

**Ministry of Agriculture and Forestry
P O Box 2526, Wellington, New Zealand**

MAF Food: Dairy & Plants

Circular number 62

Dairy Industry Regulations 1990

D103.2 Labelling of Dairy Products

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Issue of Circular

Regulation 59 of the *Dairy Industry Regulations 1990* allows the Director-General of the Ministry of Agriculture and Forestry to issue circulars setting out criteria for matters which must be approved by, or done to the satisfaction of, the Director-General pursuant to the *Dairy Industry Regulations 1990*.

This Circular number 62, containing ‘MAF Standard D103.2 “Labelling of Dairy Products”’, is issued in accordance with that regulation 59.

Circular number 40 “Labelling of Dairy Products” issued on 23 December 1999 is revoked.

This circular number 62 takes effect on 21 December 2000.

A handwritten signature in blue ink that reads "Tim Knox". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Tim Knox
Director, Dairy and Plant Products
MAF Food Assurance Authority

21 December 2000

(Signed under authority delegated by the Director-General of MAF, pursuant to regulation 59 of the Dairy Industry Regulations 1990.)

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1 Background

The MAF Standard on labelling of dairy products (D103.1) was promulgated by Circular 40 on 23 December 1999 to:

- outline regulatory requirements specified in New Zealand dairy legislation for the labelling of dairy products intended for export outside New Zealand and Australia;
- describe acceptable criteria (means for satisfying MAF that the requirements are being achieved); and
- outline relevant importing country requirements.

MAF has identified that revision of the MAF standard on labelling of dairy products is required, as a consequence of the following events:

- implementation of MAF Standard D103.1 “Labelling of Dairy Products”;
- implementation other MAF standards;
- recent amendments to the *Dairy Industry Act 1952*; and
- actions identified as a result of the MAF by the European Commission in May 2000.

The MAF standard on labelling of dairy products has been revised. MAF Standard D103.2 “Labelling of Dairy Products” is attached. A line in the right hand margin marks the changes to the standard.

2 Summary

The *Dairy Industry Act 1952* contains requirements to ensure the truthful labelling of dairy products, particularly the description of products, and their weight. The *Dairy Industry Regulations 1990* contain further requirements concerning traceability and the application of the manufacturer’s registered number. The regulations also provide, in regulation 37, for the issue of standards relating to the labelling of dairy products. This standard is issued under that regulation, to specify the requirements for labelling dairy products under this legislation.

Importing countries may have additional labelling requirements. It is the exporter’s responsibility to comply with those requirements.

Dairy products sold in New Zealand or Australia must be labelled in accordance with the *Food Regulations 1984*, the *Australian Food Standards Code* or, once promulgated, the *Joint Australia New Zealand Food Standards*. Other legislation such as the *Fair Trading Act 1986* may also apply.

This Standard specifies that dairy products intended for export outside New Zealand and Australia must be labelled in a way that is not misleading or deceptive, and include at least the following information:

- a product designation;
- the registered number or the name and address of the producing factory;
- information to enable traceability; and
- the net contents by weight or volume.

The standard also specifies requirements for labelling with the country of origin, when this information is included in labels.

Appendix One outlines acceptable criteria for demonstrating that the outcomes in the standard are achieved. Proposals for alternative criteria will be approved by MAF, provided it can be demonstrated to MAF's satisfaction that the required outcomes will be achieved.

Appendix Two of this standard provides references to importing country requirements, which have been officially confirmed.

3 Outcome

Export dairy products are labelled in compliance with sections 14, 15, 15A, and 15B of the *Dairy Industry Act 1952* and regulations 24, 37, 51 and 52 of the *Dairy Industry Regulations 1990*.

Where MAF provides official assurances to international competent authorities, the relevant importing country requirements are demonstrated to be met.

4 Effective changes

This standard introduces the following changes from the previous version of the MAF Standard "Labelling of Dairy Products" (D103.1).

4.1 Significant changes

The following are significant changes. Product Safety Programmes (PSPs) will require review and where revisions are made, the change evaluated and approved.

