

Imported food requirements: Peanuts and pistachio nuts

Recent Updates:

Date	Location	Information
17 August 2009		Clarification of products targeted, addition of peanut sauces, removal of import clearance requirements for product exported from Australia.
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:

- Peanuts and pistachio nuts.
- Peanuts and pistachio nuts whether in shell or not, whether raw, blanched, roasted or processed by physical means i.e. crushed, ground
- Mixed nuts containing more than 30% peanuts, pistachio nuts or a mixture of both
- Peanut products, pistachio products and food containing greater than 30% peanuts, pistachios nuts or a mixture of peanuts and pistachio nuts (eg, peanut cake, peanut bars, peanut confectionary, coated peanuts)
- Satay and other peanut sauces containing peanuts at any compositional level.

Products excluded:

- Satay sauces that do not contain peanuts or peanut products.

1.6 [Tariff codes targeted](#)

1.7 **Food safety hazard:** mycotoxin contamination.

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

- Peanut and pistachio nut products imported into New Zealand from Australia are not subject to NZFSA import clearance requirements. Importers do not need to apply for a Single Use Permit for clearance. This applies to food produced in Australia and to food imported into Australia.

2.0 Importer Clearance Options

2.1 The clearance options and procedures in this Imported Food Requirement apply to **peanut and pistachio nut 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 **peanut and pistachio nut products**, importers have a responsibility under the Food (Importer General Requirements) Standard 2008 to ensure imports are of minimal risk for mycotoxin contamination. Mycotoxins are toxic substances produced by moulds that can grow on nuts. Contamination of nuts by mycotoxins, moulds and insects can occur prior to and during harvest, during post-harvest handling and in storage. Good manufacturing practices can greatly

reduce the likelihood of the most common mould (*Aspergillus flavus*) and the level of toxin (aflatoxin) it produces.

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 **peanut and pistachio nut** products, recognised assurances / certification may be accepted from:

- China Inspection and Quarantine (CIQ)
- South African Oilseeds Board
- United States Department of Agriculture or State Department of Food and Agriculture (for peanuts only).

Requirements to be met: Certification is required with each consignment. The certification should state the level of aflatoxins detected prior to shipment of the 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), **peanut and pistachio nut** products are sampled and tested in New Zealand.

Nut products will be tested for visual evidence of mould or insect infestation and Aflatoxins.

Peanut sauces will be tested for Aflatoxins.

Sampling and testing should be in accordance with [NZFSA's sampling and testing protocol](#).

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 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 under recognised assurances / certification

Recognised assurance / certification may be verified by physical inspection of the consignment. Consignments imported under certification are verified by testing 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 should be in accordance with [NZFSA's sampling and testing protocol](#). However, peanut and pistachio nut products have a high failure rate. The lowest testing rate is set at 1 in 3 consignments. Consignments are either 100% tested or tested 1 in 3.

Samples:

Nuts

- Samples should be taken for each product type, eg, blanched, roasted, coated nuts etc.
- Number of samples of nuts per lot should be calculated from the table below:

Number of kilograms per lot	Number of units to be inspected and sampled
<60	1
60 – 240	2
241 – 450	3
451 – 750	5
751 – 1500	8
1501 – 2700	10
2701 – 4500	12
4501 – 8400	16
greater than 8400	22

- Each lot sample must consist of at least 500g of nuts (mixed).
- Individual units or packets should be sampled if these are available.
- Each sample should be entirely ground before compositing by the laboratory.

Satay and peanut sauces

- Samples should be taken for each product type, eg, same size bottle/packet/sachet, variety, brand, manufactured by the same company etc.
- Number of samples of sauce per lot = 1.
- Each lot sample must have a total volume of at least 200ml.
- Individual units or packets should be sampled if these are available.

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

- No visual evidence of mould or insect infestation.
- Levels of aflatoxin not exceeding 0.015ppm (mg/kg).

Reject criteria:

- If mould or insects are detected during visual inspection, the lot should be rejected and samples will not need to be taken and submitted for aflatoxin testing.
- FAO may REJECT lots that:
 - Show visual evidence of insect infestation.
 - Show visual evidence of mould.
 - When any one sample from that lot shows that the level of aflatoxin exceeds 0.015ppm.
- 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 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 **peanut and pistachio nut 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 Peanuts and Pistachio Nuts	
0802.50 Other nuts, fresh or dried, whether or not shelled or peeled	
0802.50.00.01E	Pistachios In Shell
0802.50.00.09L	Pistachios Other Than In Shell
1202.10 Ground-nuts, not roasted or otherwise cooked, whether or not shelled or broken	
1202.10.00.00K	Ground-nut In Shell
1202.20.00.00C	Ground-nut Shelled
2008 Nuts, ground-nuts and other seeds, whether or not mixed together	
2008.11.00.21J	Ground-nuts Roasted Mixtures
2008.11.00.31F	Ground-nuts Roasted Other
2008.11.00.39A	Ground-nuts Not Roasted
2008.19.09.29H	Other Nuts including mixtures, Roasted
2008.19.09.39E	Other Nuts including mixtures, Not Roasted

2103.90.Sauces and preparations; mixed condiments and seasonings	
2103.90.00.01D	Other Sauces Not Elsewhere Specified
2103.90.00.11A	Mixed Condiments
2103.90.00.19G	Mixed Seasonings
2103.90.00.29D	Other