



Consumers' Right to Know (Country of Origin of Food) Bill

Interim report of the Primary Production
Committee

July 2018

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Hon David Bennett
Chairperson

Consumers' Right to Know (Country of Origin of Food) Bill

Recommendation

The Primary Production Committee is considering the Consumers' Right to Know (Country of Origin of Food) Bill and recommends that the House take note of this interim report.

Release of Summary of draft Consumers' Right to Know (Country of Origin of Food) Bill

We are currently considering the Consumers' Right to Know (Country of Origin of Food) Bill. We are presenting this interim report to the House to allow further feedback from submitters on our proposed recommendations for amendment to the bill. The attached document, Summary of draft Consumers' Right to Know (Country of Origin of Food) Bill, sets out our proposed recommendations.

Appendix A

Committee procedure

The Consumers' Right to Know (Country of Origin of Food) Bill was referred to the Primary Production Committee of the 51st Parliament on 12 April 2017. The closing date for submissions was 18 May 2017. The committee received and considered 401 submissions, including 114 form submissions, from interested groups and individuals. It heard oral evidence from 22 submitters.

The bill was reinstated with this committee in the current Parliament.

Both committees received advice from the Ministry of Business, Innovation and Employment, the Ministry for Primary Industries, and the Ministry of Foreign Affairs and Trade.

Committee members

Hon David Bennett (Chairperson)
Hon Nathan Guy
Jo Luxton
Kieran McAnulty
Mark Patterson
Stuart Smith
Rino Tirikatene
Hamish Walker

Appendix B

Summary of draft Consumers' Right to Know (Country of Origin of Food) Bill

Appendix C

Consumers' Right to Know (Country of Origin of Food) Bill – Consultation draft



Summary of draft Consumers' Right to Know (Country of Origin of Food) Bill

July 2018

The Bill as introduced

The purpose of the Bill, as introduced, was to provide a mandatory labelling system that provides consumers with accurate information about the country of origin of 'single component' foods to enable them to make informed food purchasing decisions. The requirements would apply to fruit, vegetables, meats, seafood, bulk flour, grains, nuts, seeds and oils, which may also contain water, sugar, salt, or other ingredients used in preserving, colouring and flavouring.

Proposed recommendations for amendment to Bill

The committee is proposing to recommend that the Bill is amended as follows. The Bill will require the Minister of Commerce and Consumer Affairs to recommend the making of regulations under section 27 of the Fair Trading Act 1986 to prescribe a consumer information standard for the disclosure of a regulated food's country or place of origin.

Types of foods covered

Country or place of origin labelling will be required on foods that:

- a) are only one type of fresh or frozen fruit, vegetable, meat, fish or seafood, and
- b) are fresh (even if previously frozen) or frozen and are not, for example, dried, cured, or pickled, and
- c) are no more than minimally processed (for example, by being cut, minced, filleted, or surface treated), and
- d) are packaged or unpackaged.

The Minister will be able to make exemptions for certain foods from the scope of foods covered, where it would be unduly onerous for those foods to comply or it would not help consumers to make informed decisions about purchasing the food.

These are the minimum requirements of the Bill. The Bill would not limit the Minister's discretion to, in the drafting of regulations, recommend any additional requirements under existing powers in the Fair Trading Act.

Examples of foods covered

- fresh tomatoes
- frozen sliced green beans
- minced beef



- frozen prawns.

Examples of foods not covered

- nuts, seeds and grains
- tinned vegetables or tinned fruit
- mixed frozen vegetables
- crumbed fish fillets
- marinated meats
- dried fruit
- cured meats e.g. bacon.

Who will the requirements apply to?

The requirements will:

- a) apply to food sold by food retailers
- b) apply to online sales from online food retailers
- c) not apply to food sold by wholesalers
- d) not apply to food sold at a fundraising event, or by businesses such as restaurants, cafeterias, takeaway shops, caterers or similar places where the food is for immediate consumption.