- 4.1.1 The product label must bear the product designation, manufacturer's registered number, or name and address and sufficient information to enable traceability.

4.2 Minor changes

There are no minor changes.

4.3 No change

These changes require no changes to PSPs although the clarification provided by the commentary may indicate that changes are required to the PSP at the next review and revision:

4.3.1 References to information and forms referenced in the standards and available from MAF Food: Dairy and Plant Products or its website have been provided.

4.3.2 MAF/TPA is responsible for verifying:

- the records and test results confirm that relevant importing country requirements are being delivered; and
- the records and test results of dairy produce certified by MAF confirming the produce complies with the attestations contained in official assurances.

4.3.3 Clarification has been provided for:

- the definition of label;
- the acceptable criteria for product designation; and
- the acceptable criteria for country of origin labelling of dairy products that have undergone processing in a second country.

4.3.4 Responsibility is stated for:

- the identification of non-conforming produce and its management and labelling; and
- the use of the MAF Approved for Export mark.

4.3.5 Commentary has been provided to assist understanding of:

- standards of identity and verification of compliance;
- manufacture; and
- significant dairy ingredients.

4.3.6 The requirements of importing countries have been moved from Appendix Two to the MAF website.

4.4 Importing country requirements

The following changes to importing country requirements have been made. Refer to the MAF website (www.maf.govt.nz/Dairy) for further details.

- For PSPs covering the operation of manufacturing, the accountable person is responsible for ensuring that products destined for the EU comply with all EU requirements for labelling of product, as outlined in EU legislation. This includes the requirement that all packages bear the registration number. This is a significant change. PSPs will require review and where revisions are made, the change evaluated and approved.

5 Implementation

All PSPs must comply with this standard by 31 May 2001.

For new PSPs, this standard will apply from the date of promulgation.

To allow the orderly evaluation and approval of previously approved PSPs the implementation has been split:

- **For EU listed plants and registered stores who store product destined for the EU**, any previously approved PSP shall be deemed to be approved until 31 March 2001. These previously approved PSPs must be reviewed and, where necessary, revised to comply with the EU related requirements contained in this standard. Where the revisions result in significant changes, the changes are evaluated by MAF/TPA and approved again by MAF. By 31 March 2001 all existing PSPs of EU listed plants and registered stores who store product destined for the EU must comply with the EU related requirements in this standard and significant changes to the PSP submitted to MAF/TPA for evaluation. By 31 May 2001, all existing PSPs of EU listed plants and registered stores who store product destined for the EU must comply with this standard and significant changes to the PSP submitted to MAF/TPA for evaluation.
- **For all plants excluding the EU listed plants and registered stores who store product destined for the EU**, any previously approved PSP shall be deemed to be approved until 31 May 2001. These previously approved PSPs must be reviewed and, where necessary, revised to comply with this standard. Where the revisions result in significant changes, the changes are evaluated by MAF/TPA and approved again by MAF. By 31 May 2001, all existing PSPs must comply with this standard and significant changes to the PSP submitted to MAF/TPA for evaluation.

This standard has been written to enable continuation of the evaluation and verification of PSPs under the existing system and under the ORM system. During this transition period, PSPs will continue to be evaluated and verified by a National Assessor, MAF Compliance. When the party moves to the ORM system, the PSP will be evaluated and verified by approved individuals employed by an approved TPA. This change is indicated in the standard by the use of “MAF/TPA” in appropriate places.

6 Effect on compliance costs

Additional compliance costs are anticipated as follows:

- 6.1 for holders of PSPs covering the manufacture of dairy products, costs associated with ensuring that the product label bears the product designation, the registered number, and sufficient information to enable traceability; and
- 6.2 for operators handling product destined for the EU, costs associated with ensuring that the product complies with EU requirements for labelling.

MAF Standard D103.2 “Labelling of Dairy Products”

1.0 SCOPE

This standard contains the outcomes for the labelling of all dairy products that are intended for export outside New Zealand and Australia. Everyone who manufactures dairy products intended for export outside New Zealand and Australia, or who exports dairy products outside New Zealand and Australia, must comply with this standard.

