.g. soybeans with high oleic acid content).

Approved genetically modified foods containing GM ingredients must have the ingredient list specified on the label. For example 'Ingredients: wheat flour, yeast, soy flour (genetically modified), water, vegetable oil, sugar, salt, emulsifiers (471, 472E), preservative (282), enzyme (amylase)'.

If you require further information about these requirements please email:

[import.systems@mpi.govt.nz](mailto:import.systems@mpi.govt.nz)

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