

Competition and Consumer Policy
Ministry of Business, Innovation and Employment
PO Box 1473
WELLINGTON 6140

Re: Exposure draft consultation: Consumer Information Standards (Origin of Food) Regulations 2019

Tēnā koe,

Thank you for the opportunity to provide feedback on the *Consumer Information Standards (Origin of Food) Regulations 2019* consultation document.

Introduction:

Countdown is proud to be part of communities throughout Aotearoa, with 182 supermarkets employing more than 18,500 team members across the country serving three million customers every week.

As a large business with stores, distribution centres and processing plants throughout New Zealand we understand the role we play in providing access to safe and suitable food for our customers, accordingly we take our responsibility to provide our customers with the information they require to make informed choices about the food they buy very seriously. It is for this reason that our supermarkets have voluntarily provided Country of Origin information on all fresh, whole, single ingredient seafood, meat, and produce items since 2007.

Woolworths New Zealand comments for consideration

Meaning of regulated food

The foods that are covered in these regulations are captured under sections 5, 6, 7 and 8. This is the scope of which products are intended to be covered by these regulations and so must be very clear.

Section 5, inter alia, states that the regulated food is only 1 type of fruit or vegetable, fish or seafood, or meat; and is no more than minimally processed. This could be read as the food can only contain 1 type of fruit or vegetable, fish or seafood, or meat but can contain other ingredients, e.g. crumbed beef as the argument would be that there is only 1 type of meat (beef) and that crumbing is minimal processing. To avoid this ambiguity it is recommended to include 'single ingredient' into the definition of regulated food.

Sections 5 (3) provides exceptions to foods that would otherwise qualify as a regulated food depending on how they are sold, essentially exempting fundraising and sale for immediate consumption. The difficulty with this section is the exemption (highlights added):

*(b) by any of the following **for immediate consumption**: a restaurant, cafeteria, takeaway shop, canteen, **or similar place**, or a caterer.*

If the intention is to exclude items bought for immediate consumption that could apply to items bought from a supermarket (such as an apple) however there it depends on the unknown intention of the purchaser but it also begs the question of what is immediate consumption? Products bought from a takeaway shop may be intended for consumption in the evening meal later that day, and what is a 'similar place'? Again this could be the supermarket.

It is apparent that this exemption is intended to enable the regulations to only cover the major retail operations of regulated foods where that sale is the main business of such items rather than also capture those activities where sale of a fresh unprocessed single ingredient product is purely incidental to the main business, e.g. an apple bought at a takeaway shop. That being the case it is recommended that the exemption should read:

(b) where that sale takes place at a food business whose primary purpose is for the sale of food for immediate consumption, and where sale of the regulated food is a minimal component of the business' activity.

The above wording would thereby apply to the previously listed examples of canteens, takeaways etc where the main business is to sell more than minimally processed foods (i.e. cooked), and remove the ambiguity of whether the product is intended 'for immediate consumption' and the vague description 'or similar place'. It would provide certainty that supermarkets, dairies and superettes are not exempt from these regulations.

The above together with the provided definitions of fresh, and of minimally processed, in sections 6 and 7 should cover the scope with sufficient clarity.

Disclosure of information

Woolworths New Zealand has no concerns with the proposed requirements relating to disclosure of origin by reference to where it was grown or raised. With regard to fish or seafood we appreciate the option of choosing either the country in whose national fisheries jurisdiction, or ocean in whose high seas, finfish was caught or shellfish was harvested.

Woolworths New Zealand has no concerns with the intention of sections 10 and 11 relating to disclosure of the information which in turn brings in the cumulative provisions of sections 12, 13 and 14. However we wish to raise the following:

Section 10 requires that origin information must be disclosed as clear and legible text in English or Maori; and to enable each person to whom the food is supplied to be informed of the relevant country, countries or ocean. There should be a facility for well known and acceptable abbreviations such as USA (however not little known abbreviations such as BVT for Bouvet Island) and for well recognised Country sub-regions such as California (grapes), or Bordeaux. The current wording of section 10 seems to preclude these commonly understood origin statements.

We also raise the issue of incorporating all of the cumulative provisions on an advertisement, for example bananas could be from Ecuador, Mexico or the Philippines and question how prescriptive the wording of these clauses are. As supply will be different for different stores depending on rate of sell through, the advertisement relating to bananas would need to read:

'Advertised bananas may have been grown in Ecuador, Mexico or the Philippines, and by the time of supply, the origin information of the bananas may have changed from when the bananas were advertised.'

Is there the ability to simplify the above to:

'Bananas from Ecuador / Mexico / Philippines, origin will vary between stores'?

Thank you for the opportunity to provide our views on these proposals

Ngā mihi nui,

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