What information will need to be disclosed?

Foods will need to be labelled with the country or place where they were grown. This would be, for example, where the food was harvested, caught or raised, but not where the food was merely packaged, manufactured or processed.

Detail such as the definitions of foods, what it means for a food to be 'minimally processed', and requirements for how disclosure can be made (e.g. through labels or signage) will be set out in the regulations which will be made after the Bill is passed. There will be some flexibility in details such as the font, size and colour of disclosure requirements.

When will these requirements take effect?

The Minister would have 18 months after the Bill is passed to recommend the making of regulations.

Public consultation would be carried out before the regulations are made.

Once regulations are made, businesses would have an implementation period before the requirements become mandatory of:

- i. six months for fresh foods
- ii. 24 months for frozen foods.

We would welcome feedback on the proposed recommendations.

Consultation draft

Consumers' Right to Know (Country of Origin of Food) Bill

Member's Bill

Proposed amendments for the consideration of the select committee

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This version of the Bill shows amendments to the Bill that have been prepared by the PCO for the purposes of select committee consideration. This version does—

- **NOT have official status in terms of unamended text**
- **NOT show whether amendments might in due course be voted as majority or unanimous amendments**
- **NOT have the status of an as-reported back version of the Bill.**

Gareth Hughes

Consumers' Right to Know (Country of Origin of Food) Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Consumers' Right to Know (Country of Origin of Food) Act **2016**.

2 Commencement

~~The~~ This Act comes into force ~~6 months on the day~~ after the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to provide for a simple, mandatory labelling system in New Zealand that provides consumers with accurate information about the country or place of origin of single component certain foods to enable ~~them to make informed food purchasing decisions~~ informed decisions about purchasing the food.

Part 1

Preliminary provisions

4 Interpretation

In this Act,—

country of origin means the country in which the food is grown, harvested or produced

single component foods means food or food products, whether packaged or unpackaged, that contain only one vegetable, fruit, meat, seafood, nut, grain, seed, or oil, although these may also contain water, sugar or its substitutes, salt, or other ingredients used in preserving, colouring or flavouring.

4 Act binds the Crown

This Act binds the Crown.

5 ~~Principles which apply to decision making and actions taken under the Act~~

~~The following principles apply to every decision made or action undertaken under the authority of this Act:~~

- ~~(a) consumers are to be provided with accurate information about the country of origin of single component food to enable them to make informed purchasing decisions;~~
- ~~(b) information about the country of origin of single component food must be clearly displayed at the point of sale of the food or food product, whether contained on a label or otherwise connected with the food or food product, to enable consumers to exercise freedom of choice when making purchasing decisions.~~

5 New consumer information standard: country of origin of regulated foods

- (1) The Minister of Commerce and Consumer Affairs must recommend the making of regulations under section 27 of the Fair Trading Act 1986 prescribing a consumer information standard for the disclosure of a regulated food's country or place of origin.
- (2) The Minister must be satisfied that the consumer information standard—
 - (a) meets the purpose of this Act; and

