

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

Member's Bill

Explanatory note

General policy statement

The purpose of this Bill is to enshrine in law consumers' right to know the country from which the food they are purchasing originated so that they can make informed purchasing decisions. There is already a requirement to identify where footwear and clothing comes from, and this bill extends this requirement to fresh fruit, meat, fish, and vegetables, and other single component foods such as grains, nuts, bulk flour and oil.

The Bill requires that the country of origin of fruit, vegetables, meats, and seafood and other single component foods be clearly identified on labels or at the point of sale of the food. The Bill also requires the country of origin to be identified for single component foods such as bulk flour, grains, and nuts. Single component means that the food contains only one vegetable, fruit, meat, seafood, nut, grain, seed, or oil; although it may also contain water, sugar or its substitutes, salt, or other ingredients used in preserving, colouring or flavouring.

Point of sale labelling or signage is cheap and easy to provide, so there would be little or no additional cost in requiring labels or signs to be displayed for single component foods.

To guarantee consumers that country of origin labels are accurate and consistent, and are consistently applied across all food retail outlets, it is essential they are underpinned by a regulatory standard, and are mandatory rather than voluntary. In the absence of a regulatory standard, it would be difficult to ensure that unscrupulous or even just careless operators were not providing consumers with false or misleading information.

If labelling is voluntary rather than mandatory, retailers and manufacturers can use country of origin labels as a marketing tool, displaying labels when it is in their inter-

ests to do so, and failing to do so when it is not. This is why all other food labelling is mandatory, and underpinned by a regulatory standard (such as ingredients labelling and nutrition labelling).

Two major supermarket chains have introduced some voluntary country of origin labelling, however there are more than 1000 retailers selling fresh meat, fish, fruit and vegetables in New Zealand, and most do not label single component foods regarding their country of origin. Even in supermarkets, hundreds of single component foods are not labelled and there are many examples of misleading country of origin labels.

There are many reasons why consumers want to know which country their food comes from, and why consumers may wish to avoid consuming foods from certain countries. Some consumers want to support local producers and the local economy. Some are concerned about the adequacy of food safety standards in some countries we import food from. Some are concerned about the environmental and other costs of transporting food long distances. Some are concerned about the use of post harvest fumigation and other treatments on imported produce or the potential residues of pesticides and other contaminants in imported foods.

Many consumers assume, in the absence of country of origin labelling, that traditional foods such as meat, fruit, fish, and vegetables are produced in New Zealand. In this situation the lack of country of origin labelling can be regarded as misleading and deceptive. As more and more food is imported into New Zealand, accurate and consistent country of origin labelling is even more important for consumers.

The need for accurate food labelling that assists consumers to make informed purchasing decisions is recognised by all the major national and international food standard setting agencies including the New Zealand Food Safety Authority, Food Standards Australia New Zealand, and the joint FAO/WHO Codex Alimentarius Commission.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Act is to come into force 6 months after the date on which it receives the Royal assent.

Clause 3 states the purpose of the Bill, which is to provide for a simple, mandatory labelling system in New Zealand that provides consumers with accurate information about the country of origin of single component foods to enable them to make informed food purchasing decisions.

Part 1

Preliminary provisions

Clause 4 provides definitions of the terms **country of origin** and **single component foods**.

Clause 5 states the principles relevant to decision making and actions taken under the Act.

Part 2

Country of origin

Clause 6 requires that all packaged single component foods 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.

Clause 7 requires that all unpackaged single component foods must have a statement that identifies the country of origin which is clearly displayed in connection with the retail display of the food.

Clause 8 describes the foods to which the Act applies.

Clause 9 sets out offences relating to misleading statements relating to the country of origin of single component foods on labels, packaging and signage, and in advertising.

Clause 10 provides that subpart 6 of Part 4 of the Food Act 2014 relating to the enforcement of offences applies to the Act.

Steffan Browning

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

3 Purpose

The purpose of this Act is to provide a simple, mandatory labelling system in New Zealand that provides consumers with accurate information about the country of origin of single component foods to enable them to make informed food purchasing decisions. 5

**Part 1
Preliminary provisions**

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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. 15

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: 20

(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. 25

**Part 2
Country of origin labelling**

30

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. 35

- 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** 5
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: 10
 - (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. 15
- 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 20
 - (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. 25
 - (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. 30
 - (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. 35
 - (4) Every body corporate who contravenes any of the provisions of this section commits an offence and is liable,—

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Part 2 cl 10

- (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. 5