Security Level - Restricted

AM14-288

Ministry for Primary Industries
Manatū Ahu Matua

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Aide-memoire:

From: Scott Gallacher
Deputy Director-General
Regulation and Assurance
for Director-General

Contact: Scott Gallacher [redacted] 9(2)(a)

To: Hon Nathan Guy
Minister for Primary Industries

Hon Jo Goodhew
Minister for Food Safety

Date: **19 December 2014**

Operation Concord – Threat to contaminate infant formula [redacted] 6(c)

Situation

1. This aide memoire updates Ministers on the response to the threat made to Fonterra and Federated Farmers, to contaminate infant formula [redacted] 6(c), 9(2)(d)

2. As part of its formal response to coordinate the response to the threat, MPI – in conjunction with other agencies - has prepared an action plan with a series of objectives, strategies and tasks to achieve these. This has been shared with all agencies involved.

3. Officials' focus is [redacted] and preparing for different scenarios for public release of information about the threat. 6(c)

4. [redacted]

5. MPI is able to give strong assurances about the robustness of New Zealand's food safety system and its ability to respond to food safety issues. However, in this case, we are responding to the threat of a deliberate criminal act.

6. [redacted] 6(a) 9(2)(b)(ii)

7. [redacted] 6(c)

8. Operation Concord remains a very sensitive investigation and information on the operation is being very closely contained within departments.

MPI's Response Action Plan

9. MPI's action plan sets out a framework based on objectives, strategies and tasks. It includes activities led by other agencies/groups and indicates which agency is leading specific tasks. In brief, the plan's objectives encapsulate the following activities:

- [redacted]
  - [redacted]
- [redacted] 6(c)
  - [redacted]
  - [redacted]
  - [redacted]
- Planning:
  - Understanding the issue
  - Use of 1080 for pest control in New Zealand
  - Contingency planning – scenarios and messaging
  - Scenario planning – triggers and actions
  - Testing regimes for milk products
- Alignment with stakeholders – messaging and actions:
  - Fonterra
  - Develop engagement plan based on scenarios
  - Develop engagement strategy with overseas trading partners
- Communications:
  - Joined up, all-of-government communications
- Coordinated response:
  - Watch Group
  - Aide memoires to Ministers
  - Liaison with Fonterra
  - Liaison hub for MPI
- [redacted]

6(a), 9(2)(d)

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- [redacted]

[redacted]

[redacted] 6(c)

[redacted] 6(a)

[redacted]

11. [redacted] 6(c)

12. [redacted]

13. [redacted]

14. [redacted]

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6(c)

15. [redacted]

16. [redacted]

17. [redacted]

18. [redacted]

19. [redacted]

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20. [redacted] 6(c)

21. [redacted]

22. [redacted]

23. [redacted] 6(c), 9(2)(b)(ii), (6a), 9(2)(d)

24. [redacted]

Additional MPI actions relating to testing milk and milk products

25. [redacted] MPI is developing a sampling strategy under the National Chemical Contaminants Programme (NCCP). This will be designed to provide government assurances to overseas competent authorities and assist in the maintenance of consumer confidence. 9(2)(b)(ii)

26. This testing will commence [redacted] once the method has been validated. MPI is working with two laboratories to develop and validate a suitably sensitive test method. 9(2)(b)(ii)

27. This testing under the NCCP will support the extensive verification programme that MPI already has to detect and manage a range of potential contamination of food products.

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28. [redacted] 6(c), 9(2)(d)

[redacted] 6(c)

29. [redacted]

30. [redacted]

31. [redacted]

32. [redacted]

33. [redacted]

34. [redacted]

35. [redacted]

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6(c)

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9(2)(d), 6(a)

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42.

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Communications activities

43. MPI has formed a cross-agency communications group and is working closely with their counterparts in the Prime Minister's Office, DPMC, Police, MFAT, NZTE, Ministry of Health, Department of Conservation, EPA, Fonterra and Federated Farmers.

44. A comprehensive communications strategy has been developed which covers four scenarios for the Concord threat being made public:
    - Uncontrolled announcement – no warning
    - Uncontrolled announcement – no warning over Christmas / New Year period
    - Uncontrolled announcement – limited warning
    - Controlled announcement

45. Pre-prepared materials are being developed for each scenario such as media releases and advisories, web content, talking points, fact sheets and the like.

46. Logistical arrangements are being put in place should a media conference need to be called over the Christmas period.

47. Attached as Annexes 2 and 3 are the latest drafts of the key messages and Q & As, and the overarching Communications Strategy.

Information for Markets

48. [redacted]

9(2)(d), 6(a)

49. [redacted]

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Contingency planning for the Christmas period

50. Through ODESC and the associated Watch Group, lists of officials available to assist with any necessary activities will be available. Communications materials have been pre-prepared for a range of release scenarios and logistics for a possible press conference have been organised.

Next update for Ministers

51. The next update for Ministers is likely to be during the week beginning 5 January. If there are significant developments or the threat becomes public, Ministers will be informed promptly.

Minister / Minister's Office

Seen / Referred

/ /2014

Annex 1 has been witihheld under section 6(c).
Annex 2 has been withheld under 9(2)(g)(i)

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Ministry for Primary Industries
Manatū Ahu Matua

Annex 3

Operation Concord – Communications Strategy

(Version 19 December 2014)

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Purpose

This purpose of this paper is to provide a communications framework to respond to situations in which the threat that has lead to the establishment of Operation Concord is made public – either through unwanted media, social media or other means, or proactively by government.

Because the situation behind Operation Concord is fluid (i.e. elements of the threat are unclear, elements of the operational response are in development and the Police investigation is at an early stage) this strategy needs to be considered as an evolving document and will be updated when material developments occur.

