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# NZFSA Sampling and testing protocol for imported prescribed foods

## Amendment 1

Prescribed foods must not be imported into New Zealand unless the importer of those prescribed foods has satisfied a Food Act Officer (FAO) that the food complies with the Food Act, relevant regulations and applicable food standards. The Food (Prescribed Foods) Standard 2007 lists foods that present a risk to consumers and are monitored for specific hazards.

Imported Food Requirements (IFRs) provide administrative guidance to a FAO as to matters that may be taken into consideration when determining that the FAO is satisfied that the food complies with the Food Act. IFRs set 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.

When sampling and testing is required as a clearance option, the purpose is to provide appropriate evidence that will satisfy a FAO that the food complies with the Food Act.

Inspection, sampling and testing is to be carried out at the importers expense. Unless specified in the IFR for a particular food, the results of tests taken outside New Zealand are not able to be supplied to meet this sampling and testing protocol.

[Import requirements for specific foods](#)

## 1. The import process for prescribed foods

NZFSA specifies to Customs New Zealand which tariff codes are to be monitored. The tariff code(s) identify whether a food in a consignment is to be stopped by Customs. Each type of food is referred to as a 'line item' and a consignment may contain several 'line items'.

Importers, or their customs brokers, apply electronically for customs clearance. If the tariff code(s) entered is for food that is of interest to NZFSA, the importer will be referred to NZFSA Central Clearing House (CCH) to apply for a 'NZFSA Single Use Permit'. The invoice for the consignment and any other relevant documentation, such as recognised assurance / certification, should be sent with the application.

The Single Use Permit is the final NZFSA clearance and permits full release to the domestic market. A Single Use Permit will be issued if a FAO has been satisfied by the importer that the prescribed food complies with the Food Act.

If sampling and testing (or other evidence) is required, a Conditional Release Permit will be issued to allow the prescribed food to be moved to a holding facility. The condition of the release is that the prescribed food must be held until a FAO has been satisfied that the prescribed food complies with the Food Act. This may include provision of documentation, sampling and testing or inspection.

A FAO arranges for inspection, sampling and testing of the prescribed food. Specific sampling and testing protocols are listed in each IFR.

#### **Important Information for Importers of Prescribed Foods that require Sampling and Testing**

The issuing of the NZFSA Conditional Release Permit only allows the prescribed food to be moved to a holding facility.

The Conditional Release Permit does not release the prescribed food for sale.

The prescribed food should be devanned prior to inspection by a FAO.

Prescribed foods must not be moved from the premises, distributed or sold prior to final clearance by NZFSA and a Single Use Permit has been issued.

Importers should store prescribed foods separately and/or clearly label that the consignment of food must not be distributed until cleared by NZFSA.

Prescribed foods must be clearly labelled in English so that the Food Act Officer is able to identify the product.

## **2. Sampling criteria**

### **2.1 When to sample an imported food**

The sampling frequency of a specific prescribed food is based on the sampling and testing history developed by each importer for that prescribed food. As a compliance history is developed, the frequency of sampling and inspection is reduced if the consignment is found to be acceptable.

This reduction is governed by the “**Switching Rule**”, which follows the steps below:

- Sampling initially starts out at the tightened level (where 100% or every import of that specific food is sampled and tested) until 5 consecutive compliant imports have been cleared;

- Sampling is then lowered to the normal level (where 20% or 1 in 5 imports of that specific food is sampled and tested), until another 5 consecutive compliant imports have been cleared;
- Sampling is then lowered to the reduced level (where 10% or 1 in 10 imports of that specific food is sampled and tested).

The sampling frequency will not adhere strictly to every 5<sup>th</sup> or 10<sup>th</sup> import but will be random. The end result will remain at the same required % overall ie, 20 in 100 or 10 in 100.

The frequency of sampling returns to the tightened level when a non-compliance with the IFR has been determined by a FAO. Non-compliance may include failed test result, importer refusal to test prescribed food or product fails inspection.

CCH selects the frequency of sampling that is to apply to an imported food at any particular time using the Switching Rule for the specific prescribed food.

## **2.2 Who samples imported food**

Sampling must be co-ordinated by the CCH. They will arrange for a FAO to inspect and sample any prescribed food(s) identified that requires testing.

## **2.3 Food to be sampled**

The consignment must be available and accessible for samples to be taken by the FAO.

A full inventory of the consignment must be provided so that the FAO can match the consignment of the prescribed food against the invoice and ensure that the entire consignment is available for sampling.

The FAO will check the lot numbers and other identification of the consignment to ensure that appropriate and representative samples are taken for testing.

The FAO will randomly select samples for testing. Samples will be taken for each specific product type of prescribed food. Specific product type means the same food type, size bottle/packet, variety, brand, and is manufactured by the same company.

The importer may not pre-select samples or sample their own consignment.

The FAO will individually label each sample, seal samples with NZFSA tape and complete the laboratory sample form that will accompany the samples. A copy of the laboratory sample submission form will be placed in the container with the samples and the container will be sealed by the FAO.