- (b) defines and applies to regulated foods; and
 - (c) requires a regulated food's country or place of origin to be disclosed by reference to where the food was grown or something similar (for example, where it was harvested, caught, or raised, but not where it was merely packaged, manufactured, or processed); and
 - (d) commences 6 months after the date of its notification in the *Gazette*; and
 - (e) does not apply to frozen food until 18 months after the commencement of the standard.
- (3) The **regulated foods** must include food that—
 - (a) is only 1 type of fruit, vegetable, meat, fish, or seafood; and
 - (b) is fresh (even if previously frozen) or frozen and is not, for example, dried, cured, or pickled; and
 - (c) is no more than minimally processed (for example, by being cut, minced, filleted, or surface treated); and
 - (d) is supplied, or offered or advertised for supply, at retail, including on an Internet site; and
 - (e) is not supplied, or offered or advertised for supply,—
 - (i) by any of the following for immediate consumption: a restaurant, cafeteria, takeaway shop, canteen, or similar place, or a caterer; or
 - (ii) at a fundraising event; and
 - (f) is packaged or unpackaged.
- (4) However, the consumer information standard may exclude any food from being a regulated food if the Minister considers that requiring the food to comply with the standard—
 - (a) would be unduly onerous; or
 - (b) would not help consumers to make informed decisions about purchasing the food.
- (5) The food that is excluded may be defined in any way (for example, as a food that is supplied, or offered or advertised for supply, in specified circumstances).
- (6) The Minister must make the recommendation as soon as practicable after the commencement of this Act, but no later than 18 months after its commencement.
- (7) The requirements of this section continue to apply even if the deadline in **subsection (6)** has passed or this section has been repealed by **section 6**.
- (8) To avoid doubt,—
 - (a) the Minister may satisfy this section by recommending regulations that amend other regulations; and

- (b) this section does not limit section 27 of the Fair Trading Act 1986, so that the regulations recommended by the Minister to satisfy this section—
 - (i) may prescribe a consumer information standard that includes other food as a regulated food or includes other matters; and
 - (ii) may be amended or repealed later.

Part 2

Country of origin labelling

6 **Packaged food**

~~All packaged single component foods on sale in New Zealand must have a statement that identifies the country of origin on the label or which is clearly displayed in connection with the retail display of the food.~~

6 **Repeal of this Act**

This Act is repealed 18 months after its commencement.

7 **Unpackaged food**

~~All unpackaged single component foods on sale in New Zealand must have a statement that identifies the country of origin which is clearly displayed in connection with the retail display of the food.~~

8 **Foods to which this Act applies**

~~This Act applies to—~~

- ~~(a) fresh seafood, including prawns, shrimps, crabs, shellfish, cut fish, filleted fish, and seafood that has undergone any other processing including cooking, smoking, drying, pickling, freezing, canning, or coating with another food;~~
- ~~(b) fresh and frozen meat, whole or cut, including meat that has been preserved by curing, drying, smoking, canning, or by other means;~~
- ~~(c) fresh whole or cut fruit and vegetables;~~
- ~~(d) canned, dried, or frozen fruit, and vegetables;~~
- ~~(e) nuts, seeds, grains, oil and any other food, either whole or processed.~~

9 **Offences**

(1) ~~No person shall sell any single component food—~~

- ~~(a) that bears or has attached to it, or is contained in a package that bears or has attached to it, any false or misleading statement, word, brand, picture, label, or mark purporting to indicate the country of origin of the food or food product; or~~

- (b) ~~that is the subject of or connected with any sign or display or other similar means of communication with any statement, word, brand, picture, or mark that is false or misleading in relation to the country of origin of the food or food product.~~
- (2) ~~No person shall, for the purpose of effecting or promoting the sale of a single component food, publish or cause to be published any advertisement relating or likely to cause any person to believe that it relates to the food, containing any statement, word, brand, picture, or mark that is false or misleading in relation to the country of origin of the food or food product.~~
- (3) ~~Every individual who contravenes any of the provisions of this section commits an offence and is liable,—~~
 - (a) ~~in any case where the court is satisfied that the individual intended to commit the offence, to a fine not exceeding \$10,000;~~
 - (b) ~~in any other case, to a fine not exceeding \$5,000.~~
- (4) ~~Every body corporate who contravenes any of the provisions of this section commits an offence and is liable,—~~
 - (a) ~~in any case where the court is satisfied that the body corporate intended to commit the offence, to a fine not exceeding \$50,000;~~
 - (b) ~~in any other case, to a fine not exceeding \$10,000.~~

10 Enforcement

~~The provisions of subpart 6 of Part 4 of the Food Act 2014 apply to the enforcement of the provisions of this Act, with any necessary modifications.~~