Principles

Principles considered when developing this strategy are:

1. Consumer safety is paramount.
2. At the time of writing, the view of government agencies is there is no imminent danger or risk to the safety of New Zealanders or citizens of other countries.
3. To maintain trust and confidence the preferred option is for government to proactively communicate information about the threat to the public and trading partners. Ideally, this should be at a time when appropriate supporting information and advice is suitably developed. At the time of writing, government agencies considered it undesirable for detail of the threat to be made public.
4. If detail of the threat is made public then full transparency is the best method of maintaining trust and confidence – subject to not compromising the police investigation.

Scenarios and initial response protocols

There are two broad scenarios that might result in the threat being made public:

1. **"Containable scenarios"** – that is, where there is a media or other enquiry clearly relating to the Concord threat, but the level of specific detail is low. As a result, there is a reasonable degree of confidence that the story can be contained and it will not imminently result in further disclosure.

2. **"Breaking scenarios"** – that is, where the degree of detail known by a journalist or other enquirer, is sufficiently specific to assume that information about threat is about to become public.

This paper focuses on the communications actions that would be taken in response to each of these scenarios. At this stage it focuses up until the time of a public announcement, not on the days that follow. Further work is being done on this aspect of the communications response.

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Messaging for containable scenarios

1. A threat targeting New Zealand interests has been received, related to opposition to 1080 use in New Zealand.
2. Government views such threats with the utmost seriousness.
3. Government agencies are working together to monitor the situation and the Police are leading a criminal investigation.
4. Given that this is a criminal investigation, we cannot comment further on specifics.
5. The situation reflects deeply held opposition in some sectors of the community about 1080 use in New Zealand - despite independent and rigorous reviews that have endorsed its use within tightly regulated pest control operations.
6. If the fact of Fonterra and Federated Farmers' involvement is asked about then say:
    - "We're working closely with a range of organisations".

Messaging for breaking scenarios

[redacted] 6(c)

- A threat targeting New Zealand interests has been received, related to opposition to 1080 use in New Zealand.
- The threat involves a stated intention to release 1080 contaminated infant formula [redacted] 6(c), 9(2)(d)
- Government views this threat with utmost seriousness. Police immediately launched a criminal investigation and MPI with the support of multiple government agencies, and industry, have been focused on putting additional measures in place to further protect the infant formula supply chain.
- There is significant resource being brought to the investigation and operational response and the full force of the law will be applied.
- It is important to note this is a criminal threat to deliberately contaminate. This is not about the integrity of our food safety system which is world class.
- Our first priority is the safety of consumers.
- [redacted] 6(c)
- [redacted] 6(a)
- The situation reflects deeply held opposition in some sectors of the community about 1080 use in New Zealand, despite independent and rigorous reviews that have endorsed its use within tightly regulated pest control operations.
- 1080 is a critical tool for pest control and protecting New Zealand's native flora and fauna – which are a vital part of what makes New Zealand New Zealand. It is also a vital tool for controlling bovine tuberculosis and as such is very important to our agricultural industries.
- New Zealand infant formula processing factories maintain high levels of security as a normal routine and there has been no evidence found to date that normal supply chain assurances or factory security has been compromised.
- As always, our advice to consumers is that if product appears to have been tampered with – for example seals broken or punctured – then it should not be consumed.

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Containable scenarios

	Scenario	Response protocols
1	• Media or other enquiries are received by agencies, Federated Farmers or Fonterra, or social media coverage is identified. • **Requestor is aware of a threat, but not of specific details** [redacted]	• Enquiry recipient DOES NOT RESPOND DIRECTLY but advises communications leadership group* (via MPI communications team – see appendix A for contact list) of: o Requestor/media outlet o Details of enquiry o Deadline • Communications leadership group immediately convened by conference phone (see Appendix A for contact list) to determine appropriate response based on agreed key messaging – to be signed off by chair of Watch Group (or delegate) and chair of MPI Response Strategic Leadership team (RSL) (or delegate) see Appendix B and C for Contact List. • It is likely Police would be used to respond to requestor (if it was considered a response was required) using the already approved reactive messages – this decision will be taken by the chair of Watch Group (or delegate) and chair of MPI Response Strategic Leadership team (RSL) (or delegate) on recommendation of the communications leadership group. Response would be at the police investigation team level (rather than Assistant Commissioner). • Ministers, Fonterra, Federated Farmers advised of the situation as a priority (and in that order), followed by other agencies – this should be ahead of response being sent.

6(c)

*The "communications leadership group" comprises communications representatives from MPI, DPMC, MFAT and Police or as many as can be immediately convened.

	Scenario	Response protocols
2	• Media or other enquiries are received by agencies, Federated Farmers or Fonterra, or social media coverage is identified. • **Requestor has specific but limited knowledge of threat** (i.e. requestor refers to a threat involving 1080 and infant formula contamination but nothing else).	• Enquiry recipient DOES NOT RESPOND DIRECTLY but advises communications leadership group (via MPI communications team – see appendix A for Contact list) of: o Requestor/media outlet o Details of enquiry o Deadline • Communications leadership group immediately convened by conference phone (see Appendix A for contact list) to determine appropriate response based on agreed key messaging – to be signed off by chair of Watch Group (or his designate) and chair of MPI Response Strategic Leadership team (RSL) (or his designate) see Appendix B and C for Contact List. • It is possible Police would be used to respond to requestor (if it was considered a response was required) using the already approved reactive messages – this decision will be taken by the chair of Watch Group (or his designate) and chair MPI Response Strategic Leadership team (RSL) (or

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		his designate) on recommendation of the communications leadership group. • [redacted] • Ministers, Fonterra, Federated Farmers advised of the situation as a priority (and in that order), followed by other agencies – this should be ahead of response being sent.	9(2)(g)(i), 9(2)(c)

At the time a "containable" situation arises, this should be taken as a precursor to the story becoming public. The Watch Group Chair and Chair of MPI Response Strategic Leadership team (RSL) may decide to call an urgent Watch Group or ODESC meeting to consider a public announcement.