The importer must have the transport packaging / container ready and available for sending the samples to the laboratory. The importer may select the laboratory for testing from the NZFSA list.

The importer is responsible for completing any additional information that is required by the laboratory and for ensuring that the samples are kept frozen or chilled (as appropriate). The importer must send the sealed samples to the laboratory as soon as possible.

Results of the test will be sent directly to the FAO.

[Appendix: List of laboratories for testing of imported foods](#)

## 2.4 Number of lots to be sampled

Each specific food should be tested by lot(s) as detailed below and/or as described in the IFR specific to that food.

The FAO will select the lot(s) to be inspected and sampled for a specific food. Where there is more than one lot of a specific food, the number of lots to be sampled is calculated using the table below. This table is standard for all prescribed foods.

A 'lot' is defined as a quantity of specific food which is prepared or packed under essentially the same conditions usually –

- a. from a particular preparation or packing unit, and
- b. during a particular time ordinarily not exceeding 24 hours.

Number of lot codes in consignment	Number of lots to sample
1	1
2 -8	2
9 -15	3
16 – 25	5
> 26	8

## 3. Testing criteria

### 3.1 Laboratories for testing imported food

Samples can only be tested by laboratories listed by NZFSA. Only laboratories that are accredited by International Accreditation New Zealand (IANZ) to do the relevant test are listed by NZFSA.

Laboratories not on this list but who perform the tests and are accredited to IANZ 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).

[Appendix: List of laboratories for testing of imported foods](#)

### **3.2 Methodology to be applied by laboratories**

IANZ-approved laboratories will select the most appropriate test method. The IANZ-approved laboratory must be accredited to perform that test. Importers should check with the laboratory that they are accredited to perform the required test before submitting the samples for testing.

### **3.3 Composite samples**

IFRs provide details if samples may be composited per lot. Samples may only be composited by the laboratory.

## **4. Sampling and testing costs**

All sampling and testing is at the importer's expense. The laboratory will send copies of test results to the FAO.

Permitting, sampling, laboratory testing and verification costs are carried by the importer. Invoices for the FAO services may be sent to the importers agent if CCH are so advised.

For laboratory costs, the importer should contact the listed laboratories directly.

[Fees and charges](#)

## **5. Reject criteria**

The guidance criteria for rejection of a lot are set in each specific IFR. The FAO may reject the prescribed food for other reasons if not satisfied that the product complies with the Food Act.

### **5.1 Procedure for rejected lots**

- When lots fail the import criteria, those lots should be rejected.
- Lots that fail the import criteria should not be re-tested.
- Lots that fail will be detained by the FAO under the provisions of the Food Act. The importer will be given five working days to provide written advice to NZFSa as to what they intend to do with the failed lots and their intentions for the remaining lots in the consignment.

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- Failure to notify NZFSA within 14 working days of the detention may result in seizure and destruction of the consignment in accordance with the Food Act.
  - Failed lots are prohibited imports and must be disposed of in a manner approved by NZFSA.
  - Detention and seizure costs for failed product will be carried by the importer.

#### [Management of non-compliant consignments](#)

### **5.2 Options for untested lots**

- Untested lots of the same specific food from a non-compliant consignment may be sampled and tested, and if any of these lots pass they may be cleared at the FAO's discretion.
- Untested lots of the same specific food from a non-compliant consignment should be sampled for clearance at the rate detailed in sampling criteria and testing criteria sections above.
- Untested lots of the same specific food from a non-compliant consignment that are not subsequently sampled and tested are prohibited imports and must be disposed of in a manner approved by a NZFSA.

## **6. Management of non-compliant consignments**

When clearance cannot be given because the importer has not satisfied a FAO that the food complies with the Food Act, 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.

Dependent on the nature of the non-compliance, options may include:

- Re-processing providing the nature of the non-compliance can be suitably addressed by an appropriate intervention step,
- Re-export back to country of origin where country of origin confirmation of acceptance has been received,
- Re-export to a 3<sup>rd</sup> country where 3<sup>rd</sup> country confirmation of acceptance has been received,
- Denaturing or destruction of the consignment to prevent distribution or use.

## **7. Special conditions that may apply**

In out-of-the-ordinary situations, NZFSA reserves the right to reconsider the conditions of trade, or put in place an escalated monitoring and surveillance programme to provide further information on the risk of the imported food.

NZFSA may require further evidence from the importer if the FAO is not completely satisfied of full compliance.

Nothing in this sampling and testing protocol limits the powers of a FAO under the Food Act.

## Appendix: List of laboratories for testing of imported foods

Note: Not all laboratories perform all tests. Importers should check with the laboratory that they are accredited to perform the required test before submitting the samples for testing.

Laboratories not on this list but who perform the tests and are accredited to IANZ 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).

