



Introducing product to market: compliance and export standards

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Growing and Protecting New Zealand



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- Requirements for infant formula labelling and composition are set out in the Food Standards Code
- Duty to comply with the Food Standards Code, and penalties for non-compliance, are set out in the Food Act 1981
- It is the responsibility of businesses to comply with the Food Standards Code and the Food Act.

- MPI is responsible for enforcing the Food Standards Code in New Zealand
- MPI can and does undertake compliance survey and investigation activities, and responds to complaints received by consumers and businesses.
- All complaints and issues of non-compliance reported to or identified by MPI are recorded, and followed up.
- MPI response is based on a number of considerations, including, for example, the food safety risks associated non-compliance, the compliance history (if any) of the parties, potential for systemic compliance issues.

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- Most individuals and business want to comply with their responsibilities.
 - Education is a crucial compliance activity
 - MPI's compliance functions also have a key role in informing standards and legislative development where systemic compliance issues are identified.

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- Enforcement tools are set out in statute – Acts of Parliament. Our current Food Act has enforcement tools that are more than 30 years old.
 - The Food Bill includes new enforcement tools such as infringement notices

- As an organisation, MPI is moving toward the VADE model of compliance delivery.
- The VADE model categorises those subject to compliance obligations into four categories:
 1. **Voluntary Compliance** – “*voluntarily comply and informed*”
 2. **Assisted Compliance** – “*attempting to comply and uninformed*”
 3. **Directed Compliance**– “*directive warnings*”
 4. **Enforced Compliance**– “*criminal intent and illegal activities*”

Export standards

- The New Zealand Standard – i.e. the Food Standards Code – is the base standard for exports from New Zealand.
- Exports must comply with the Food Standards Code, unless specifically exempted under Animal Products Act s. 60B.
- There are exemptions for labelling of export dairy products (which includes infant formula), and for specific compositional variations for specific markets.
- The 60B exemptions set new specific requirements on a market by market basis.

- Most infant formula exports require sanitary certification – or what we call ‘official assurances’ – from MPI for market access purposes.
- The APA sets standards in relation to exports and official assurances, e.g. export dairy products, including infant formula, must be sourced from a premises with an RMP, and that the product has remained within the regulated supply chain.
- The APA also requires that all exporters of animal products, including dairy and infant formula, are registered with MPI.
- The only exception to this is for persons taking animal products overseas in person (e.g. tourists).