Breaking scenarios

Four scenarios, and consequential communications actions, by which the Concord threat could become public are outlined below. They are:

1. Uncontrolled announcement with no warning
2. Uncontrolled announcement with limited warning
3. Controlled announcement
4. Uncontrolled announcement with no warning occurring during the Christmas/New Year period.

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1. Uncontrolled announcement – no warning

This scenario assumes:

- That there has been **no warning**, following a published story in media / social media
- DPMC calls an urgent officials and key Ministers meeting as soon as they are made aware of story breaking
- Timing is indicative only and is likely to have to be adjusted depending on the situation – including time of day at which the story breaks.

	Engagement	Owner	Mechanism	Objective	Inputs	Time*
1	Urgent officials / Minister's meeting MPI, MFAT, DPMC, Police, Health Meeting chaired by lead Minister [Lead Minister TBC] Key decisions: - Media conference to be called - Trading partners to be advised of situation - Tier one stakeholders to be advised of action plan - Confirmed sign-off process for public communications materials (materials such as media release and web copy are pre-prepared but will need to be adjusted for specific circumstanaces) - Attendees at press conference (likely to be Lead Minister, MPI DG or DDG, Police, a "science" spokesperson to talk about 1080 science and health (being identified)	DPMC as soon as they are aware by any means (Andrew Kibblewhite to call)	Face to face where possible (Lead Minister's office) and teleconference	Readiness to enact emergency announcement plan	Pre-prepared agenda Copy of what information is in the media	T

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2	Announcement of media conference	Lead Minister's Office [Lead Minister TBC]	Media advisory	Transparency Openness Show control	Media advisory Media list	T + 30 mins	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6(a)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	6(a)
4	Fonterra, directly implicated brand owner(s), other infant formula manufacturers and Federated Farmers* **See Appendix D for contact details* *Note - at date of this paper only Fonterra is aware of the situation* *Note - engagement with manufacturers needs to be co-ordinated in a way that allows government to lead public announcements [approach still be finalised]*	Minister for Primary Industries / MPI DG or DDG	Phone call (Fonterra and Federated Farmers) Conference call (other manufacturers)	Information Alignment Timing of press conference	Talking points For manufacturers other than Fonterra, need to be specific about what actions need to be taken – e.g. supply chain risk analysis, additional product testing Need for information to be tightly held is a key message	T + 30-60 mins	

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5	Health agencies (Plunket, Health Line, Medical Officers of Health)	Ministry of Health	Phone Follow up email	Information sharing Alignment	Talking points Fact Sheets	T + 30-60 mins
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted] 9(2)(f)(iv)
7	Pre-media conference briefing session - Spokes people briefing and preparation	MPI and DPMC Comms	Face to face	Preparation	Q & A (backpocket)	T + 60 mins
8	General public via: - press conference - MPI website - Beehive website - Health agencies (for concerned NZ parents)	Lead Minister's office arrange press conference	Press conference Reactive media	Transparency Openness Advise Reassurance	Media release Fact sheets Web & social media content	T + 90 mins
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted] 6(a)
10	Industry groups and other stakeholders* [redacted]	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency	Talking points for conversation Talking points for them to provide to their members	T + 3 hr 6(c), 9(2)(b)(ii, 6(a))
11	Officials reconvene - Review activity - Determine on-going action plan (note – separate plan being developed for "on-going communications")	MPI MFAT	Face to face where possible (MPI Office) and teleconference See Appendix B for contact details	Information sharing Reassurance Transparency No surprises	Pre-prepared agenda Media and social media coverage summary Markets reaction	T + 3 hr

2. Uncontrolled announcement – no warning over Christmas/ New Year period / Weekends

This scenario assumes:

- That there has been **no warning**, following a published story in media / social media
- DPMC calls an urgent officials and key Ministers meeting as soon as they are made aware of story breaking
- Timing is indicative only and is likely to have to be adjusted depending on the situation – including time of day at which the story breaks.

Media spokespeople over this period

MPI: Scott Gallacher, Deputy Director-General

Police: TBC

	Engagement	Owner	Mechanism	Objective	Inputs	Time*
1	Urgent officials / Minister's (if available) meeting MPI, MFAT, DPMC, Police, Health Key decisions: - Other ministers to be advised of situation - Media conference to be called - Trading partners to be advised of situation - Tier one stakeholders to be advised of action plan - Confirms sign-off process for public communications materials (materials such as media release and web copy are pre-prepared but will need to be adjusted for specific circumstances) - Attendees at press conference (likely to be MPI DG or DDG, Police)	DPMC as soon as they are aware by any means (Andrew Kibblewhite to call)	Face to face where possible (Lead Minister's office) and teleconference (likely most participants will need to join by teleconference)	Readiness to enact emergency announcement plan	Pre-prepared agenda Copy of what information is in the media	T

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2	Announcement of media conference Plus media release (short statement acknowledging the situation, likely to be required as a media conference may not be able to he held for some hours)	MPI	Media advisory	Transparency Openness Show control	Media advisory Media list Media Release Q&A (back pocket)	T + 60 mins
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted] 6(a)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted] 6(a)
4	Fonterra, directly implicated brand owner(s), other infant formula manufacturers and Federated Farmer* **See Appendix D for contact details.* *Note - at date of this paper only Fonterra is aware of the situation* *Note - engagement with manufacturers needs to be co-ordinated in a way that allows government to lead public announcements [approach still be finalised]*	Minister for Primary Industries / MPI DG or DDG	Phone call (Fonterra and Federated Farmers) Conference call (other manufacturers)	Information Alignment Timing of press conference	Talking points For manufacturers other than Fonterra, need to be specific about what actions need to be taken – e.g. supply chain risk analysis, additional product testing	T + 60-90 mins
5	Health agencies (Plunket, Health Line, Medical Officers of	Ministry of Health	Phone Follow up email	Information sharing Alignment	Talking points Fact Sheets	T + 60-90 mins

