



Consumer Information Standards (Origin of Food) Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of May 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 27 of the Fair Trading Act 1986—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce and Consumer Affairs made in accordance with that section and with section 5 of the Consumers' Right to Know (Country of Origin of Food) Act 2018.

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Schedule 1 9

Transitional, savings, and related provisions

Regulations

- 1 Title**
These regulations are the Consumer Information Standards (Origin of Food) Regulations 2021.
- 2 Commencement**
These regulations come into force on 12 November 2021.
- 3 Transitional, savings, and related provisions**
The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.
- 4 Interpretation**
In these regulations, unless the context otherwise requires,—
 - cured pork** has the meaning given by regulation 8
 - fish or seafood** means a finfish or a shellfish, as those terms are defined by section 2(1) of the Fisheries Act 1996
 - fresh** has the meaning given by regulation 6
 - fruit or vegetable**—
 - (a) means a plant, or a part of a plant, that can be eaten as food; and

- (b) includes a mushroom or edible fungus, sprouted legume, coconut, green bean or pea, snowpea, edamame bean, broad bean, or sweetcorn; but
- (c) excludes all of the following that are not covered by paragraph (b): a nut, seed, legume, or grain, or a herb growing in soil

fundraising event means an event where food is supplied solely to raise money for a charitable, benevolent, philanthropic, or cultural purpose

item means each separate unit or package that is supplied or offered or advertised for supply (for example, an individual watermelon or a package of peas)

origin information has the meaning given by regulation 9

regulated food item has the meaning given by regulation 5.

Part 1 Food that is regulated

5 Meaning of regulated food item

- (1) In these regulations, **regulated food item** means an item of food that—
 - (a) is a type of food described by subclause (2); and
 - (b) is supplied, or offered or advertised for supply, at retail (including on an Internet site or by mail-out); and
 - (c) is not supplied, or offered or advertised for supply,—
 - (i) at a fundraising event; or
 - (ii) for immediate consumption, by a restaurant, cafeteria, takeaway shop, canteen, or similar place, or a caterer.
- (2) The types of food are as follows:
 - (a) food that—
 - (i) is only 1 type of fruit or vegetable, fish or seafood, or meat; and
 - (ii) is fresh, or is frozen or thawed (but would otherwise be fresh); and
 - (iii) is no more than minimally processed:
 - (b) cured pork.

6 Meaning of fresh

- (1) A food is **fresh** if it has not been processed for the purpose of preserving it or extending the period during which it may be eaten.
- (2) The following are examples of processing that do not prevent a food from being **fresh**:
 - (a) refrigeration or chilling:

- (b) surface treatment, which means applying a substance to the food's surface without changing the food's essential character, taste, or nutritional content:
 - (c) vacuum sealing:
 - (d) blanching before freezing.
- (3) The following are examples of processing that mean a food is not **fresh**:
- (a) drying, freeze-drying, or dehydration:
 - (b) curing:
 - (c) fermentation:
 - (d) pickling:
 - (e) preservation in salt, sugar, or oil:
 - (f) canning:
 - (g) cooking (including baking, roasting, or grilling) other than blanching before freezing:
 - (h) smoking:
 - (i) reconstitution.

7 **Meaning of minimally processed**

The following are examples of processing that do not prevent a food from being only **minimally processed** (for the purposes of regulation 5(2)(a)(iii)):

- (a) cutting, chopping, slicing, dicing, mincing, grating, or mashing:
- (b) juicing, blending, or puréeing:
- (c) filleting, deboning, or shucking:
- (d) peeling or shelling:
- (e) washing or sanitising:
- (f) irradiation.

8 **Meaning of cured pork**

In these regulations, **cured pork** means—

- (a) a processed pork product that—
 - (i) contains pork flesh that is at least 30% of the product's weight; and
 - (ii) is represented as bacon or ham; or
- (b) a processed pork product that—
 - (i) contains pork flesh that is whole pieces or cuts of pork muscle and is at least 66% of the product's weight; and
 - (ii) for the primary purpose of preserving the product, contains—

- (A) salt; or
- (B) salt and 1 or both of nitrite and nitrate.

Part 2

Information must be disclosed

How and when information must be disclosed

9 Meaning of origin information

- (1) This table defines the **origin information** for each type of regulated food item:

Type of regulated food item	Origin information
A type of fruit or vegetable	The 1 or more countries in which the fruit or vegetables in the item were grown
A type of meat or cured pork	The 1 or more countries in which the animals in the item were raised
A type of fish or seafood	The 1 or more countries in whose national fisheries jurisdiction, or oceans in whose high seas,— <ul style="list-style-type: none"> (a) the finfish in the item were caught; or (b) the shellfish in the item were harvested

- (2) A fruit or vegetable was **grown** in a country if—
- (a) it was materially increased in size, or materially altered in substance, in that country by natural development; or
 - (b) it germinated or otherwise arose in that country.
- (3) An animal was **raised** in a country if it was materially increased in size in that country by natural development.

- (4) In this regulation,—

high seas means the waters outside the national fisheries jurisdiction of any country

national fisheries jurisdiction means a country's internal waters, territorial sea, and exclusive economic zone, as determined by its domestic law and consistently with international law

ocean means the Pacific Ocean, Atlantic Ocean, Indian Ocean, Southern (Antarctic) Ocean, or Arctic Ocean.

