



THE FOOD ACT 2014

THE FACTS

Ensuring the safety of the food we sell, whether it's made 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 Food Act (the Act) gives food businesses the tools to manage food safety themselves in a way that suits their business, based on the level of food safety risk involved in what they do. The Act is more flexible so that lower-risk businesses and providers will have fewer requirements and costs.

It also allows businesses to be more adaptable to future changes in technology, overseas market access requirements, and consumer demands.

The Act came into force on 1 March 2016. Existing businesses were given time to change over to the new rules during a three-year transition period, from 1 March 2016–28 February 2019.

ABOUT THE ACT

The central feature of the Act is that businesses are regulated according to the level of food safety risk that their food presents to the public.

The 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.

Food providers that are involved in higher-risk activities, like making cheese or preparing meals, will operate under a Food Control Plan (FCP), whereas those involved in lower-risk activities, like selling pre-packaged goods or growing vegetables, will operate under a National Programme (see below for details).

WHAT DOES THE FOOD ACT MEAN FOR ME?

Where do I fit?

To find out what rules will apply to you, visit foodsafety.govt.nz/foodact and use the **My Food Rules** tool.

The simple and easy to use online questionnaire will help you find out if you need to register your business, who with (and under which legislation), and how to do it. If you need to register under the Food Act, you will discover if you need a Food Control Plan or a National Programme.

If you make and sell food

Businesses involved in higher-risk activities will need to operate under a **Food Control Plan**.

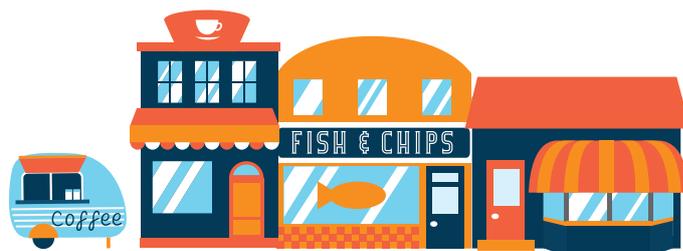
This will apply to the likes of restaurants and cafes, and manufacturers of high-risk foods, such as baby food, and meat, poultry and dairy products.

What's a Food Control Plan?

A Food Control Plan (FCP) is a written plan for food safety, which requires you to identify possible risks and document how you will manage these risks.

It will require:

- a written and evaluated plan. New Zealand supplies FCP templates for: food service businesses, e.g. restaurants and cafes, and retail businesses, e.g. supermarkets and butchers); cheesemakers; and winemakers.



- annual registration of the plan;
- a regular check (verification) to make sure the plan is being followed. This could be as little as once every 3 months if you are managing food safety well.

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 Programme**.

What's a National Programme?

Businesses operating under a National Programme (NPs) don't need a written plan, but need to follow requirements for producing safe food set out in regulations. New Zealand Food Safety has guidance for businesses to meet their requirements for NPs at www.mpi.govt.nz/national-programmes/. These businesses also have to register their business details with New Zealand Food Safety, keep minimal records and have periodic checks. The frequency of checks will reflect how well a business complies with food safety requirements.

National Programme level 1

NP1s applies to growing and harvesting crops in the commercial horticulture sector and the likes of manufacturers of frozen fruit and vegetables. It requires:

- registration of business details with your local council;
- an initial check to make sure the processes used are safe, and possible future checks.

National Programme level 2

NP2s applies to the likes of bread bakeries, manufacturers of jams, chips, confectionery, sauces and spreads. It requires:

- registration of business details with your local council;
- an initial check to make sure the processes used are safe, and follow up checks at least once every 3 years.

National Programme level 3

NP3s applies to the likes of brewers/distillers, food additive manufacturers, fruit drink and flour manufacturers. It requires:

- registration of business details with your local council;
- an initial check to make sure the processes used are safe, and follow up checks at least once every 2 years.

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 is available at www.mpi.govt.nz/food-safety-toolkit/

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.

- Trading of seeds for planting is not covered by the Act.
- Unlike the old Act, the Food Act provides a clear exemption to allow Kiwi traditions like fundraising sausage sizzles or home baking at school fairs to take place. These activities don't need a written plan or a programme, nor do they need to register with New Zealand or pay any fees. However, people will still need to ensure that their food is safe and suitable. Free food safety guidance about exemption is available at www.mpi.govt.nz/food-safety-toolkit/

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. For more details, visit www.mpi.govt.nz/food-safety-toolkit/

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. There is a process for doing this, and the chief executive will assess these on a case-by-case basis. For more details, visit www.mpi.govt.nz/food-safety-toolkit/

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 New Zealand Food Safety, or use a registered importer. For more details, visit www.mpi.govt.nz/food-safety-toolkit/

NEXT STEPS

Check which regulations apply to you under the Food Act 2014.

Visit foodsafety.govt.nz/foodact and use the My Food Rules tool.

For more information call New Zealand Food Safety on 0800 00 83 33 or email foodactinfo@mpi.govt.nz, or contact your local council.