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	Health)					
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted] 9(2)(f)(iv)
7	Pre-media conference briefing session - Spokes people briefing and preparation	MPI and DPMC Comms	Face to face	Preparation		T + 3 hr
8	General public via: - press conference - MPI website - Beehive website - Health agencies (for concerned NZ parents)	MPI comms office arrange press conference	Press conference Reactive media	Transparency Openness Advise Reassurance	Media release Fact sheets Web & social media content	T + 4 hr (earlier if possible)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted] 6(a)
10	Industry groups and other stakeholders* [redacted]	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency	Talking points for conversation Talking points for them to provide to their members	T + 6 hr 6(c), 9(2)(b)(ii)
11	Officials reconvene - Review activity - Determine on-going action plan (note – separate plan being developed for "on-going communications")	MPI MFAT	Face to face where possible (MPI Office) and teleconference	Information sharing Reassurance Transparency No surprises	Pre-prepared agenda Media and social media coverage summary Markets reaction	T + 7 hr

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3. Uncontrolled announcement – limited warning

This scenario assumes that:

- there has been a query from media and that the story is about to break – **6 hours until it goes public.**
- DPMC calls an urgent officials and key Ministers meeting as soon as they are made aware of story breaking
- Timing is indicative only and is likely to have to be adjusted depending on the situation – including time of day at which the story breaks.

	Engagement	Owner	Mechanism	Objective	Inputs	Time
1	Urgent officials / Minister's meeting. MPI, MFAT, DPMC, Police, Health Meeting chaired by lead Minister [Lead Minister to be confirmed] Key decisions: - Media conference to be called - Trading partners to be advised of situation - Tier one stakeholders to be advised of action plan - Confirms sign-off process for public communications materials (materials such as media release and web copy are pre-prepared but will need to be adjusted for specific circumstanaces) - Attendees at press conference (likely to be Lead Minister, MPI DG or DDG, Police, a "science" spokesperson to talk about 1080 science and health (being identified)	DPMC as soon as they are aware by any means (Andrew Kibblewhite to call)	Face to face where possible (Lead Minister's office) and teleconference	Readiness to enact emergency announcement plan	Pre-prepared agenda Copy of what information is in the media	T

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[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	9(2)(g)(i), 9(2)(c)
Activity below is subject to outcome to call to media outlet: [redacted]							9(2)(c)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6(a)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]	
4	Fonterra, directly implicated brand owner(s), other infant formula manufacturers and Federated Farmers* **See Appendix D for contact details* *Note - at date of drafting, only Fonterra is aware of the situation* *Note - engagement with manufacturers needs to be co-ordinated in a way that allows government to lead public*	Minister for Primary Industries / MPI DG or DDG	Phone call (Fonterra and Federated Farmers) Conference call (other manufacturers)	Information Alignment Timing of press conference	Talking points For manufacturers other than Fonterra, need to be specific about what actions need to be taken – e.g. supply chain risk analysis, additional product testing Need for information to	T + 1 hr	

	announcements [approach still be finalised]				be tightly held is a key message	
5	Health agencies (Plunket, Health Line, Medical Officers of Health)	Ministry of Health	Phone Follow up email	Information sharing Alignment	Talking points Fact Sheets	T + 3 hr
6	Announcement of media conference	Lead Minister's Office [Lead Minister TBC]	Media advisory	Transparency Openness Show control	Media advisory Media list	T + 3 hr
7	Industry groups and other stakeholders*	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency	Talking points for conversation Talking points for them to provide to their members	T + 2-3 hr
9	Pre-media conference briefing session - Spokes people briefing and preparation	MPI and DPMC Comms	Face to face	Preparation	Q & A (back pocket)	T + 4 hr
10	General public via: - press conference - MPI website - Beehive website - Health agencies (for concerned NZ parents)	Lead Minister's office arrange press conference	Press conference Reactive media	Transparency Openness Advise Reassurance	Media release Fact sheets Web & social media content	T + 5 hr

6(c), 9(2)(b)(ii)

9(2)(f)(iv)

6(a)

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					Translator	
12	Officials reconvene - Review activity - Determine on-going action plan (note – separate plan being developed for "on-going communications")	MPI MFAT	Face to face where possible (MPI Office) and teleconference See Appendix C for contact details	Information sharing Reassurance Transparency No surprises	Pre-prepared agenda Media coverage summary Social media summary Markets reaction	T + 6 hr

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4. Controlled announcement

This scenario assumes:

- A 24-hour time frame from decision to 'go live' with a public announcement – actual timing may differ depending on situation and plan will need to be amended.
- A meeting is called at which decision is formally made.
- That manufacturers other than Fonterra are not yet aware of the threat.

	Engagement	Owner	Mechanism	Objective	Inputs	Time
1	Relevant Ministers and government agencies meet to make decision to go live MPI, MFAT, DPMC, Police, Health Meeting chaired by lead Minister [Lead Minister to be confirmed] Key decisions: - Media conference to be called - Trading partners to be advised of situation - Tier one stakeholders to be advised of action plan - Confirms sign-off process for public communications materials (materials such as media release and web copy are pre-prepared but will need to be adjusted for specific circumstanaces) - Attendees at press conference (likely to be Lead Minister, MPI DG or DDG, Police, 1080 "science and health" spokesperson (being identified)	Lead Minister to call meeting with spport from DPMC/MPI	Face to face where possible (Lead Minister's office)	Readiness to enact plans	Pre-prepared agenda	T

3	Fonterra, directly implicated brand owner(s), other infant formula manufacturers and Federated Farmers* **See Appendix D for contact details* *Note - at date of this paper only Fonterra is aware of the situation* *Note - engagement with manufacturers needs to be co-ordinated in a way that allows government to lead public announcements [approach still be finalised]*	Minister for Primary Industries / MPI DG or DDG	Phone call (Fonterra and Federated Farmers) Conference call (other manufacturers)	Information Alignment Timing of press conference	Talking points For manufacturers other than Fonterra, need to be specific about what actions need to be taken – e.g. supply chain risk analysis, additional product testing Need for information to be tightly held is a key message	T + 2 - 3 hr
4	Industry groups and other stakeholders*	MPI DDGs	Conference call	Information sharing Cooperation and alignment (of messaging) Transparency	Talking points for conversation Talking points for them to provide to their members	T + 18 hr
5	Health agencies (Plunket, Health Line, Medical Officers of Health)	Ministry of Health	Phone Follow up email	Information sharing Alignment	Talking points Fact Sheets	T + 18 hr

