



Food Notice

Exemption from operating under a registered food control plan or national programme

Section 33 Exemption

2 October 2019

TITLE

Food Notice: Exemption from operating under a registered food control plan or national programme.

COMMENCEMENT

This Food Notice comes into force on 2 October 2019.

REVOCATION

This Food Notice revokes and replaces:

- Food Notice: Exemption from operating under a registered food control plan or national programme, issued 18 March 2019.

ISSUING AUTHORITY

This Food Notice is issued under section 405 of the Food Act 2014.

Dated at Wellington this 2nd day of October 2019.

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(acting under delegated authority of the Director-General)

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Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

Purpose

This Notice specifies the food businesses that have been granted an exemption from the requirement to operate under a registered food control plan or national programme under section 33 of the Food Act 2014. This Notice also lists the previous exemptions that are in force.

Background

The purpose of the Food Act 2014 (the Act) is to achieve the safety and suitability of food for sale, to maintain and improve confidence in New Zealand's food safety regime and to provide for risk-based measures that minimise and manage risks to public health.

Under section 33 of the Act, MPI may grant an exemption from the requirement for a food business to operate under a registered food control plan or national programme. An exemption must be granted by a notice issued under section 405.

Before granting an exemption, MPI must be satisfied that the applicant has demonstrated:

- a valid and appropriate reason to be exempted that outweighs the public interest in treating persons and businesses in the same food sector consistently; and
- an understanding and awareness of the importance of hazards and other factors that are relevant to achieving safe and suitable food.

In determining whether to grant an exemption, MPI must consider all of the following:

- the hazards and other factors that are relevant in achieving safe and suitable food;
- the potential impact on consumers;
- the frequency and scale of operation;
- the feasibility, effectiveness and efficiency of operating under a food control plan or national programme;
- the appropriateness of regulatory control in comparison with controls specified for similar food sectors or types or descriptions of food business;
- any other relevant matters.

Who should read this Food Notice?

- (1) Exempted food businesses.
- (2) Evaluators, verifiers, food safety officers and registration authorities under the Food Act 2014 should also be aware that the listed food businesses are exempted from the requirement for registration.

Why is this important?

All New Zealand food businesses are required to operate under a registered food control plan or register as a business subject to a national programme unless they have been exempted under the section 33 of the Act.

Other information

Businesses operating under the Act must also meet the relevant requirements under the:

- Animal Products Act 1999; and
- Wine Act 2003.

A summary of all exemptions granted is on the MPI website.

- <http://www.mpi.govt.nz/food-safety/food-act-2014/overview/exemptions-from-plans-or-programmes/>

Part 1: Requirements

1.1 Application

- (1) This Notice applies to operators of food businesses that have been exempted under section 33 of the Food Act 2014 (the Act), and as per 1.3 of this Notice, from the requirement to operate under a registered food control plan or national programme.

1.2 Definitions

- (1) In this Notice:

MPI means the Ministry for Primary Industries which is the Ministry responsible for administering the Food Act 2014.

operator means the operator of a food business that has been exempted under section 33 of the Food Act 2014 from the requirement to operate under a registered food control plan or national programme.

regulations means the Food Regulations 2015.

- (2) All terms used in this Notice and that are defined in the Act or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

1.3 Who is exempted?

- (1) All food businesses listed in Schedule 1 of this Notice are exempt from registering under a food control plan or national programme for the period specified in Schedule 1.

1.4 Conditions applying to exempt businesses

- (1) Specific conditions that apply only to that food business are listed in Schedule 1.
 - a) The operator is responsible for all of the following:
 - i) ensuring all reasonable steps are taken to make sure that the business operates according to the safe methods it has identified in its application for exemption under section 33 of the Act, and general good hygiene practices;
 - ii) ensuring all food meets the requirements of the Australia New Zealand Food Standards Code, Food Act 2014, Food Regulations 2015 and associated Notices;
 - iii) informing MPI if there are any changes to the operation that impacts on the exemption;
 - iv) informing MPI if there is a critical non-compliance that is likely to pose an immediate threat to people's health. MPI must be notified as soon as practicable after the business becomes aware of the critical non-compliance.

Schedule 1 – Businesses exempt under section 33

The businesses below have been granted exemptions by MPI under section 33 of the Food Act 2014.