2.0 PURPOSE

This standard sets out the outcomes that are specified in the *Dairy Industry Regulations 1990* relating to the labelling of dairy products intended for export outside New Zealand and Australia, to comply with New Zealand legislation controlling the labelling of dairy products.

The acceptable criteria outlined in Appendix One of this standard were developed in consultation with industry to establish clear rules for judging whether or not a proposed Product Safety Programme (PSP) is satisfactory, and to assist parties to achieve the outcomes described in the standard. Proposals for alternative criteria will be approved by MAF, provided it can be demonstrated to MAF’s satisfaction that the required outcomes will be achieved.

Appendix Two of this standard provides references to importing country requirements relating to labelling, which have been officially confirmed.

3.0 OUTCOME

Export dairy products are labelled in compliance with sections 14, 15, 15A and 15B of the *Dairy Industry Act 1952* and regulations 24, 37, 51 and 52 of the *Dairy Industry Regulations 1990*.

Where MAF provides official assurances to the competent authority of an importing country, the relevant requirements of that importing country are demonstrated to be met.

4.0 INTERRELATED REQUIREMENTS

The following standards must be read in conjunction with this standard:

- Codex Stan 1-1985 “Codex General Standard for the Labelling of Prepackaged Foods”, Rev. 1-1991. Codex Alimentarius Commission, 1991;
- Codex Stan 206-1999 “Codex General Standard for the Use of Dairy Terms”. Codex Alimentarius Commission, 1999;
- MAF Standard D101 “Product Safety Programmes”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;

- MAF Standard D102 “Product Safety Programme Reporting Requirements”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;
- MAF Standard D108 “Non-conforming Dairy Produce”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;
- MAF Standard D109 “Dairy Product Conformance”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;
- MAF Standard D112 “MAF Approved for Export Mark”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;
- MAF Standard D206 “Dairy Sanitary and Related Export Certification”. Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry;
- *New Zealand Food Standard 1996.*

The following information and forms are available from MAF Food: Dairy and Plant Products or its website (www.maf.govt.nz/Dairy):

- Importing Country Requirements (Overseas Market Access Requirements).

5.0 ADDITIONAL RESOURCES

The following documents are useful resources:

- *Dairy Products Safe and True.* Dairy and Plant Products Group, Food Assurance Authority, New Zealand Ministry of Agriculture and Forestry, 1999. Website address: www.maf.govt.nz/Dairy;
- “Policy for the Resolution of Regulatory Non-Compliances and the Application of Sanctions”. Dairy and Plant Products Group, Food Assurance Authority, Ministry of Agriculture and Forestry.

6.0 DEFINITIONS

These definitions must be read in conjunction with the interpretations in the *Dairy Industry Act 1952* and the *Dairy Industry Regulations 1990*.

MAF Food: Dairy and Plant Products Group definitions of terms can be found in their “Glossary of Terms”, available on the Dairy and Plants website (www.maf.govt.nz/Dairy).

Codex—the Codex Alimentarius, published by the Food and Agriculture Organisation (FAO) and World Health Organisation (WHO).

Dairy produce—milk, cream, butter, cheese, and any other product of milk or cream.

Dairy product—dairy produce intended for sale in, or export from, New Zealand for human consumption; and

- (a) includes raw milk or cream intended for sale in New Zealand for human consumption as raw milk or cream; but
- (b) does not include raw milk or cream intended to be processed before sale in New Zealand for human consumption.

Date of manufacture—the date on which the product becomes the product as described.

Date of packaging—the date on which the product is placed in the immediate container in which it will be ultimately sold.

Inspector—a person appointed under section 4 of the *Dairy Industry Act 1952* with powers under that Act, the *Animals Act 1967* and the *Food Act 1981*. This includes the Director-General of MAF.

Label—in relation to any dairy product, means any tag, brand, mark, or pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, or impressed on, attached to, or forming part of, the product's container. Container includes crate, can, box, case, wrapper, tin, and every other receptacle or covering used for the packing of dairy produce.