6(a)

6(c), 9(2)(b)(ii)

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6	[redacted] *See Appendix H for contact details*	MPI and DOC Directors	Phone / face-to face	No surprises Information sharing	Talking points Fact Sheets	T + 18 hr	6(c), 9(2)(b)(ii)
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	9(2)(f)(iv)
8	Announcement of media conference	Lead Minister's Office [Lead Minister TBC]	Media advisory	Transparency Openness Show control	Media advisory Media list	T + 20 hr	
9	Pre-media conference briefing session - Spokes people briefing and preparation	MPI and DPMC Comms	Face to face	Preparation		T + 20 hr	
10	General public	PMO arrange press conference [Lead Minister TBC]	Press conference Reactive media	Transparency Openness Advise Reassurance	Media release Fact sheets Web & social media content	T + 24 hr	
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	6(a)
12	Officials reconvene - Review activity - Determine on-going action plan (note – separate plan being developed for "on-going communications")	MPI MFAT	Face to face where possible (MPI Office) and teleconference	Information sharing Reassurance Transparency No surprises	Pre-prepared agenda Media coverage summary Social media summary Markets reaction	T + 26 hr	

Appendix A-H withheld under 9(2)(a)

Memorandum

Ref: Operation Concord

To: ODESC

From: Catriona Robinson, DPMC; Chair, Concord Watch Group
Scott Gallacher, Deputy Director-General, MPI

Date: 8 January 2015

Subject: **PROPOSED PROCEDURES AND TIMING OF ADVICE TO NZ INFANT FORMULA MANUFACTURERS ABOUT OPERATION CONCORD THREAT**

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The Concord Watch Group proposes that certain New Zealand infant formula manufacturers should be advised of the threat to contaminate formula with 1080 (the Operation Concord threat). Draft procedures for doing this, [redacted], are set out in the attachment. 6(a)

This memo seeks ODESC's concurrence to present this course of action to Ministers and seek their agreement – specifically, that MPI and Police should confidentially advise [redacted] New Zealand manufacturers of infant formulas about the Concord threat. [redacted] 9(2)(g)(i) 6(a)

The proposed meetings to inform manufacturers are part of a broader communications framework that has been developed to respond to the contamination threat and the different scenarios that may result in information about the threat becoming public.

Purpose of advising manufacturers of infant formulas about the Concord threat

The confidential provision of information to New Zealand manufacturers of infant formula will:

- Ensure that all New Zealand infant formula manufacturers [redacted] share the same knowledge about the threat (Fonterra, which received one of the original threat letters, is currently the only manufacturer with this knowledge); 6(a)
- Allow manufacturers to increase vigilance and security of their supply chains and general security of their plants, and to implement procedures for milk and/or product testing;
- Recognise the shared interests of manufacturers and the government in maintaining confidence in New Zealand's food products;
- Enable careful management of public communications in the event that customers and consumers need to be informed of the threat;
- Improve MPI's validation of the infant formula supply chain, [redacted] the mitigations in place and any further mitigation needed, based on information provided by these manufacturers. 6(c)

Pre-requisite actions before advising manufacturers

MPI identified 11 pre-requisite actions that needed to be completed before a meeting is held to inform manufacturers about the threat. A brief summary of these actions and their current status is provided in the table that follows.

	Pre-requisite action	Status
1	Validated test method for detecting 1080 in milk and infant formula.	Underway and expected to be completed on 13 January
2	Appreciation of capacity in NZ to test large numbers of milk and infant formula samples.	Completed
3	MPI has strategy to manage testing priorities until there is sufficient testing capacity to accommodate all testing requests.	Completed
4	A plan to prioritise which milk and milk products to test.	Completed
5	Confirm contingency plan for actions if 1080 is detected in ingredients or products.	Underway - completion expected 12 January
6	Communications strategy and material to proactively inform media.	Completed
7	Agreed procedure for reaching out to other manufacturers.	Completed – subject to ODESC consideration
8	[redacted]	[redacted]
9	[redacted]	[redacted]
10	Communication strategy and associated messaging for stakeholders and/or media.	Completed – subject to updating as circumstances change
11	Communications plan for responding to test results confirming deliberate contamination once 1080 testing regime is in place.	Underway - completion expected 16 January

6(a)

Which companies and other bodies will be invited to the notification meeting

[redacted] It is proposed to invite the CE or senior company delegate *of these* [redacted] *companies only* to a meeting in Wellington. Attendees would be subject to a signed confidentiality agreement.

6(a)
9(2)
(g)(i)

We also considered whether at the same time to invite selected industry bodies which could assist in the government/industry response to the threat, and which we could be sure would respect the confidentiality of information given to them. At this stage, however, we propose to keep the group more limited, and to inform only the [redacted] approved manufacturers. However, if publicity about the threat is imminent or other circumstances arise, there may be a need to inform other companies or groups, perhaps swiftly.

[redacted]

6(c)

There is a consequent need to maintain an ability to extend the number of companies/groups notified about the threat, within appropriate confidentiality constraints, at short notice if need be.

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Key steps in the notification process

The proposed steps in the process to notify New Zealand manufacturers of infant formula about the meeting include:

- ODESC endorses the proposed process;
- ODESC presents the proposed course of action to Ministers for agreement
- Date and timing of the meeting confirmed; 6(a)
- [redacted]
- Manufacturers invited to the meeting in Wellington – [redacted]
- Meeting with manufacturers held.