MPI ID	Operator Name	Contact Person and Contact Details	Sector/Product Description	Exemption Start Date	Exemption End Date	Conditions Specific to Exemption
EXE0000007	National Incubation Centre Limited trading as Foodtogether North Island	Allan Murray foodtogetherauckland@gmail.com [Private], Mairangi Bay, Auckland	Not-for-profit organisation carrying out repacking of horticultural products	8 March 2017	8 March 2020	<ul style="list-style-type: none"> All horticultural produce must be sourced according to the requirements section 4 of the Foodtogether documented system. All surfaces used to collect, transport, hold, apportion, pack and/or distribute produce must be hygienic and clean (and sanitised if necessary, depending on previous usage). If the food bag assembly areas include surfaces such as floors, concrete, parking lots, paved areas; then food bags must be protected from direct contact with floor surface by the use of clean tarpaulin sheets, or similar.
EXE0000008	Healthy Life Trust trading as Foodtogether South Island	Craig Dixon craig@foodtogether.kiwi [Private], Bryndwr, Christchurch	Not-for-profit organisation carrying out repacking of horticultural products	8 March 2017	8 March 2020	<ul style="list-style-type: none"> All horticultural produce must be sourced according to the requirements section 4 of the Foodtogether documented system. All surfaces used to collect, transport, hold, apportion, pack and/or distribute produce must be hygienic and clean (and sanitised if necessary, depending on previous usage). If the food bag assembly areas include surfaces such as floors, concrete, parking lots, paved areas; then food bags must be protected from direct contact with floor surface by the use of clean tarpaulin sheets, or similar.
EXE0000014	Jeets Meals Limited	Kawaljit Kaur kawaljit.knz@gmail.com [Private], Mount Roskill, Auckland	Meals	5 May 2017	5 May 2020	<ul style="list-style-type: none"> Jeets Meals Ltd may supply meals to a maximum of ten (10) families per week. If Jeets Meals Ltd intend to supply meals to more than

MPI ID	Operator Name	Contact Person and Contact Details	Sector/Product Description	Exemption Start Date	Exemption End Date	Conditions Specific to Exemption
						10 families per week, a template FCP will need to be registered with the local council.
EXE0000025	Joshua Whelan	Helen Whelan kaituna.valley@xtra.co.nz [Private], Little River	Manufacture of non-alcoholic beverages (lemonade), nuts in shell	17 November 2017	17 November 2020	<ul style="list-style-type: none"> Joshua Whelan may trade food at a maximum of ten (10) events per calendar year.
EXE0000020	Spreydon Baptist Community Network Trust trading as Easy Eats	David Wilson dffk.wilson@gmail.com 244 Lyttelton Street, Spreydon, Christchurch 8024	Food Retail - Repacking of recipe meal components	2 November 2017	2 November 2020	<ul style="list-style-type: none"> Easy Eats may supply a maximum of 100 families per week. If Easy Eats intend to supply meals to more than 100 families per week, the operation will need to register with their local council under National Programme Level 3. Applicable sections of the MPI Simply, Safe and Suitable Food Control Plan template must be adopted by Easy Eats to ensure safety and suitability of food, in particular the cards relating to Setup, Starting, Preparation, Troubleshooting, and Closing. Food must only be sourced from a supplier registered under the Food Act 2014.
EXE0000021	New Zealand Defence Force	Roger Hovenden Roger.Hovenden@NZDF.mil.nz Messines Defence Centre, Sommes Rd, Trentham, Upper Hutt	Food Service	26 February 2018	26 February 2021	<ul style="list-style-type: none"> Exemption specifically relates to New Zealand Army field operations, where land catering field equipment is utilised, and Royal New Zealand Navy ships.
EXE0000013	Gizzy School Lunches Charitable Trust	Huia White gizzyschoollunches@outlook.co.nz [Private], Gisborne	School lunch charity providing limited food requiring minimal handling	8 March 2018	8 March 2021	<ul style="list-style-type: none"> Exemption specifically relates to the production of foods with minimal handling.
EXE0000031	Keith Brunt	Keith Brunt Keith.Brunt@xtra.co.nz	Small-batch olive pressing service	29 March 2018	29 March 2021	<ul style="list-style-type: none"> Not more than 3,000kg of olives are processed per season.