Lot—a quantity of dairy product manufactured during a discrete period of time, not normally exceeding 24 hours, in one continuous process.

MAF Compliance—the Compliance and Investigation Group of MAF Food, reporting to the Director, Compliance and Investigation Group.

MAF Food—the Food Assurance Authority of the Ministry of Agriculture and Forestry.

MAF Food: Dairy & Plants—the Dairy and Plant Products Group of MAF Food, reporting to the Director, Dairy and Plant Products.

Product Safety Programme (PSP)—a programme of conditions, processes, procedures, measures, and standards to be complied with, performed, undertaken, taken, or met in relation to:

- (a) any process or activity related to dairy produce, ingredients used in the manufacture of dairy products, or both; and
 - (b) sampling, examination, inspection, and testing, or any of those actions, relating to any such process or activity; and
 - (c) the recording and inspection(by persons with qualifications and experience approved by the Director-General for the purpose) of information relating to any such action;
- and (without limiting the generality of the foregoing) may include conditions, processes, procedures, measures, or standards relating to the production, manufacture, storage, or transport of dairy produce.

Registered number—the number assigned by MAF to a dairy factory, store, or laboratory under the *Dairy Industry Regulations 1990* and shown on the MAF certificate of registration and in the MAF register.

Standard of identity—a standard that defines the meaning of a term or designation used to describe a product. Such a standard typically includes the name of the product, its definition, and essential composition and quality factors.

Third Party Agency (TPA)—organisation approved by MAF to carry out evaluation and/or verification services.

7.0 REQUIREMENTS

7.1 General

Dairy products must be labelled in accordance with the provisions of sections 10, 14, 15, 15A and 15B the *Dairy Industry Act 1952* and regulations 24, 37, 51 and 52 of the *Dairy Industry Regulations 1990*.

The label and accompanying documents must not be misleading or deceptive.

7.2 Dairy products intended for export outside New Zealand and Australia

The following information must be provided on the label for dairy products intended for export: |

- a product designation that is not misleading or deceptive as to the kind of dairy product it is, or as to whether or not it is a dairy product;
- the registered number or the name and address of the final premises of manufacture; and |
- sufficient information to enable traceability.

The following information must be provided on the label or in accompanying documents for dairy products intended for export:

- the net contents by weight or volume.

Where the product is packed in an outer pack in which it is exported and an inner (or consumer) pack, the labelling requirement applies to the outer, not the inner pack.

It is the responsibility of the exporter to comply with any additional requirements of the importing country.

8.0 VERIFICATION

Verification of compliance with this standard is undertaken by MAF or a MAF-approved TPA as part of a PSP assessment.

8.1 Criteria

The criteria for assessing compliance with this standard are as follows:

- the means to deliver the requirements of this standard are documented in an MAF-approved PSP;
- the party operates in accordance with that MAF-approved PSP; and
- the records and test results of dairy produce covered by official assurances provided by MAF confirm that the produce complies with the official assurances.

8.2 Decision

The party is non-compliant if one or more of the criteria for assessing compliance are not met.

8.3 Result

8.3.1 Compliant parties

Compliant parties operating in accordance with MAF-approved PSPs are entitled to:

- produce milk or cream intended for the manufacture of dairy products;
- transport or store dairy produce; and
- manufacture, transport or store dairy products.

8.3.2 Non-compliant parties

Non-compliance with a MAF-approved PSP (including selling or exporting dairy products not manufactured in accordance with an approved PSP) constitutes an offence under regulation 49 of the *Dairy Industry Regulations 1990*.

If a party does not operate in accordance with an approved PSP, then:

- an Order may be issued by a MAF Inspector to remedy any defects;
- export certification and/or use of any MAF marks may be suspended;
- approval of the PSP may be withdrawn; and/or
- prosecution for offences may occur.

