

Imported Food Requirements: Fish – species susceptible to elevated mercury and spoilage

Recent Updates:

From 17 August 2009, imports of mercury and spoilage susceptible fish do not require monitoring at the border and do not require NZFSA clearance for sale.

Date	Location	Information
1 July 2009	Section 1.0	Structure revised

1.0 Scope

1.1 The purpose of this Imported Food Requirement is to provide administrative guidance to a Food Act Officer (FAO) as to the matters they may take into consideration when determining whether they have been satisfied by a person who imports food into New Zealand that the food complies in all respects with-

- (a) All relevant provisions of the Food Act 1981; and
- (b) All relevant provisions of any regulations made pursuant to the Food Act 1981; and
- (c) All applicable food standards.

Nothing in this Imported Food Requirement limits the powers of a FAO appointed under the Food Act 1981.

1.2 Legislative requirement: [Food \(Prescribed Foods\) Standard 2007](#)

- Products covered under the scope of these requirements are Prescribed Foods for the purpose of import into New Zealand (Section 11P, Food Act 1981).
- No person may import these products into New Zealand unless that person has satisfied an officer that the food complies.

1.3 This Imported Food Requirement sets out clearance options and procedures for importers of prescribed foods that an importer may follow when aiming to satisfy a FAO that the food complies with the Food Act 1981.

1.4 These clearance options and procedures apply in addition to and after a prescribed food has gained clearance from MAF Biosecurity New Zealand. Importers should check those requirements at: [MAF Biosecurity New Zealand](#).

1.5 Products include:

- Chilled and frozen fish
- Whole, headed and gutted, fillets
- Predatory fish.

1.6 Imports of smoked fish products **must also** meet [NZFSA Imported Food Requirements](#) for smoked vacuum packed fish.

1.7 [Tariff codes targeted](#)

1.8 **Food safety hazard:** mercury and volatile nitrogen.

1.9 **Import permitted with conditions from:** All countries.

2.0 Importer Clearance Options

2.1 The clearance options and procedures in this Imported Food Requirement apply to **mercury and spoilage susceptible fish** products and are in addition to clearance requirements detailed in the [Import Clearance Procedure](#).

2.2 Importers must also meet the requirements of the Food (Importer Listing) Standard 2008 and the Food (Importer General Requirements) Standard 2008. Importers should also read and understand the [Food Importer Standards Guidance](#) before sourcing products to import.

2.3 For **mercury and spoilage susceptible fish** products, importers have a responsibility under the Food (Importer General Requirements) Standard 2008 to ensure that imports do not have excessive mercury levels or spoilage. Fish species that are predators, such as shark, swordfish and marlin, are susceptible to accumulating mercury. Shark species have a primitive blood circulation system and therefore are prone to production of ammonia and trimethylamine. Good manufacturing practices, particularly maintaining products at chilled temperatures, reduces the likelihood of spoilage.

2.4 The following three options are available to importers when they are aiming to satisfy a FAO that the food complies with the Food Act and can therefore be cleared:

Option 1 - Acceptance of recognised assurances / certification

For **mercury and spoilage susceptible fish** products, recognised assurances / certification may be accepted from:

- Australian Quarantine Inspection Service (AQIS)
- Canadian Food Inspection Agency (previously the Dept. of Fisheries and Oceans)
- Thailand Centre of Export Inspection and Certification for Agricultural Products
- European Union - Animal and Public Health Certificate.

Requirements to be met: Certification is required with each consignment.

Option 2 - Clearance sampling and testing on arrival in New Zealand

In the absence of recognised assurance / certification or a multiple release permit (MRP), **mercury and spoilage susceptible fish** products are sampled and tested in New Zealand.

Products will be tested for total mercury level and total volatile nitrogen level.

Sampling and testing is to be in accordance with [NZFSA's sampling and testing protocol](#), except for products from the USA which will be sampled and tested at the rate of 1 in every 10 shipments (covered by a Mutual Recognition Arrangement between New Zealand and USA).

Option 3 - Multiple Release Permits (MRPs)

MRPs are issued for imported food products that are:

- Inadvertently captured by the tariff codes monitored by the NZFSA.
- From particular suppliers under an arrangement agreed to by the importer and NZFSA.

Importers wishing to apply for a MRP should contact the Advisor (Food Service, Sale and Import) in the NZFSA Approvals Group at (04) 894 2500 or email approvals.fssi@nzfsa.govt.nz to discuss their situation prior to completing a MRP application form.

3.0 Clearance Procedures

3.1 Documentation checks

All consignments accompanied by NZFSA recognised assurances / certification from the relevant competent authority are subject to 100% documentation checks.

3.2 Physical inspections

Acceptance of recognised assurances / certification

Recognised assurance / certification may be verified by physical inspection of consignment. Consignments imported under certification are required to be tested at intervals. The standard testing rate used to verify certification which applies to most prescribed foods is 1 in every 20 consignments where consignments are more frequent than 20 in a six month period. Where consignments are less than 20 in a six month period, they are tested every six months.

3.3 Clearance sampling and testing on arrival in New Zealand

Sampling and testing is to be in accordance with [NZFSA's sampling and testing protocol](#) except products from the USA which will be sampled and tested at the rate of 1 in every 10 shipment.