Other related matters

Continuous disclosure requirements of the FMA

Companies listed on the NZX are required to promptly disclose to the stock market matters that could affect share price. A company is required to disclose material information immediately, unless all of the following points are met:

- The information is confidential and its confidentiality is maintained; and
- The information comprises matters of supposition or is insufficiently definite to warrant disclosure; and
- A reasonable person would not expect the information to be disclosed.

Disclosure to the market is required if any one of these criteria ceases to apply.

One of the key aspects in relation to the 1080 threat is the confidentiality of the information. If the confidentiality is threatened then the trigger for disclosure may be met. We believe that confidentiality can be maintained by the process which has been proposed. We will, however, remain vigilant about this issue.

Requirements for companies to inform customers

Companies routinely inform their customers of any matter which may affect the quality, quantity or delivery of their product. We propose that, during the meeting with manufacturers, they will be asked to maintain confidentiality at this time. They will be provided with a customer notification template that can be released to their customers following EXPLICIT MPI approval to do this.

[redacted] 6(c), 6(a)

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Risks and benefits of notifying companies

Fonterra is currently the only dairy company with information about the threat. There are an additional [redacted] manufacturers of infant formula [redacted] We judge that these additional manufacturers should now be briefed regarding the threat. 9(2)(g)(i), 6(a)

The reasons for this are:

- To enable the implementation of the 1080 testing regime;
- To ensure consideration of measures to further strengthen supply chain security;
- To cohesively manage communication should the threat become public;
- [redacted] 6(c), 9(2)(d)

Risks

The decision to brief the additional group of manufacturers [redacted] ncreases the risk of the threat becoming public, potentially resulting in consumer and market reactions and impacting the Police investigation. 6(a)

There are also FMA reporting obligations and contractual obligations to customers which are likely to impact on publicly listed companies' ability to maintain full confidentiality.

In addition, some of the manufacturers have complex ownership arrangements, which may require them to share information with head offices positioned in other countries, further increasing the risk of information becoming public.

Mitigations

Notwithstanding the identified risks of expanding communication with a wider group of manufacturers, we judge that there are sufficient grounds for manufacturers to protect the confidentiality of the information provided to them. [redacted] 9(2)(g)(i)

[redacted] 6(a)

However, officials also judge that additional actions need to be taken to further mitigate the risks identified. These include:

- Confining information to an initial group of the [redacted] manufacturers [redacted] 9(2)(g)(i), 6(a)
- Requiring manufacturers to agree to and sign confidentiality agreements prior to receiving the verbal briefing;
- A commitment by officials to provide the manufacturers with regular updates on developments with the investigation and involving them in the response;
- [redacted] 6(a)

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Role of Ministers

ODESC may wish to consider the best process to involve Ministers in the decision to advise manufacturers, [redacted] about the threat. Ministers will also have a strong interest in the process, timing and outcomes of the proposed meeting and will likely want to ensure that Ministerial spokespersons are identified and prepared to front the media if the threat becomes public. 6(a)

Whilst the actual process for informing infant formula manufacturers of the threat is primarily an operational matter for officials from agencies responsible for different aspects of the Concord response, Ministers will certainly want to be kept fully informed and may wish to advise on certain matters.

ODESC may also wish to provide guidance to Watch Group agencies on any other actions which might appropriately be taken by particular Ministers to support or contribute to the overall Concord response

Parallel activities and preparation

In parallel with the meeting to advise infant formula manufacturers, there will be a series of contingency communications ready to respond to different scenarios that might occur. This includes the need to immediately notify trade partners should the threat become public, or known to a limited number of trading partners.

MPI will identify specific points of contact for companies which wish to get further information or report [redacted] or other information. 6(c)

Timing of meeting with manufacturers

The timing of any meeting with manufacturers is ultimately dependent on when officials have an opportunity to inform Ministers and seek their agreement to the course of action outlined above. There is a duty Minister roster over the Christmas break and that roster ends on Sunday 18 January. Ministers are generally in Wellington from Tuesday 20 January.

Note that the Police investigation to identify the perpetrators of the threat is ongoing. As the manufacturers' meeting brings with it an increased risk of public knowledge about the threat, Police should be consulted before timings are finalised, in case there are particular aspects of the investigation which could be affected by the threat becoming public.

Recommendations

That ODESC:

1 Notes that Concord Watch Group agencies agree that there is a need to confidentially advise New Zealand manufacturers of infant formulas of the contamination threat;

2 Notes that informing manufacturers of the threat, along with the increased laboratory testing activity, resulting from both the proposed MPI sampling and testing regime, and milk company tests of milk and formula, will increase the risk of the uncontrolled release of information about the threat;

3 Notes that officials will be taking active measures to manage the risks of release of information through confidentiality requirements and other measures;

4 Notes that there are also risks from not informing infant formula manufacturers in a timely way which enables companies to take actions to respond to the contamination threat;

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5 Agrees that the proposed course of action – to invite the [redacted] New Zealand infant formula manufacturers [redacted] to a meeting in order to confidentially inform them of the threat - should be presented to Ministers for agreement (including, if Ministers direct, any amendments to the draft process as proposed); 9(2)(g)(i), 6(a)

6 Provides advice to Watch Group on any necessary pre-requisites or constraints on the timing of the proposed manufacturers meeting, but leaves the details of the timing of the meeting to officials to finalise;

7 Advises the Watch Group on any actions which might appropriately be taken by particular Ministers to support or contribute to the overall Concord response.

8 Notes that although the focus of the proposed meeting is to inform the [redacted] New Zealand infant formula manufacturers [redacted] of the threat, there are other companies and organisations which have other direct interests, these groups may need to be informed of the threat at an appropriate time, and planning continues in respect of this. 9(2)(g)(i), 6(a)

9 Notes that, should the situation change significantly (e.g. the threat become public or known to overseas authorities, or the threat assessment change), a series of contingency communications have been prepared to be utilised at short notice. These include draft public messages and communications to trading partners.

