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NZFSA does not accept any responsibility or liability whatsoever for any error of fact, omission, interpretation or opinion that may be present, however it may have occurred.

Website

A copy of this document can be found at: <http://www.nzfsa.govt.nz/wine/>

Document review

This document will be reviewed, as necessary, by the New Zealand Food Safety Authority. Suggestions for alterations, deletions or additions should be sent, together with reasons for the change, any relevant data and contact details of the person making the suggestion, to:

Assistant Director (Production and Processing)

New Zealand Standards Group

New Zealand Food Safety Authority

P O Box 2835

Wellington

Telephone: 04 894 2500

Facsimile: 04 894 2643

Glossary

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1 Introduction

The purpose of this document is to aid consistent interpretation of the Wine Act 2003's standards and requirements and equitable and transparent Wine Act verification.

The topics covered reflect questions raised during the 2008 verifier workshops, poorly answered sections of the verifier assessment questionnaire, queries from verifiers and winemakers, and matters that have been updated or progressed throughout 2008, including reporting requirements.

Under the Wine Act, 'wine' includes grape wine, fruit and vegetable wine, fortified wine, cider, and mead. Accordingly, this document is relevant to grape and non-grape wine. However, as the grape wine sector makes up the overwhelming majority of New Zealand's wine industry, most of the examples in this document relate to grape wine. Verifiers who have non-grape wine clients should be aware of the differences in standards, particularly labelling rules and export requirements.

1.1 Purpose of verification

Verification under the Wine Act encompasses wine standards and export requirements. The purposes of verification are to determine whether the:

- operator is consistently meeting the regulatory requirements relevant to their operation; and whether the
- verifier has confidence that the operator will be able to consistently meet the relevant regulatory requirements in the period between the current and the next verification.

Wine Act verification is primarily a systems audit, and the verifier should be focusing on the integrity of the operator's system.

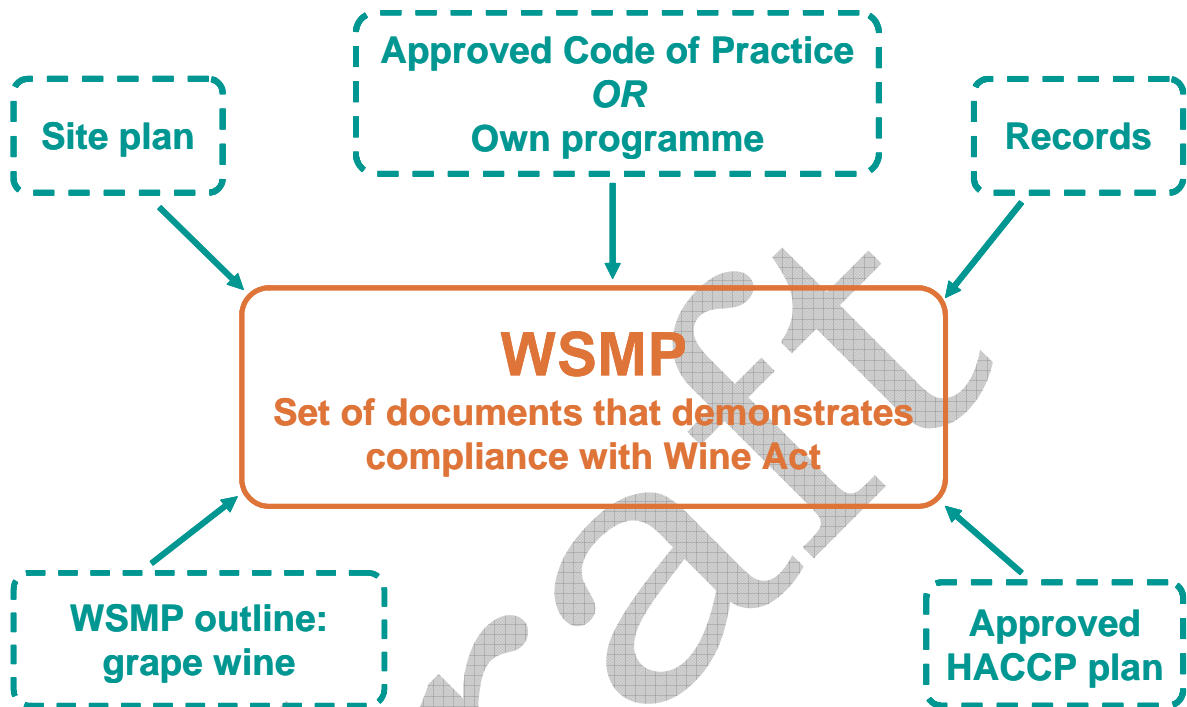
1.2 Legislation

All wine legislation can be accessed at: <http://www.nzfsa.govt.nz/wine/legislation/index.htm>

2 Wine standards management plans

2.1 What is a wine standards management plan?

A wine standards management plan is a set of documents that demonstrate how the standards and requirements of the Wine Act are met.