Samples:

- Each sample per lot must weigh a minimum of 100g.
- Individual units or packets should be sampled if these are available.
- The laboratory may not composite samples.
- Number of samples per lot should be calculated from the table below:

Number of tonnes per lot	Number of units to be inspected and sampled
Up to 5	10
5-10	15
10-30	20
30-100	25
Over 100	30

Clearance criteria: The following criteria should be used when deciding if a consignment captured by these requirements is safe to be released:

- Total mercury level not exceeding 1ppm (1mg/kg) – all species.
- Total volatile nitrogen level not exceeding 35mg volatile N/100g – shark species only.

- Imports of smoked vacuum packed fish must also meet NZFSA import requirements for smoked vacuum packed fish.

Reject criteria:

- FAO may REJECT lots that indicate that the mean total mercury result from all samples in the lot exceed exceeds 1ppm or where any single total mercury result exceeds 1.5ppm.
- FAO may REJECT lots that indicate the level of total volatile nitrogen exceeds 35mg volatile N/100g.
- FAO may reject any untested lots in the consignment.
- Procedures for rejected lots and untested lots are described in [NZFSA's sampling and testing protocol](#).

3.4 Multiple Release Permit (MRP)

For holders of an MRP, the import agent will use the permit number to clear the products. Holders of an MRP should maintain an agreed imported food surveillance (sampling and testing) programme for the products covered by the MRP.

3.5 Management of non-compliant consignments

When clearance cannot be given because of non-compliance with import requirements, all determinations on disposition of non-complying consignments should be made in full consultation with NZFSA (or a representative nominated by NZFSA). This will facilitate appropriate corrective action and communication with relevant entities.

3.6 Contact details for border clearance agency

First stop for importers seeking more information.

Central Clearing House

NZFSA Verification Agency

Level 1, 96 New North Road, Eden Terrace, Auckland

PO Box 3540, Eden Terrace, Auckland

Email: imported.food@nzfsa.govt.nz

Fax: 09 909 6208

Phone: 09 909 6210 or 09 909 6211

To be notified of changes and updates to the NZFSA website including import requirements, go to the [NZFSA website Notifications page](#).

4.0 Tariff Codes Targeted

Prescribed foods are targeted at the border using the New Zealand Customs tariff code system.

A tariff code is a number used for Customs purposes to classify goods. An import agent or customs broker may be able to assist with interpretation of the tariff code.

Importers who are importing **mercury and spoilage susceptible fish** products under tariff codes not listed below should notify NZFSA Central Clearing House. CCH will notify NZFSA of the need to review the tariff codes targeted.

Inadvertent captures

As the tariff classification system is not designed specifically around the imported food regime, some food products may be inadvertently captured by the targeted tariff codes above. If this is the case, products will not be subject to the sampling and testing protocol outlined in this document. Importers may apply to NZFSA for a multiple release permit (MRP) to facilitate clearance.

Products classified with the following tariff codes are captured under this requirement:

Tariff codes targeted for fish susceptible to elevated levels of mercury and microbiological spoilage	
0302 Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04	
0302.65.00.01K	Whole Fresh Or Chilled Dogfish And Other Sharks
0302.65.00.11G	Headed And Guttled Fresh Or Chilled Dogfish And Other Sharks
0302.65.00.19B	Fresh Or Chilled Dogfish And Other Sharks Other Than Whole Or Headed And Guttled
0303 Fish, frozen, excluding fish fillets and other fish meat of heading 03.04	
0303.75.00.02K	Whole Frozen Elephant Fish
0303.75.00.05D	Whole Frozen Ghostshark
0303.75.00.12G	Whole Frozen School Shark
0303.75.00.15A	Whole Frozen Spiny Dogfish
0303.75.00.22D	Whole Frozen Spotted Dogfish (Rig)
0303.75.00.28C	Whole Frozen Other Dogfish And Other Sharks

0303.75.00.31C	Headed And Guttled Frozen Elephant Fish
0303.75.00.35F	Headed And Guttled Frozen Ghostshark
0303.75.00.41L	Headed And Guttled Frozen School Shark
0303.75.00.45C	Headed And Guttled Frozen Spiny Dogfish
0303.75.00.51H	Headed And Guttled Frozen Spotted Dogfish (Rig)
0303.75.00.59C	Headed And Guttled Frozen Other Dogfish And Other Sharks
0303.75.00.61E	Frozen Elephant Fish Other Than Whole Or Headed And Guttled
0303.75.00.65H	Frozen Ghostshark Other Than Whole Or Headed And Guttled
0303.75.00.71B	Frozen School Shark Other Than Whole Or Headed And Guttled
0303.75.00.75E	Frozen Spiny Dogfish Other Than Whole Or Headed And Guttled
0303.75.00.81K	Frozen Spotted Dogfish (Rig) Other Than Whole Or Headed And Guttled
0303.75.00.89E	Frozen Other Dogfish And Other Sharks Other Than Whole Or Headed And Guttled
0304 Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	
0304.19.00.24E	Ghostshark Fillets Etc
0304.19.00.60A	Fresh Or Chilled Spotted Dogfish (Rig) Fillets
0304.29.00.24J	Frozen Ghostshark Fillets
0304.29.00.55J	Frozen School Shark Fillets
0304.29.00.60E	Frozen Spotted Dogfish (Rig) Fillets