

# Imported food requirements: Crustaceans – lobsters, crabs, bugs and their products

## Recent Updates:

Date	Location	Information
November 2009	<a href="#">Section 1.5</a> <a href="#">Section 3.2</a>	Clarification that products included are ready-to-eat. Clarification of verification of recognised assurances/certification.
1 July 2009	<a href="#">Section 1.0</a>	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:

- Ready-to-eat cooked lobsters, crabs, bugs and their products.
- Ready-to-eat prepared or preserved lobsters, crabs and bugs.

### 1.6 Products exclude:

- Raw lobsters, crabs, bugs.
- Retorted product (heat-treated, in cans or jars).

### 1.7 [Tariff codes targeted](#)

1.8 **Food safety hazard:** pathogenic bacteria.

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 **lobster, crab and bug** 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 **lobster, crab and bug** products, importers have a responsibility under the Food (Importer General Requirements) Standard 2008 to ensure imports are not contaminated with pathogenic bacteria or excessive metal contaminants. Lobsters, crabs and bugs are sediment feeders so they reflect the conditions of the sea floor. Good growing, harvesting and manufacturing practices can greatly reduce the likelihood of contamination. Cooked ready-to-eat products are at high risk of contamination during processing. Good manufacturing practices during processing can greatly reduce the likelihood of *Salmonella* and *Listeria* contamination. Cooked ready-to-eat products may not receive a heat treatment prior to consumption, which would inactivate the pathogenic bacteria.

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 **lobster, crab and bug products**, recognised assurances / certification may be accepted from:

- Australian Quarantine Inspection Service (AQIS)

- Canadian Food Inspection Agency
- Malaysian Ministry of Health
- Thailand Department of Fisheries
- Thailand Centre of Export Inspection and Certification of Agricultural Products (CEICAP)
- European Union - Animal and Public Health Certificate.

**Requirements to be met:** Certification is required with each consignment. A recognised assurance or certification is a guarantee or proof in writing that the product is free of pathogenic bacteria.

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

In the absence of recognised assurance / certification or a multiple release permit (MRP), **lobster, crab and bug** products are sampled and tested in New Zealand.

Products will be tested for *Listeria* and *Salmonella*.

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 Permit (MRP)

MRPs are issued for imported prescribed foods that are:

- Inadvertently captured by the tariff codes monitored by the NZFSA, and /or
- 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](mailto: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

### Verification of recognised assurances/certification

Recognised assurances/certification may be verified by physical inspection of the consignment. Consignments imported with assurances or certification are verified by identity check and/or sampling and testing at intervals.

- The standard rate used to verify assurances/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 verified every six months.
- Imports with certification from the European Union (EU) are verified at 1% rate (1 in every 100 consignments).

## 3.3 Clearance sampling and testing on arrival in New Zealand

Sampling and testing should 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.

### Samples:

- Samples should be taken for each product type, eg, species, packaging, how prepared, size etc.
- 5 samples per lot for microbiological analysis.
- Each lot sample must weigh at least 100g.
- Individual units or packets should be sampled if these are available.
- The laboratory may composite 5 samples of approximately equal weight per lot for *Listeria* and *Salmonella* testing.

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

- Nil tolerance for *Listeria monocytogenes*.
- Nil tolerance for *Salmonella*.

### Reject criteria:

- FAO may REJECT lots that:

- Test positive for *Listeria monocytogenes*.
- Test positive for *Salmonella*.
- 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](mailto: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 NZFSA's 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 **lobster, crab and bug** 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 listed. If this is the case, products will not be subject to the requirements 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 lobsters, crabs, bugs and their products	
0306 Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption	
0306.11.00.01F	Frozen Whole Rock Lobster Etc
0306.11.00.11C	Frozen Rock Lobster Etc Tails
0306.11.00.19J	Other Frozen Rock Lobster Etc
0306.12.00.00B	Lobsters Frozen
0306.14.00.00A	Crabs Frozen
0306.19.00.00D	Other Frozen Crustaceans
0306.21.02.00D	Rock Lobster And Other Sea Crawfish Not frozen Whole Cooked
0306.21.08.09F	Rock Lobster And Other Sea Crawfish Not frozen Other
0306.22.02.00J	Lobsters Not Frozen Whole Cooked
0306.22.08.09L	Lobsters Not Frozen Other
0306.24.02.00H	Crabs Not Frozen Whole Cooked
0306.24.08.09K	Crabs Not Frozen Other
0306.29.02.00L	Other Crustaceans Etc Not Frozen Whole Cooked
0306.29.08.09B	Other Crustaceans Etc Inc Flours Meals And Pellets Etc Not Frozen Other
1603 Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates	

1603.00.01.19G	Crustacean Or Mollusc Extracts
1603.00.09.00G	Extracts Etc Of Other Aquatic Invertebrates
1605 Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	
1605.10.01.00F	Crab Pastes
1605.10.09.01E	Crab Pate
1605.10.09.09L	Other Crab Preparations
1605.10.19.09F	Other Crab Preparations Otherwise Packed
1605.30.01.00C	Lobster Pastes
1605.30.09.01B	Lobster Pate
1605.30.09.09H	Other Preparations Of Lobster
1605.30.19.11E	Other Lobster Preparations viz: Rock Lobster Otherwise Packed
1605.30.19.19L	Other Lobster Preparations Other Otherwise Packed
1605.40.01.00G	Pastes Of Other Crustaceans
1605.40.09.01F	Pate Of Other Crustaceans
1605.40.09.09A	Other Preparations Of Other Crustaceans
1605.40.19.09G	Other Preparations Of Crustaceans Other Otherwise Packed