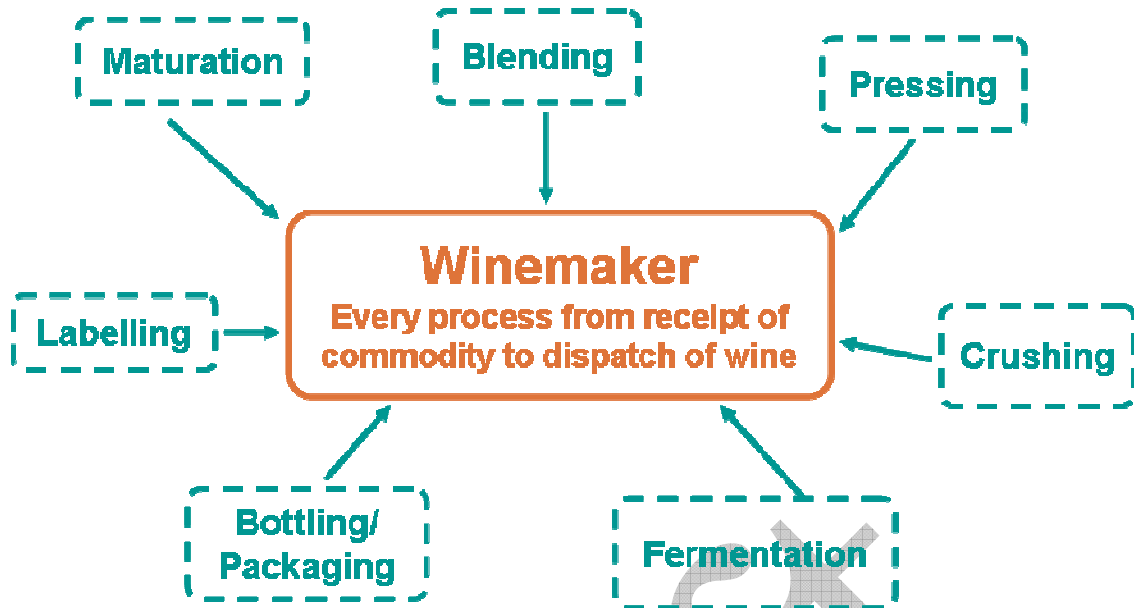
There are two approved wine standards management plan Codes of Practice. Both are accessible on the NZFSA website: www.nzfsa.govt.nz/wine.

1. New Zealand Winegrowers Wine Standards Management Plan Code of Practice: Version 1, 12 December 2007
2. Wine Standards Management Plan Code of Practice: Fruit Wine, Cider and Mead: Version 1, 24 April 2008.

2.2 Who needs a wine standards management plan

The Wine Act requires most winemakers to have a wine standards management plan: exemptions are described in section 2.3.

As the wine standards management plan is held by a winemaker, the definition of winemaker is important. For the purposes of the Wine Act, a winemaker is a person who, for reward (otherwise as an employee) or for the purposes of trade, makes wine. This means a person who undertakes any or every process or action from the receipt of the commodity through to the dispatch of wine.



A wine standards management plan is linked to a particular winemaking place or places – a winery. A winery may have more than one winemaker associated with it, or more than one business using it. It is not necessary for each winemaker who uses a single winemaking place to have their own wine standards management plan. There are three options:

- a. Each winemaker has their own wine standards management plan;
- b. One winemaker has a wine standards management plan that covers all wine made at that premises. In this instance, that winemaker assumes responsibility for all winemaking activities that occur in that winery;
- c. There is one WSMP for the winery, but the winemakers sharing it split the responsibilities under it. This is generally handled through some kind of formal agreement.

2.3 Exemptions from the requirement to have a WSMP

2.3.1 Winemakers who only affix labels to packaged wine

Regulation 5 of the Wine Regulations 2006 exempts businesses that are solely engaged in the labelling of packaged wine from the requirement to operate under a registered wine standards management plan.

2.3.2 Very small winemakers

Regulation 5A of the Wine Regulations 2006 exempt winemakers who make less than 10 000L wine / year and sell all that wine in New Zealand.

2.3.3 Winemakers also making beverages other than wine

A Director-General notice under section 11 of the Wine Act exempts individual winemakers who also make beverages other than wine. These winemakers must comply with the Food Act 1981 for their winemaking activities and are not permitted to export grape wine. The Wine (Exemption from Wine Standards Management Plan) Notice 2008 can be downloaded at:

www.nzfsa.govt.nz/wine/legislation/index.htm.

