



# Consumer Information Standards (Origin of Food) Regulations 2021

## *Summary of changes in response to feedback*

- The Consumer Information Standards (Origin of Food) Regulations 2021 (the Regulations) introduce a mandatory country of origin labelling regime for single ingredient and minimally processed fruit, vegetables, meat, seafood, and cured pork. The Regulations commence on 12 November 2021 and do not apply to frozen foods until 12 May 2023.
- The Regulations are made under section 27 of the Fair Trading Act 1986 and give effect to the Consumers' Right to Know (Country of Origin of Food) Act 2018 and decisions made by Cabinet in September 2019.
- In December 2019 the Ministry of Business, Innovation and Employment published an exposure draft of the Regulations for public feedback. 53 submissions were received. This document summarises:
  - the changes that were made to the Regulations in response to feedback
  - some of the key themes from submission that did not result in changes to the Regulations.
- This document does not summarise the consequential or technical drafting changes that have been made to the Regulations.

## **SUMMARY OF CHANGES**

<b>PROVISION</b>	<b>CHANGE OR THEME</b>
Regulation 4	Amended the definition of 'vegetable' to include sprouted legumes (e.g. bean sprouts, mung beans) and broad beans, as these are items that are typically sold fresh or frozen alongside other produce.
Regulation 5(2)(a)(ii)	Amended so that food which has been thawed before sale is not included in the definition of 'fresh'. Instead the concept was moved to the definition of a 'regulated food item'. The Regulations will, however, continue to apply to thawed foods from the commencement date of the Regulations (i.e. 12 November 2021).
Regulation 5	<p>Some submitters suggested amending the regulations to clarify that products that contain minor additional ingredients, such as flavourings, are excluded from the Regulations.</p> <p>We consider that the Regulations are sufficiently clear and achieve the policy intent in that that the Regulations generally apply where the product is comprised of only one ingredient (with exceptions for cured pork, and the application of surface treatments under Regulation 6(2)(b).</p>



Regulation 6	<p>Some submitters suggested amending the definition of ‘surface treatment’ to align with the relevant schedules of the Australia New Zealand Food Standards Code.</p> <p>We consider that this change was unnecessary as the intent is sufficiently clear, and aligning the definitions would have added unnecessary complexity to the Regulations. Further, if changes were made to the definitions in the Code it would have been necessary to update the Regulations to ensure consistency between the two.</p>
Regulations 7 and 8	<p>Submissions from members of the New Zealand pork industry, small goods producers, and consumers sought to extend the scope of the Regulations to cover pork products comprised of multiple ingredients.</p> <p>No change has been made as the policy intent is for the Regulations to apply to single-ingredient and minimally processed items, along with ‘cured pork’, as set out in the Consumers’ Right to Know (Country of Origin of Food) Act 2018. Further, extending the scope of the Regulations for pork-based products, but not any other products with multiple ingredients, would increase the cost and complexity of the labelling requirements and further widen the disparity between the treatment of pork and other foods.</p>
Regulation 8(b)(ii)	<p>Amended the definition of ‘cured pork’ to clarify that cured pork products could include ingredients in addition to salt. Many cured pork products (e.g. prosciutto) include additional flavours such as sugar. This amendment is to clarify the intent of the Regulations (i.e. that they apply to bacon, ham and other comparable products).</p>
Regulation 10	<p>Amended to bring the requirements relating to how information must be disclosed into a single provision.</p>
Regulation 10	<p>Some submitters suggested amending the Regulations so that the origin labelling would be prominent so as to not be missed or misinterpreted by consumers.</p> <p>No change was made. The Regulations provide that the information must be disclosed as clear and legible text and enable consumers to be informed of the relationship between the named country or place, and the item of food (e.g. if it was raised or grown there). These requirements, combined with the prohibitions in the Fair Trading Act against false and misleading representations, should ensure that the labelling requirements provide consumers with the information that they need to make informed purchasing decisions.</p>
Regulation 10	<p>Some submitters sought for the Regulations to allow regions to be named, or for the use of abbreviations, in order to shorten disclosures.</p> <p>No change was made. We do not consider that it would be consistent with the</p>



	<p>Act to permit the disclosure of regions or continents, as this is unlikely to give consumers adequate information about the origin of their food.</p> <p>We consider that the Regulations would permit the use of commonly-used abbreviations (e.g. NZ, USA).</p>
Regulation 13	<p>Some submitters raised concern that Regulation 13 could result in long disclosures.</p> <p>No change was made. Regulations 12 – 15 introduce alternative requirements that apply in different situations, and they each require the inclusion of additional statements to help inform consumers. The Regulations do not contain prescriptive wording and there is flexibility in precisely how suppliers meet the requirements.</p>
Regulation 14	<p>Amended to clarify the policy intent that the alternative disclosure requirements provided for in Regulation 14 only apply when it would be unreasonable to change labelling due to frequent changes in the origin information.</p>
Regulation 15	<p>A new Regulation that specifies how Regulation 14 operates when the food item is a meat or cured pork product. In these situations, a supplier can name the country or countries in which animals were slaughtered, rather than where they were raised. This will address concerns about the cost and complexity associated with tracking animals through integrated supply chains that can involve livestock crossing borders.</p>
Commencement	<p>Some submitters raised concern about the implementation timeframes.</p> <p>No change has been made as the timeframes are specified in the Consumers' Right to Know (Country of Origin of Food) Act 2018. The Regulations will commence six months after they are notified in the <i>New Zealand Gazette</i>, and will not apply to frozen foods until 18 months have passed after commencement.</p>

You can view the Regulations at:

<https://www.legislation.govt.nz/regulation/public/2021/0097/latest/whole.html>