10 How information must be disclosed

- (1) This regulation applies to information that must be disclosed for a regulated food item under this Part, including information that is chosen to be disclosed under regulation 14 or 15.
- (2) The information must be disclosed—
- (a) as clear and legible text in English or Māori; and

- (b) to enable a person to whom the item is supplied, offered, or advertised to be informed of how the item is related to the 1 or more countries or oceans disclosed for the item (for example, that the item was grown in the country, or that the item's animals were raised in the countries); and
- (c) so that its connection to the item is clear, either—
 - (i) in 1 of the following ways, if the item is supplied, or offered or advertised for supply, where the item is located:
 - (A) on the item or its packaging;
 - (B) on signs located next to the item;
 - (C) in a similar way; or
 - (ii) as part of the offer or advertisement, if the item is offered or advertised for supply where the item is not located (for example, on an Internet site or by mail-out).

11 General requirement to disclose information for regulated food item

- (1) If a regulated food item is supplied, or offered or advertised for supply, certain information must be disclosed for the item.
- (2) The information that must be disclosed is the item's origin information.
- (3) However, this regulation is subject to—
 - (a) the additions, replacements, and modifications in regulations 12 to 15, which are cumulative if more than 1 apply; and
 - (b) the exclusions in regulations 16 and 17.

12 Additional information if origin changes by time of supply

- (1) This regulation applies if—
 - (a) a regulated food item is offered or advertised for supply where the item is not located (for example, on an Internet site or by mail-out); and
 - (b) the person who offers or advertises the item has reason to believe that, by the time of supply, the origin information of the item supplied will differ from the origin information when the item was offered or advertised.
- (2) The information to be disclosed for the item offered or advertised must include a statement to make clear that the item's origin information may change by the time the item is supplied.

13 Replacement information if origin differs between stores

- (1) This regulation applies if—
 - (a) a person offers or advertises for supply any regulated food items—
 - (i) of the same type (for example, a brand's 1 kg packages of baby peas); and

- (ii) where the items are not located (for example, on an Internet site or by mail-out); and
 - (b) the origin information of the items differs between any of the person's stores.
- (2) The information that must be disclosed for each item (instead of an individual item's origin information under regulation 11(2)) is—
 - (a) a list that combines the countries or oceans from the origin information of all of those items (from all of the person's stores); and
 - (b) a statement to make clear that not all of the listed countries may be relevant to an item at a particular store.
- (3) In this regulation, **store** means a place of business from which the item is supplied.

14 Optional replacement information if origin changes often

- (1) This regulation applies to any regulated food items that a person supplies, or offers or advertises for supply,—
 - (a) that are of the same type (for example, a brand's 1 kg packages of baby peas); and
 - (b) over any period in which the origin information of the items changes often enough that it would be unreasonable to change that information for disclosure.
- (2) The person may choose to disclose the following information for each item (instead of an individual item's origin information under regulation 11(2)):
 - (a) a list that combines the countries or oceans from the origin information of all of those items; and
 - (b) a statement to make clear that not all of the listed countries may be relevant to a particular item.

15 Optional replacement information if origin changes often for meat or cured pork

- (1) This regulation applies if a person's regulated food items of the same type—
 - (a) are covered by regulation 14(1) (which applies if origin information changes often); and
 - (b) are meat or cured pork (for example, a brand's 1 kg packages of chicken pieces of a certain type).
- (2) The person may choose to disclose the following information for each item (instead of the origin information of an individual item under regulation 11(2) or of all of those items under regulation 14):
 - (a) either—

- (i) a list that combines the countries from the slaughter information for all of those items, or the name of the 1 country if their slaughter information is the same; or
 - (ii) a list that combines the countries from the origin information for some of the animals, and from the slaughter information for the rest of the animals, in those items; and
- (b) a statement to make clear—
 - (i) that not all of the listed countries may be relevant to a particular item, if more than 1 country is listed; and
 - (ii) in respect of each country from the slaughter information for an item, that the animals in the item may not have been raised in that country.
- (3) If a person chooses to disclose the information in subclause (2)(a)(i) or (ii), regulations 12 and 13 apply as if that information were origin information.
- (4) In this regulation, **slaughter information** means the 1 or more countries in which the animals in an item were slaughtered.

When information need not be disclosed

16 Information not required for supply in accordance with accepted offer

- (1) This regulation applies if—
 - (a) an offer for supply of a regulated food item is accepted where the item is not located (for example, on an Internet site); and
 - (b) the regulated food item is supplied in accordance with the accepted offer.
- (2) Information need not be disclosed for the item under this Part when the item is supplied.

17 Information not required for audio-only offer or advertisement

- (1) This regulation applies if a regulated food item is offered or advertised for supply by an audio-only medium (for example, radio).
- (2) Information need not be disclosed for the item under this Part when the item is offered or advertised for supply.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to these regulations as made

1 Frozen food not regulated for first 18 months

Despite regulation 5, any food that is frozen is not a regulated food item before 12 May 2023.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on 12 November 2021. They prescribe a consumer information standard that requires the disclosure of origin or other information about a regulated food item.

The regulated food items cover certain simple foods and cured pork that are supplied, or offered or advertised for supply, at retail. But frozen food is excluded for the first 18 months.

In general, the information about a regulated food item must be disclosed when it is supplied or offered or advertised for supply. The information generally relates to a country (but sometimes an ocean). There are some special cases that have special requirements or do not require disclosure.

Regulatory impact assessment

The Ministry of Business, Innovation, and Employment produced a regulatory impact assessment on 11 September 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of the regulatory impact assessment can be found at—

- <https://www.mbie.govt.nz/dmsdocument/7490-impact-summary-consumer-information-standard-for-country-of-origin-labelling-proactiverelease-pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

**Consumer Information Standards (Origin of Food)
Regulations 2021**

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