2.4 Wine standards clarification / interpretation

2.4.1 Making grape and non-grape wine

A winemaker who makes both grape and non-grape wine only needs to operate one wine standards management plan. This should be noted in section 4 of the WSMP outline: grape wine.

Winemakers who make both grape and non-grape wine should have copies of both approved Codes of Practice.

2.4.2 Cellar doors / tasting rooms

Cellar doors and tasting rooms are not covered to wine standards and are not part of wine standards management plans. These should not be subject to verification unless winemaking activities occur within them, or they have the potential to introduce hazards to wine.

2.4.3 Pre-vintage / season checklist

The pre-vintage/season checklist is a tool to assist winemakers with wine standards management plan compliance. It is not compulsory for winemakers to complete: they may choose to demonstrate compliance using other records.

2.4.4 Standard Operating Procedures

Winemakers are only required to have two standard operating procedures:

- Bottling line breakages; and
- Recall procedure.

Winemakers are not required to develop additional standards operating procedures to comply with the Code of Practice. A winemaker may choose to develop and implement additional standard operating procedures, and large wineries are quite likely to do so.

2.4.5 Supply and receipt of grapes

See NZW Code of Practice: Section 2.1 Receipt of Grapes

The Wine (Specifications) Notice 2006 requires grape suppliers to provide information to the winemaker about the grapes, including the source, description and risk factors.

Agrichemical use is one risk factor that the winemaker requires information for. Supplying the spray diary from the Wine Grape Export Spray Schedule is the traditional way of supplying this information.

In some situations it may not be practical for the winemaker to receive the spray diary, e.g. a contract winemaker who is, in essence, a service provider. If the spray diary is not supplied with the grapes, an acceptable alternative is for the grape supplier to make a declaration about each block of grapes. Ideally, the declaration would include something similar to the following:

“All agrichemical pre-harvest intervals have been met and agrichemicals have been applied in accordance with [year] export spray schedule. Any departures are noted below...”

The winemaker needs to demonstrate that either the spray diary or a declaration have been checked prior to processing.

Where it is indicated that pre-harvest intervals have not been met, the winemaker needs to make a decision about what to do with the resulting wine. The options include blending, testing, and / or rejection. The decision should be recorded.

Processing grapes that have had agrichemicals applied outside the pre-harvest interval is not a critical non-compliance with wine standards unless the resulting wine jeopardises overseas market access or is likely to be harmful to human health.

2.4.6 Off-site storage [NB: this section subject to review]

See NZW Code of Practice: Section 4.5: Off-site storage

Wine stored at a third party store, e.g. a warehouse, but still owned by the WSMP operator, must meet the requirements of the wine standards management plan at all times. The wine must remain under the control of the operator. If the only activity that occurs at the third party store is storage of wine, it does not need to be included in the WSMP site plan.

Third party stores do not need to operate a registered wine standards management plan unless they also make wine.

2.4.7 Off-site fermentation / blending

If wine is fermented or blended at a place that is not a winery, e.g. a dairy plant, that place must be subject to a wine standards management plan. It can be included in the winemaker's wine standards management plan. The plan then covers more than one site. All wine must be under

the control of the WSMP operator. Every place used to ferment / blend wine must be included in the site plan for the wine standards management plan.

As with all winemaking activities, traceability and identity records must be kept and hazards must not be introduced to the wine.

2.4.8 Post-bottling reconciliation

Post-bottling reconciliation should occur as part of the traceability exercise. A post-bottling reconciliation will highlight whether or not the grape:wine ratio is representative of the juice extracted from incoming grapes.

Ensure that you know realistic conversion ratios of grape variety:finished wine in each region you work in.

2.4.9 Cleaning / sanitising

See NZW Code of Practice Section 6: Winery hygiene and Fruit Wine, Cider and Mead Code of Practice Section 8: Cleaning and Sanitation

Both approved Codes of Practice include a statement to the effect that 'Winemaking equipment must be cleaned and sanitised as necessary and, at a minimum, immediately prior to vintage (start of the season)'.

After queries from winemakers, NZFSA has realised that the wording of this statement is ambiguous: not every piece of winemaking equipment needs to be sanitised.

The statement will be amended so it reads "Winemaking equipment should be cleaned, at a minimum, immediately prior to vintage (or start of the season) and, if necessary, sanitised." The wording will be changed when the Codes of Practice are amended; this is not likely to be before 2010.

If a winemaker does not sanitise all equipment, this decision should be justified with a risk assessment or at least an understanding of why sanitising is unnecessary.