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Operation Concord – Processes Associated with Advising NZ Infant Formula Manufacturers

This paper outlines the process for advising NZ manufacturers of infant formula who are currently listed as exporters of infant formula and/or base powder [redacted] ('manufacturers'), other than Fonterra, of the Operation Concord threat. 6(a)

The purpose of meeting with manufacturers is to support the overall objectives of the response. These are:

- To protect consumer health
- To ensure NZ milk products are safe for consumption and maintain confidence in the NZ dairy supply chain
- To maintain NZ's international reputation as a safe food producer
- To maintain relationships with [redacted] trading partners 6(a)

Specifically advising manufacturers will enable:

1. Increased security of the supply chain and protection of consumer safety – i.e. manufacturers may need to increase security, general vigilance and implement milk and/or product testing.
2. Careful management of public communications in the event consumers need to be informed of the threat. [redacted] To minimise the risk of confusing information being provided to consumers it is important that manufacturers are informed. 9(2)(g)(i)
3. Improved validation of the supply chain, [redacted] Manufacturers have the best understanding of their own processes. 6(c)

The risks if other manufacturers are not informed include:

1. Product testing, particularly if not performed in a controlled manner, could trigger wider knowledge of the situation and lead to an uncontrolled release of information. That in turn could drive undue public concern, [redacted] and affect the police investigation. 9(2)(d)
2. [redacted] By not giving other manufacturers due notice, we affect their ability prepare. 6(c)
3. [redacted] 9(2)(c)

It is important to note that there are also some potential risks associated with contacting manufacturers. Nevertheless, officials consider these outweighed by the factors above, and will seek to mitigate to the extent possible (e.g. through confidentiality agreements, and contacting only the necessary infant formula manufacturers [redacted] These risks include: 6(a)

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1. An increased possibility of information leaking to media in an uncontrolled way.
2. [redacted] 6(c), 9(2)(d)

Procedure

1. Decision to proceed will be supported by the detail outlined herewith.
2. Appropriate senior leadership of identified manufacturers (refer Annex 1) are contacted by phone to advise them of a meeting in Wellington at which they will be briefed on an issue critical to their business. An annex will be prepared which provides the script for this initial phone call and confirms points of contact.
3. The phone call to request attendance will be made by suitable, senior MPI staff members.
4. Prior to any conversation commencing, MPI will gain a verbal undertaking that the recipient of the call will treat the nature of the call, and the meeting request, in strictest confidence. MPI will advise that a written confidentiality statement will need to be signed at the meeting.
5. No other information will be provided on the call, other than the time and place of the meeting.
6. [redacted] 6(c), 9(2)(b)(ii)
7. [redacted] 6(a)
8. [redacted]
9. The [redacted] representative will be advised of the meeting first. That discussion will determine a timeframe for advising other manufacturers. 6(c)
10. Other manufacturers will be given a 1 days notice of the meeting. They will be requested to attend in person (or to nominate their delegate).
11. In all cases if primary points of contact are not reached within 2 hours then a suitable senior technical representative will be contacted to ensure all companies are suitably notified within a 3 hour period.
12. Fonterra and Federated Farmers will be invited to join the meeting.
13. Conference call facilities will not be provided.
14. Representatives of the industry associations in Annex 2 will not attend the meeting. Consideration will be given to holding a separate meeting at a later date for these groups. The exception to this is Federated Farmers who will be invited.
15. The meeting will be chaired by MPI (Scott Gallacher or Andrew Coleman).
16. A senior Police official will be asked to attend the meeting to provide an initial briefing on the nature of the threat and the investigation.

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17. MPI will outline activity to date, provide companies with steps they can take to help prevent or detect the threat and outline details for further engagement with MPI and/or Police on this matter.

Proposed agenda – to be held at MPI at a date to be confirmed – expected duration 2.5 hours.

1. Introduction, purpose and structure of the meeting – confidentiality statements to be signed
2. General background on response – including whole of government coordination (a 4 – 6 slide briefing is proposed)
3. Police to outline the threat, their assessment and to update on the investigation
4. Why are we talking to you now
5. MPI to outline activity to date including infant formula supply chain assessment
    a. Supply chain A3 to be provided – which includes emphasis on what companies can do (security, testing, vigilance and reporting any untoward incidents – security breaches in terms of unauthorised access to sites, reports of tampering, how to manage customers or consumers)
    b. MPI will provide detail on the sampling and testing strategy going forward and associated protocols – [redacted] 6(c)
    c. Financial Markets Authority guidance will be provided
    d. A customer notification template will be provided – including the strict proviso that it's will require express MPI approval prior to being used.
6. Summary and next steps – including channels/options for ongoing engagement
    a. MPI and Police access points – including MPI media contact
    b. MPI secure website updates
    c. Fortnightly LYNC conferences (Industry to attend via local MPI LYNC facilities) – subject to security assessment
    d. FMA contact point

Attendees: MPI, Police, MFAT, DPMC– the minimum required to support the agenda – plus list of companies as per Annex 1 plus Federated Farmers.

Summary

	Item	Timing	Comment
1	Circulate proposed engagement plan to Watch Group	Not later than 4pm 7 January	Requires MPI DDG sign off
2	Amend following Watch Group and circulate to ODESC	Not later than COB 8 January	Requires short covering paper
3	ODESC agreement to action (including any agreed changes)	9 January	May include Ministerial briefing process
4	Ministers advised and/or consulted – subject to ODESC direction.	9 January	Via AM following ODESC decision
5	Date established to hold meeting (T) – logistics confirmed	By MPI following period for Ministerial	Watch Group advised out of session

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		comment		
6	[redacted]	[redacted]	[redacted]	6(a)
7	[redacted] invited to meeting	T minus 48 hours		6(c)
8	Other manufacturers invited	T minus 24 hours		
9	Senior Technical representatives invited if first contact point not responsive	T minus 22 hours		
10	Invitees confirmed	T minus 18 hours		
11	Other industry representative groups invited (if agreed)	T minus 24 hours		
12	Meeting conducted			

Attachments

Annex 1 – List of Manufacturers

Annex 2 – List of Industry Organisations

Annex 3 – [redacted] 6(a)

Annex 4 – Proposed talking points

Annex 5 – Q&A

Annex 1 and 2 are withheld under 9(2)(a).
Annex 3 is withheld under 6(a).
Annex 5 is withheld as a final version of this document is available as part of the pack.