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		[Private], Mangonui				<ul style="list-style-type: none"> The resulting olive oil is not sold for export from New Zealand.
EXE0000033	Olives New Zealand Incorporated	Gayle Sheridan admin@olivesnz.org.nz PO Box 28140, Havelock North	Packaging of Extra Virgin Olive oil	16 May 2018	16 May 2021	<ul style="list-style-type: none"> Exemption applies only to olive growers registered under NP1 for their horticultural activities, who are also registered users of the OliveMark™, and who follow the procedures documented in the Olives New Zealand National Programme Template manual. Exemption applies to repackaging of bulk Extra Virgin Olive Oil only. Not more than 3,000L of Extra Virgin Olive Oil is repackaged per annum per registered user. The resulting Extra Virgin Olive Oil is not sold for export from New Zealand.
EXE0000048	Tarrangower Primary School	Fiona Grocott office@tarrangower.school.nz 25 Manson Street, Taumarunui	Food service – reheating of pre-packaged food	15 June 2018	15 June 2021	<ul style="list-style-type: none"> Food must be reheated according to the manufacturer's reheating instructions, or, in the absence of instructions, according to the Reheating card of the MPI Simply, Safe and Suitable Food Control Plan template. Food must only be sourced from suppliers registered under the Food Act 2014. Exemption only applies while Tarrangower Primary School has a school roll of less than 50 pupils. If Tarrangower Primary School's roll increases above 50 pupils, the school will need to register with their local council under the appropriate risk-based measure.
EXE0000056	Sally Caskey trading as Truly Scrumptious	Sally Caskey snadragon@farmside.co.nz [Private], Stratford	Manufacture and retail sale at local markets - jam, jelly, relish, baking,	7 August 2018	7 August 2021	<ul style="list-style-type: none"> Applicable sections of the MPI NP2 guidance must be adopted by Sally Caskey trading as Truly Scrumptious to ensure safety and suitability of food, in particular the Orange cards

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			horticultural produce (apples)			<p>relating to 'Safe Storage and Display' and 'Packaging and Labelling'.</p> <ul style="list-style-type: none"> Sally Caskey trading as Truly Scrumptious may trade food at a maximum of twenty (20) markets per calendar year.
EXE0000068	Deborah M Bradley trading as Kara Valley Olives	Deborah Bradley bradleysmaungatapere@gmail.com [Private], Whangarei	Olive growing and olive oil bottling	22 February 2019	22 February 2021	<ul style="list-style-type: none"> Not more than 1,000kg of olives are processed into olive oil for sale per season. The resulting olive oil is sold direct to the consumer, and is not sold for export from New Zealand. MPI NP1 guidance must be adopted by Deborah M Bradley trading as Kara Valley Olives to ensure safety and suitability of food.
EXE0000075	Lee Cooper trading as Coopers Garden	Lee Cooper coopersgardentepuna@gmail.com [Private], Te Puna	Manufacture of jam	22 February 2019	22 February 2021	<ul style="list-style-type: none"> Applicable sections of the MPI NP2 guidance must be adopted by Lee Cooper trading as Coopers Garden to ensure safety and suitability of food. Lee Cooper trading as Coopers Garden may trade food a maximum of twenty five (25) times per calendar year.
EXE0000074	Susanne Linow trading as Pauanui Farm	Susanne Linow pauanuifarm@gmail.com [Private], Hikuai	Manufacture of pickled onions	14 March 2019	14 March 2021	<ul style="list-style-type: none"> Applicable sections of the MPI NP2 guidance must be adopted by Susanne Linow trading as Pauanui Farm to ensure safety and suitability of food.
EXE0000081	Steve McGee trading as Oakleaf Farm	Steve McGee oakleafgundogs@gmail.com [Private], Te Horo	Horticultural produce (feijoas)	22 March 2019	22 March 2021	<ul style="list-style-type: none"> Not more than 200kg of feijoas are provided to further processors/food service businesses. Feijoas are not sold for export from New Zealand. MPI NP1 guidance must be adopted by Steve McGee trading as Oakleaf Farm to ensure safety and suitability of food.

