

On 4 December 2018 the Consumers' Right to Know (Country of Origin of Food) Act 2018 came into force. The purpose of the Act is to provide a simple mandatory system in New Zealand that provides consumers with accurate information about the country or place of origin of certain foods so they can make informed decisions about purchasing food. Below is a summary of the Act.

### WHAT THE ACT DOES

The Act obliges the creation of a consumer information standard which applies to certain foods. Businesses will need to ensure their food labelling complies from the date the standard is in force. See below for more information about timing.

- **Consumer information standard:** The Minister of Commerce and Consumer Affairs must recommend the making of regulations under the Fair Trading Act 1986 which prescribe a consumer information standard for the disclosure of a regulated food's country or place of origin.
- **Disclosure of origin:** The standard must require a regulated food's country or place of origin to be disclosed by reference to where the food was grown or something similar.
- **What is "regulated food"?** This is packaged or unpackaged food that meets the criteria below:
  1. It is:
    - cured pork; or
    - fresh or frozen (not dried, cured or pickled) food that is only 1 type of fruit, vegetable, meat, fish or seafood, that is only minimally processed; and
  2. It is supplied by food retailers, including on internet sites; and
  3. It is **not** supplied or advertised for immediate consumption e.g. at a restaurant or similar, or at a fundraising event.
- **Application to food industry:** Given the definition of *regulated food*, the standard will be limited in its application. Within the produce section of the supermarket for example, we expect that whole fruit and vegetables will be caught but not, for example, ready-made salads or stir fry mixes which contain more than 1 type of fruit and vegetable. Similarly, in the freezer, a bag of frozen peas will be subject to the standard but not a neighbouring bag of mixed vegetables. The definition's inclusion of "cured pork" means the standard will apply to certain smallgoods such as bacon and ham.
- **Exclusions:** The standard may exclude any food from being a *regulated food* if the Minister considers that requiring the food to comply with the standard would:
  - be unduly onerous; or
  - not help consumers to make informed decisions about buying it.

### WHEN

The Minister must make the recommendation which ultimately prescribes the standard as soon as practicable after 4 December 2018 but no later than 3 April 2020. The standard must come into force 6 months after the date of its notification in the New Zealand Gazette.

The standard must have an 18 month transition period for frozen foods.

### FURTHER INFORMATION

For further information or to discuss how the Act may impact on your business, please call or email one of the Jackson Russell business lawyers listed.

[Click here](#) to view the Act.

## KEY JACKSON RUSSELL CONTACTS

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