9.0 VERSION CONTROL

Version	Date	Status	By	Approved
103.1	23 December 1999	Promulgated by Circular number 40. Revoked by Circular number 62	Director, MAF Food: Dairy & Plants	
103.2	21 December 2000	Promulgated by Circular number 62	Director, MAF Food: Dairy & Plants	

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Appendix One

ACCEPTABLE CRITERIA

Following are criteria by which a Product Safety Programme may be judged to satisfactorily achieve the requirements described in section 7 of this standard. A Product Safety Programme which includes procedures for ensuring that each of these criteria is satisfied, and meets all other relevant PSP requirements, will be approved by MAF.

Proposals for alternative criteria will be approved by MAF, provided it can be demonstrated to MAF's satisfaction that the required outcomes will be achieved. A guide to the information required in these proposals and the procedures used by MAF to assess proposals can be obtained from MAF Food.

1.0 The product designation

The designation (including both words and pictures) is satisfactory. This means dairy product exported to countries other than New Zealand or Australia complies with a standard of identity prescribed by the importing country.

Where the importing country does not prescribe a standard of identity for the dairy product, the product either:

- complies with the *New Zealand Food Standard 1996*; or
- is named as a dairy product and complies with the definition in section 6 of this standard, interpreted as necessary using the Codex General Standard for the Use of Dairy Terms.

Quality control procedures are followed that which ensure compliance with the designation and with MAF Standard D109 "Dairy Product Conformance".

Commentary

Standards of identity specify attributes that define the product, e.g. the standard of identity specified in the New Zealand Food Regulations 1984 for butter is: "It shall contain not less than 80% milkfat and shall not contain more than 16% water".

The quality control procedures, undertaken in compliance with MAF Standard D109, "Dairy Product Conformance", verify that the dairy product complies with the standard of identity attributes selected from the three options above. For example, butter made to comply with the butter specification above would have the following attributes, milkfat and water content, verified by analysis.

2.0 The registered number or name and address of the final premises of manufacture

The registered number or name and address are that of the final manufacturing dairy factory, and no other number is used.

Where the product is processed by more than one manufacturer, the registered number or name and address of the final manufacturer is used on the final packaging.

Commentary

Manufacture means all activities in the preparation of dairy products, including secondary processing such as blending and packaging.

The registered number or name and address are marked clearly, and it is not removed, defaced or obliterated.

3.0 Information to enable traceability

Information to enable traceability is either:

- lot identification, such as a bag number, box number or quality unit number; or
- the date of manufacture or the date of packaging marked in code or in plain text.

4.0 The net contents by weight or volume

The weight (or volume) declared is an accurate reflection of the actual weight (or volume) of the net contents.

5.0 The country of origin

When New Zealand is declared as the country of origin, the declaration is satisfactory if one of the following is true:

- the product complies with the importing country's requirements for labelling with country of origin; or
- all significant dairy ingredients in the product are of New Zealand origin.

Commentary

A “significant dairy ingredient” is an ingredient that is an essential part in terms of the characterisation of the product. Refer Codex General Standard for the Use of Dairy Terms.

When a dairy product undergoes processing in a second country which changes its nature, the country in which the processing is performed is to be considered to be the country of origin for the purposes of labelling.

6.0 Non-conforming produce

All dairy product that fails to meet the requirements of MAF Standard D109 “Dairy Product Conformance”, is identified as non-conforming and managed and labelled in accordance with MAF Standard D108 “Non-conforming Dairy Produce”.

7.0 MAF Approved for Export mark

Where the MAF Approved for Export mark is used, its use complies with the requirements of MAF Standard D112 “MAF Approved for Export Mark”.

Appendix Two

IMPORTING COUNTRY REQUIREMENTS

It is the responsibility of exporters to identify and comply with all importing country requirements; non-compliance is at their commercial risk.

Importing country requirements, which have been officially confirmed, can be obtained from the Dairy and Plant Product Group of MAF or its website (www.maf.govt.nz/Dairy/).

Where MAF provides official assurances to competent authorities of importing countries, the statements to which MAF attests must be verifiable. Relevant requirements are described in MAF Standard D206 “Dairy Sanitary and Related Export Certification”.