Laboratory	Postal Address and contact phone number	Physical Address	Generic Email address	Food Micro	Soy sauce	Heavy metals (Cu, Se, Cd)	Inorganic Arsenic	Aflatoxin	Marine Biotoxins	Total Volatile Nitrogen / Histamine
AsureQuality Auckland	P.O Box 41 Shortland St Auckland 1140 (09) 626 8288	131 Boundary Road Blockhouse Bay Auckland Phone: 09 626 8200 Fax: 09 626 8282		✓		✓ Mercury		✓		✓
AsureQuality Christchurch	Private Bag 4718 Christchurch 8140 (03) 358 1831	Unit 1, 6H Sir William Pickering Drive Christchurch Phone: 03 358 1830 Fax: 03 358 6222		✓						
AsureQuality Wellington	P.O Box 31242 Lower Hutt 5040 (04) 570 8632	1C Quadrant Drive Gracefield Lower Hutt Wellington Phone: 04 570 8800 Fax: 04 570 8176	<a href="mailto:info@asurequality.com">info@asurequality.com</a>  <a href="http://www.asurequality.com">www.asurequality.com</a>	✓	✓					
Cawthron	Private Bag 2	98 Halifax Street East	<a href="mailto:lab@cawthron.org.nz">lab@cawthron.org.nz</a>	✓		✓	✓		✓	✓

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Institute	Nelson (03) 548 2839	Nelson Phone: 03 548 2839 Fax: 03 546 9464				Salt, Mercury				
Environmental Science and Research (ESR)	P.O Box 29-181 Fendalton Christchurch 8540 (03) 351 0017	27 Creyke Road Ilam Christchurch Phone: 03 351 6019 Fax: 03 351 0010	<a href="mailto:foodsafety@esr.cri.nz">foodsafety@esr.cri.nz</a>	✓	✓	✓ Salt, Mercury		✓		✓
Hill Laboratories Christchurch	P.O Box 16607 Christchurch 8042 (03) 377 7176	101C Waterloo Road Hornby Christchurch Phone: 03 377 7176 Fax: 03 377 7276	<a href="mailto:chch@hill-labs.co.nz">chch@hill-labs.co.nz</a>	✓						
Hill Laboratories Hamilton	Private Bag 3205 Hamilton 3240 (07) 857 0609 (07) 857 0607	1 Clyde Street Hamilton East Phone: 07 858 2000 Fax: 07 858 2001	<a href="mailto:mail@hill-labs.co.nz">mail@hill-labs.co.nz</a>			✓		✓		
New Zealand Laboratory Services - Hamilton	P.O Box 281 Hamilton. (07) 838 5060	Ruakura Research Centre East Street Hamilton Phone: 07 838 5920 Fax: 07 838 5160	<a href="mailto:hamilton@nzlabs.co.nz">hamilton@nzlabs.co.nz</a>	✓						
New Zealand	P.O Box 11-	Unit 1/8 Dakota	<a href="mailto:christchurch@nzlabs.co.nz">christchurch@nzlabs.co.nz</a>	✓						

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Laboratory	Postal Address and contact phone number	Physical Address	Generic Email address	Food Micro	Soy sauce	Heavy metals (Cu, Se, Cd)	Inorganic Arsenic	Aflatoxin	Marine Biotoxins	Total Volatile Nitrogen / Histamine
Laboratory Services - Christchurch	127 Sockburn Christchurch (03) 3435227	Crescent Wigram Christchurch Phone: 03 343 5227 Fax: 03 343 5226								
New Zealand Laboratory Services - Auckland	P.O Box 12-545 Penrose, Auckland (09) 579 2669	35 O'Rorke Road Penrose Auckland Phone: 09 579 2669 Fax: 09 571 2285	<a href="mailto:auckland@nzlabs.co.nz">auckland@nzlabs.co.nz</a>	✓						
Environmental Laboratory Services	P.O Box 36-105 Moera, Lower Hutt (04) 568 1203 or (04) 568 1206	85 Port Road Seaview Lower Hutt Phone: 04 576 5016 Fax: 04 576 5017 Free phone: 0800 576 6016		✓		Cd only				
MLS Envirolab	P.O Box 747 Invercargill (03) 214 4040	142 Esk Street Invercargill Southland Phone: 03 214 5848 Fax: 03 214 4041 Free phone: 0800-866-355	<a href="mailto:enviro2@southnet.co.nz">enviro2@southnet.co.nz</a> <a href="mailto:service@theenvirolab.co.nz">service@theenvirolab.co.nz</a>	✓ Not accredited for nuts and spices						
SGS Laboratory	P O Box 13-518 Onehunga	17 Maurice Road Penrose Auckland	<a href="mailto:nz.akl.ctslab.admin@sgs.com">nz.akl.ctslab.admin@sgs.com</a>	✓						

Laboratory	Postal Address and contact phone number	Physical Address	Generic Email address	Food Micro	Soy sauce	Heavy metals (Cu, Se, Cd)	Inorganic Arsenic	Aflatoxin	Marine Biotoxins	Total Volatile Nitrogen / Histamine
	Auckland (09) 634 2593	Phone: 09 634 2593 Fax: 09 634 6728								

Updated 1 September 2009