MPI ID	Operator Name	Contact Person and Contact Details	Sector/Product Description	Exemption Start Date	Exemption End Date	Conditions Specific to Exemption
EXE0000077	Amanda and Paul Woodgate trading as Oruaiti Olive Estate	Paul Woodgate info@oruaiti-estate.nz [Private], Mangonui	Olives growing, pressing and oil bottling	26 March 2019	26 March 2021	<ul style="list-style-type: none"> Not more than 3,000kg of olives are processed into olive oil for sale per season. The resulting olive oil is sold direct to the consumer, and is not sold for export from New Zealand. MPI NP3 guidance must be adopted by Amanda and Paul Woodgate trading as Oruaiti Olive Estate to ensure safety and suitability of food.
EXE0000082	Shirley Community Trust trading as MacFarlanes on the Park Café	Jane Mitchell jane@shirleycommunitytrust.org.nz Macfarlane Park Neighbourhood Centre 17 Acheson Ave, Shirley	Food service (cafe)	7 May 2019	7 May 2022	<ul style="list-style-type: none"> Business maintains current operating levels (once a week, February-December). Relevant sections of the MPI Simply, Safe and Suitable Food Control Plan template must be adopted by Shirley Community Trust trading as MacFarlanes on the Park Café to ensure safety and suitability of food.
EXE0000085	Empower Fitness Limited	Graham Green graham@empowerfitness.co.nz Unit 6, 29 Totara St, Taupo	Food service (smoothies)	6 June 2019	6 June 2021	<ul style="list-style-type: none"> Sale of smoothies is limited to users of Empower Fitness Ltd premises only. Relevant sections of the MPI Simply, Safe and Suitable Food Control Plan template must be adopted by Empower Fitness Limited to ensure safety and suitability of food.
EXE0000091	JWAI Enterprises Limited trading as Palm Court Motel Otorohanga	Jeffrey and Jenny Mossong palmcourt@xtra.co.nz 182 Maniapoto Street, Otorohanga	Food service (meals)	6 September 2019	6 September 2020	<ul style="list-style-type: none"> Palm Court Motel Otorohanga may supply a maximum of 15 meals per week. If Palm Court Motel Otorohanga intend to supply more than 15 meals per week, the operation will need to register with their local council under template FCP. Applicable sections of the MPI Simply, Safe and Suitable Food Control Plan template must be

MPI ID	Operator Name	Contact Person and Contact Details	Sector/Product Description	Exemption Start Date	Exemption End Date	Conditions Specific to Exemption
						adopted by Palm Court Motel Otorohanga to ensure safety and suitability of food.
EXE0000092	Tayla Webb, Jasmin Wood, Sarisha Classen, and Ana Castro trading as dHydrate	Sarisha Classen dhydratenz@gmail.com [Private], Auckland	Dried/dehydrated fruits (fruit leathers)	16 September 2019	16 December 2019	<ul style="list-style-type: none"> • Applicable sections of the MPI NP2 guidance must be adopted by dHydrate to ensure safety and suitability of food, in particular the Orange cards relating to 'Producing, processing or handling', and Red cards for 'Troubleshooting'. • Ingredients must only be sourced from suppliers registered under the Food Act 2014.

Schedule 2 – Version History

Version	Version Date	Section Changed	Change(s) Description
1	8 March 2017	New notice	
2	5 May 2017	Schedule 1	Exemption for Jeets Meals Ltd
3	6 December 2017	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Joshua Whelan • Graduates Ski Club (Inc)
4	1 March 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Spreydon Baptist Community Network Trust trading as Easy Eats • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated • Christiania Ski Club Incorporated • New Zealand Defence Force
5	25 June 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Gizzy School Lunches Charitable Trust • Keith Brunt • Olives New Zealand Incorporated • Tarrangower Primary School
6	20 July 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Welly Brew Amendment to exemption expiry dates for: <ul style="list-style-type: none"> • Graduates Ski Club (Inc) • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated • Christiania Ski Club Incorporated
7	4 September 2018	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Sally Caskey Addition of exemption condition for : <ul style="list-style-type: none"> • Tarrangower Primary School.
8	12 November 2018	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Graduates Ski Club (Inc)
9	22 December 2018	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Tongariro Ski Club Incorporated • Matamata Ski Club Incorporated
10	13 February 2019	Schedule 1	Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Christiania Ski Club Incorporated
11	18 March 2019	Schedule 1	Exemption for: <ul style="list-style-type: none"> • Lee Cooper trading as Coopers Garden • Deborah M Bradley trading as Kara Valley Olives • Susanne Linow trading as Pauanui Farm Exemption end and removal from Schedule 1 for: <ul style="list-style-type: none"> • Welly Brew

Version	Version Date	Section Changed	Change(s) Description
12	19 September 2019	Schedule 1	Exemption for: <ul style="list-style-type: none">• Steve McGee trading as Oakleaf Farm• Amanda and Paul Woodgate trading as Oruaiti Olive Estate• Empower Fitness Limited• JWAI Enterprises Limited trading as Palm Court Motel Otorohanga
13	2 October 2019	Schedule 1	Exemption for: <ul style="list-style-type: none">• Shirley Community Trust trading as MacFarlanes on the Park Café• dHydrate