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Annex 4
Talking Points

Phone call invitation talking points

- I'm calling to invite you to a meeting in Wellington where MPI will brief you and others in the dairy industry on a significant issue that could have an effect on your business.
- The matter is sensitive and I cannot go into detail on the phone
- If you are unable to attend personally, please nominate a senior delegate.
- You will be given an opportunity to ask questions at the briefing but for now I'm asking you to treat the matter under the strictest confidence. When you arrive at the meeting you will be asked to sign a confidentiality agreement.
- The meeting is at [time] [place]

Briefing talking points

Introductions

- Thank you for coming to this meeting and agreeing to sign the confidentiality agreement.
- At this meeting I will give you a briefing on a significant issue that could have an effect on your business.
- As it is a criminal matter, we have a representative from the police here to give you an overview of the status of the investigation.
- Because some of you are listed companies, we will provide advice from the FMA regarding your obligations with respect to the information we will share today.
- This has involved a whole of government co-ordination and I'll discuss what our activity has been to date and what that might mean for you.
- We will also give you information about what you may consider doing to protect your customers and business from potential risk.

Background

- A threat targeting New Zealand interests has been received, related to opposition to 1080 use in New Zealand.
- The threat involves a stated intention to release 1080 contaminated infant formula [redacted] unless New Zealand stops using 1080 [redacted] 6(c), 9(2)(d)

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- The threat was conveyed in letters received by Fonterra and Federated Farmers in late November. A package of white powder, subsequently confirmed as milk powder laced with [redacted] 1080, was included with each of the letters. 6(c)

- Fonterra and Federated Farmers immediately referred the matter to the New Zealand Police and Ministry for Primary Industries. Police immediately started an investigation while MPI has led the government response with a focus on protecting New Zealand's interests.

- [redacted] 9(2)(g)(i), 6(c)

- Our first priority is always the safety of consumers. [redacted] 9(2)(d), 6(c)

- Given the sensitivity and need to keep this issue confidential while the police investigated, advice was prepared and other measures were put in place, the government requested that Fonterra and Federated Farmers maintained strict confidentiality.

- It is important to note that MPI and manufacturers operate a number of regimes that provide assurance for the integrity and security of the supply chain for infant formula. Our intention was to be in a position to provide advice and to put additional precautionary assurance requirements in place before engaging with these manufacturers.

- In addition, this is the subject of a criminal investigation. We needed to closely manage the flow of information to prevent damaging that investigation.

- Government views this threat with utmost seriousness. Police immediately launched a criminal investigation and MPI, with the support of multiple government agencies, has been focused on putting additional measures in place to further protect the infant formula supply chain.

- Government agencies have also been working to support the police investigation.

- New Zealand infant formula processing factories maintain high levels of security as a normal routine and there has been no evidence found to date that normal supply chain assurances or factory security has been compromised

- It is important to note this is a criminal threat to deliberately contaminate. This is not about the integrity of our food safety system which is world class.

- [redacted] 6(a)

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6(a)

- The situation reflects continuing deeply held opposition in some sectors of the community about 1080 use in New Zealand, despite independent and rigorous reviews that have endorsed its use within tightly regulated pest control operations.

- There is significant resource being applied to the investigation and the full force of the law will be applied.

- I'll hand over to the police now to describe progress with the investigation.

Police update

- In late November 2014, Fonterra and Federated Farmers were sent letters in which each contained a packaged sample of infant formula contaminated with the poison 1080. (1080 is used to kill pests such as possums, rats and stoats.)

- The letter threatened to release intentionally contaminated infant formula if 1080 use in New Zealand was not stopped by that time. 6(c)

- A Police criminal investigation commenced immediately into this threat with the investigation being coordinated by the Auckland Criminal Investigation Branch with assistance from other police districts and specialist groups as and when necessary.

- Police are working closely with Ministry of Primary Industry and numerous other Government agencies on this investigation. 6(c)

- 6(c)

Activity to date

- Our focus to this point has been in the supply chains of 1080 and of infant formula. 6(c)

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Supply chain assessment

[redacted] 6(c)

[redacted]

[redacted]

[redacted]

[redacted]

Sampling and testing protocols

- As the recipient of the threat, Fonterra has worked with MPI to develop a validated test method for detecting 1080 contamination in raw milk products.

- This will [be ready to begin/ has begun] AFECTED BY TIMING OF MEETING on January 13.

[redacted] 9(2)(d)

[redacted] 6(a)

[redacted] 6(c), 6(a)

- [More on the sampling and testing protocols]

Summary

- In summary I want to emphasise that this is a criminal matter and is being dealt with by police as a criminal investigation.

- It does not reflect on New Zealand's food safety system or the work that you do to protect your customers from food safety risk.

- We have considered this matter carefully and believe it was important to gain some understanding of the nature of the threat and risk it imposed before advising the public

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and causing unnecessary anxiety, and to put some precautionary measures in place.

- Also, if we released information to the wider public too early, it could have an effect on the police investigation.

- I've gathered you here because it could have an effect on your business and you need to think about your options.

- I've provided copies of our supply chain assessment for you to take away and help you consider your options.

- [We will be releasing the information publically] or [we want you to maintain confidentiality] DECISION TO BE MADE

- [redacted] 9(2)(d), 9(2)(c)

- To that end, it is important to maintain confidentiality of this information as outlined in the confidentiality agreement until the announcement is made.

- We will, of course, keep you informed on the status of threat

- We are able to provide fortnightly video conferences, updates on MPI's secure website, and opportunities to speak with myself or a member of my team.

[Open for questions]

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