



Submission by Heinz Wattie's Limited ("Heinz Wattie's")

To: Competition and Consumer Policy
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In response to: **Exposure draft consultation: Consumer Information Standards
(Origin of Food) Regulations 2019**

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Preface:

Heinz Wattie's produces nutritious, convenient foods for every eating occasion and Wattie's has been feeding New Zealand families since 1934. Heinz Wattie's operates across the retail grocery sector and out of home channels, including hospitality and healthcare as well as having a large offering of export products such as frozen vegetables.

Heinz Wattie's is a significant primary processor of fruit and vegetables in New Zealand producing a diverse range of foods including frozen and canned fruit and vegetables, soups, meals and sauces.

Heinz Wattie's welcomes the opportunity to comment on the Exposure draft consultation: Consumer Information Standards (Origin of Foods) Regulations 2019 (**Regulations**).

1. Meaning of regulated food and interpretation section of the regulations

Feedback on:

- a. The definitions of terms used in the draft regulations
- b. Whether the intent of the current wording that a regulated food includes food that is "only 1 type" is clear
- c. Any suggestions for refinement

- a. No comment.
- b. Heinz Wattie's recommends making the intent of the wording clearer to aid food producers with the interpretation of what is a regulated food. For example, "Wattie's frozen minted peas" have one type of vegetable, but two ingredients: "*Baby peas, Natural mint flavour*", with mint flavour added in minor quantities for flavour. To make it clear that multiple ingredient foods are not regulated foods, recommend changing Clause 5(2)(a)(i) to:
"is only one type of fruit or vegetable, fish or seafood, or meat and is only one single-ingredient food (with no additional minor ingredients, flavours, colours or food additives (excluding surface treatments));"
- c. For further information, Heinz Wattie's suggests adding "applies to food that is packaged or unpackaged" to Clause 5 (1). It is recommended that 5(2)(a)(ii) is further clarified, to determine whether pre-blanching frozen vegetables are included.

2. Meaning of "fresh" and "minimally processed"

Feedback on:

- a. The proposed definitions of fresh and minimally processed
- b. Any suggestions for refinement

- a. Heinz Wattie's recommends Clause 6 (2) (b) "surface treatment" is defined further in line with the Australia New Zealand Food Standards Code (**the Code**). Reference should be made to specific substances used as processing aids performing a technological purpose, aligned with Schedule 18 of the Code. This would be consistent with Australia where processing aids are excluded from country of origin labelling consideration. Further to this, additives that perform a 'surface treatment' function in line with Schedule 15 of the Code (e.g. surface treatment of fresh fruit covered in Carnauba wax, or antioxidants or preservatives used on cut fruit to prolong the shelf life and quality, and minimise surface browning) should fall within the 'minimally processed' category.

- b. While Clause 5 specifies that regulated foods are only one type of food; we recommend further detail for the exclusions in Clause 6 (3) of the Regulations regarding food additives and minor ingredients. This will assist food producers with interpretation of what is not fresh or minimally processed. We suggest adding “no added seasoning, flavours, colours, food additives (excluding surface treatments)” to Clause 6 (3).

3. Meaning of cured pork

Feedback on:

- a. Whether the draft wording meets the policy intent described above

- a. No comment.

4. Disclosure of the origin of food by reference to where it was grown (or something similar)

Feedback on:

- a. The proposed requirements for disclosing the origin of a food by reference to where it was grown (fruit and vegetables), raised (meat and cured pork), or caught or harvested (fish and seafood)
- b. The requirements to reference the ocean if the fish or seafood was caught or harvested on the high seas
- c. The issue of a fruit, vegetable or animal being grown or raised in more than one country, and whether the proposals appropriately address this
- d. Any suggestions for refinement of various definitions and requirements

- a. Heinz Wattie’s agrees with the proposed requirements for disclosure of origin for fruits and vegetables and where it was grown. Heinz Wattie’s supports the voluntary option to additionally disclose the subnational region.
- b. No comment regarding fish or seafood
- c. No comment
- d. No further suggestions

5. How information must be disclosed

Feedback on:

- a. The proposed regulations for how information must generally be disclosed
- b. Any suggestions for refinement of the requirements for how information must be disclosed

- a. Heinz Wattie’s is aligned with the country disclosure information and general legibility requirements on food packaging.
Heinz Wattie’s supports the flexibility and non-prescriptive statements for use for disclosure of origin provided in Clause 10(2)(b) such as “Grown in” and “Product of” statements.
- b. Clarification is required for Clause 11(3) “applies if the regulated food is offered or advertised for supply where the food is not located (for example, on an Internet site or by mail-out)”. It is unclear if product information on a company website, but not available for direct sale, requires the country of origin disclosure.

6. Alternative disclosure in certain circumstances

Feedback on:

a. Any suggestions for refinement to improve consumer information and/or minimise cost for suppliers with regard to alternative disclosure requirements in certain circumstances.

- a. Heinz Wattie’s supports Clause 14 to allow for labelling of different or multiple sources of origin of ingredients. Sourcing vegetable ingredients from more than one country is often necessary for the food industry for an uninterrupted supply. The ingredient country of origin can change, due to supplier changes, seasonal variations and crop shortages, especially in single component ingredients of agricultural origin.

Suggest rewording Clause 14(2)(b) for clarity.

Currently: “must list the origin information of all parts of all items of the food”

to

“must list all country/ocean origin information, for all sources (single or multiple) of the food.”

Heinz Wattie’s agrees that it is important that the Regulations apply to an offer or advertisement where a food is not located and supports the Clauses which outline the situations where origin information can differ or need not be disclosed.

7. Further comment:

Schedule 1 specifies that frozen food will not be regulated for the first 18 months from the commencement of the Regulations.

We recommend that the 18-month period is extended to 24 months, as many of the affected products are seasonal and may only be produced during certain times of year. In order to have the least amount of impact on seasonal items, a 2-year window will allow for new packaging to be ordered in time and applied before the changeover deadline.

Also, the period of 18 months for frozen foods does not make provision for any stock already in trade. We strongly recommend a stock in trade provision, with the deadline applying to the date that the food was packaged, allowing all products packaged before the specified date to remain in the market until sold, with no end date.