

# Legal Update

## New place of origin food labelling requirements now in force

March 2022

New country of origin food labelling regulations are now in force (for fresh and thawed food) and come into effect for frozen food in May 2023. If you are a manufacturer, supplier or retailer of the prescribed fresh, frozen or thawed food, you need to comply with the new Consumer Information Standards (Origin of Food) Regulations 2021 (**Regulations**).

The purpose of the Regulations is to ensure that consumers can clearly understand where the different types of regulated foods originate from. In this update, we summarise the background to the Regulations, what foods are captured by the Regulations and what information needs to be disclosed.

### BACKGROUND

The (now repealed) Consumers' Right to Know (Country of Origin of Food) Act 2018 (**Act**) came into force over three years ago ([click here](#) to read our publication on it). As a recap, the Act required the Minister of Commerce and Consumer Affairs to recommend regulations prescribing a consumer information standard for the disclosure of a "regulated food's" country or place of origin. These are the Regulations which are now in force.

Under the Act "regulated food" is food that:

- is cured pork; or fresh or frozen food that is only one type of fruit, vegetable, meat, fish or seafood, that is only minimally processed; **AND**
- is supplied by food retailers, including on internet sites; **AND**
- is not supplied or advertised for immediate consumption e.g. at a restaurant or similar, or at a fundraising event.

### WHAT THE REGULATIONS DO

The Regulations contains the *detail* of the place of origin disclosure regime.

- **Meaning of "origin information"**: The following origin information must be disclosed for regulated food:

Type	Information
Fruit or vegetable	The one or more countries in which the fruit or vegetables in the item were grown.
Meat or cured pork	The one or more countries in which the animals in the item were raised.

Fish or seafood The one or more countries in whose national fisheries jurisdiction, or oceans in whose high seas:

- the finfish in the item were caught; or
  - the shellfish in the item were harvested.
- **Meaning of "regulated food"**: The Regulations contain meanings of the terms used in the definition of "regulated food". A food is deemed to be "fresh" if it has not been processed for the purpose of preserving it or extending the period during which it may be eaten. It gives examples of processes that do not prevent a food from being fresh (these include refrigeration and vacuum sealing) and that deem a food **not** to be fresh (curing and fermentation are included here). The Act also sets out detail on what "cured pork" is.
  - **How information must be disclosed**: Place of origin information must be disclosed as follows (in summary):
    - as clear and legible text in English or Māori; and
    - to enable a person who is buying the food (or to whom it is advertised) to know how the food item is related to the one or more countries or oceans where it originated from; and
    - so that its connection to the food item is clear either on the item or its packaging, on signs next to the item, or in a similar way; or
    - if the item is offered or advertised not with the item (e.g. on a website), as part of the offer or advert.

### WHEN

The Regulations are in force and apply now, but do not apply to regulated foods that are frozen until 12 May 2023.

### FURTHER INFORMATION

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

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

## KEY JACKSON RUSSELL CONTACTS

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