



31st July 2008

Ms Hilary Eade
Programme Manager (Technical Standards – Imports)
New Zealand Standards Group
New Zealand Food Safety Authority
PO Box 2835
Wellington

By email: hilary.eade@nzfsa.govt.nz

Dear Ms Eade

SUBMISSION ON THE PROPOSAL FOR NEW FOOD STANDARDS FOR IMPORTERS

DISTILLED SPIRITS ASSOCIATION OF NZ

I am writing to you on behalf of the Distilled Spirits Association of New Zealand Inc in response to the invitation for the public to make submissions on the proposal for two new food standards for importers – these being the:

- Food (Importer – Listing) Standard
- Food (Importer – General) Standard

The Association is the national trade organisation representing New Zealand's leading producers and marketers of premium spirits (e.g. brandy, whisky, rum, gin, vodka) and spirit drinks.

The Association's members include: Anchor Ethanol Ltd, Bacardi Martini Asia Pacific Ltd, Brown Forman Beverages Worldwide, Diageo (New Zealand) Ltd, Federal*Geo, Lion Nathan Wines and Spirits Ltd, Maxxium NZ Ltd, Moët Hennessy NZ Ltd, Pernod Ricard New Zealand Ltd, The Rum Company (New Zealand) Ltd and Vintage Wines and Spirits Ltd.

The Association takes an active interest in all proposals that affect the importation of spirits. The Association's members import distilled spirits from numerous countries worldwide in full compliance with New Zealand's laws.

All proactive efforts to ensure food safety are vital to the interests of the Association's members, and are thus endorsed by the Association. Preventing abuse of the Standards and protecting consumer health and safety require strong and effective laws and vigilant enforcement.

The Association fully supports the proposed new food standards for food importers.

The following comments follow the format of the submission form and headings.

1) Food (Importer – Listing) Standard

Content of listing standard

The Association supports the proposal that all food importers must provide listing information to the New Zealand Food Safety Authority (NZFSA) to enable the development of a robust contact and traceability database.

The Association notes that the information sought by the Standard does not clearly specify that persons and/or legal entities must be New Zealand domiciled. Without this specificity importer applicants may not be accountable under New Zealand law.

The Association therefore recommends that the listing information clarify and be improved with the following amendments:

- The name of the applicant be New Zealand domiciled
- The legal or registered name of the business be a New Zealand-based entity
- The address for service and postal address be in New Zealand

Furthermore, we note that the above would be consistent with requirements under the Food Standards Code Standard 1.2.2(3) that regulates the name and address of suppliers.

The discussion paper states that the information that importers provide when listing will be available only to the NZFSA.

The Association is unclear as to the rationale or justification for not providing the listing information in the form of a publicly accessible database – especially when it has been collected in the interest of consumers, when costs will have been incurred by industry and the NZFSA, and when this is technically achievable.

This does not appear consistent with the separate statement that when “registration” is introduced that information (the same as the listing information) will be held on a public register.

On the basis that the listing information is to be collected, albeit with a time lag to registration, the Association recommends that the listing information be made usable and available to the public.

Six months transition time frame

It is also proposed that the Standard will require all importers to be listed within six months of the Standard coming into force. The discussion document goes on to detail that the failure to list constitutes an offence under the Food Act.

We note that the discussion paper omits any discussion of whom and what agency will be responsible for monitoring for listing compliance, and also for prosecuting any infringements. There is an implication the body would be the NZFSA. For guidance, and to aid importers, a description and details of this process within the Standard (possibly as editorial notes) would be helpful.

2) Food (Importer – General) Standard

The proposal for importers to ensure food is safe and suitable and meeting all applicable standards appears realistic and reasonable.

Further, the proposed “sourcing of food,” “storage and transport” and “record keeping” standards do not appear to be overly onerous. We believe they are based upon good business practice and commonsense.

However, it is disappointing that the paper omits any discussion around the issue of non-compliance with the standards. As mentioned in the preceding comments, the Association feels there would be merit in explicit details as to whom and what agency will be responsible for monitoring compliance and for prosecuting infringements.

To mirror the requirement for listing information, the Association recommends that non-compliance with the Food (Importer – General) Standard be an offence under section 11 O (Contravention of food standards) of the current Food Act 1981.

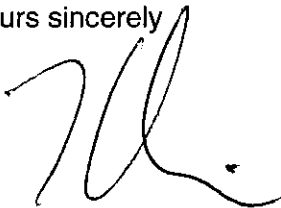
Conclusion

The Association supports the proposed food importer standards. We see them as realistic and practical.

For consistency with registration requirements the importer listing database should be made available to the public.

We see value in the standards providing extra clarity around the monitoring for compliance and prosecution for any infringements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Thomas Chin', with a stylized flourish at the end.

Thomas Chin
Chief Executive