2.4.10 Bulk transfers

See NZW Code of Practice Section 5: Transfers of bulk wine or juice

Transfers of bulk wine must be accompanied by a record of all additions or processes to the bulk wine or juice up to the time of distribution.

For clarity, this is only those additions or processes that impact on legal requirements e.g. sulphur dioxide additions, fining with certain processing aids, blending with other grape varieties. Records of processes that do not impact on legal requirements are not required e.g. centrifuging wine.

The wording will be changed when the Codes of Practice are amended; this is not likely to be before 2010.

2.4.11 Labels

Ensure that you are familiar with New Zealand's wine labelling laws, including those of the Australia New Zealand Food Standards Code and the Wine (Specifications) Notice 2006. Verifiers should also have an understanding of the Fair Trading Act 1986.

It is not the verifiers' role to determine compliance with the labelling requirements of export markets: the New Zealand government does not currently give any assurances to foreign governments about their label requirements. Areas outside of the scope of the wine standards management plan or export requirements are commercial risk and are not required to be verified by the verifier.

The verifier should confirm that where the operator is not responsible for decisions regarding label statements, e.g. when making wine under contract, that all necessary information transferred to the decision maker.

2.4.12 Link to Customs and Excise Act

If wine has been recalled and or destroyed, wineries must notify the Customs Department, and an officer of the department must visit to inspect the wine and make the appropriate decisions concerning excise tax. [In audit report?]

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3 Export requirements

All wine exported from New Zealand for trade is subject to controls under the Wine Act. All wine must be made under a registered wine standards management plan, or in a couple of specific exemptions for non-grapes wineries, an approved food safety programme.

3.1 Non-grape wine

All exporters of non-grape wine i.e. fruit wine, cider and mead need to be registered under section 48 of the Wine Act. There are no additional export requirements for non-grape wine.

3.2 Non-New Zealand grape wine

All exporters of non-New Zealand grape wine i.e. export of imported wine, including wine that is a blend of imported and New Zealand grape wine, need to be registered under section 48 of the Wine Act. There are no additional export requirements for non-New Zealand grape wine.

3.3 New Zealand grape wine

See the Grape Wine Export Code.

All New Zealand grape wine exported from New Zealand must attain export eligibility.

3.3.1 Representative Samples

Samples sent for export eligibility approval must be representative of a homogeneous batch of finished wine. Finished wine is wine that is packaged for retail sale or ready for export and has no further winemaking additions.

3.3.2 Sampling

The operator should have systems in place to ensure that samples submitted for export eligibility are representative of the batch. Where tank samples are submitted, the operator's records should demonstrate that wine was bottled within 10 days of sample submission with no further additions or adjustments.

3.3.3 Homogeneity of Batch

The operator should have systems to ensure sufficient mixing to guarantee homogeneity of the wine.

3.3.4 No Subsequent Additions

Winemaking records for the batch of which the sample has been submitted should be reviewed to ensure no additions are made after sampling.

3.4 Export Applications

A number of applications for export eligibility approval should be reviewed to ensure the information entered is accurate, i.e. checking approval has been given for the batches/lot number exported to US/EU.

3.5 OMAR Compliance

3.5.1 Europe

There are no checks the verifier is required to make pertaining to the OMAR for Europe. Verification is done at a batch level by NZFSA recognised laboratory.

3.5.2 USA

If the operator is making wine specifically for the US market using the 75% rule allowed by the OMAR, they must have systems to demonstrate how this wine is segregated from other wine and prevented from entering markets for which it is not eligible.

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4 Verification scope

For the first 2-3 years, NZFSA will issue verification scope documents. Issuing the scope will assist both WSMP operators and verifiers with consistency over the first few years. Eventually verifiers will be expected to develop their own scope.

Scope is notified for a calendar year.

Note that as a verifier, you can change the scope at any time during an audit. You should explain to the operator during the start-up/entry meeting that the scope is a guide only. Inform the operator if you change the scope of the audit and the reason for the change.

Verification scope can be downloaded at: [insert web address].

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5 Verification outcomes

5.1 Determining an outcome

All determinations must be based on information and objective evidence collected as part of the verification visit. The verifier may need to make a preliminary determination if waiting on additional information.

Verification outcomes are defined in the clause 4 of the Wine (Recognised Agencies and Persons) Notice 2007.

5.2 Dealing with non-compliance

In order to judge whether the outcome is acceptable or unacceptable, the verifier must evaluate the seriousness of the non-compliances relative to the operations, its scope, whether the non-compliances relates to export and whether there are any hazards to food safety or to human health.

5.2.1 Corrective action management

Corrective action requests raised with an operator must be effectively followed up.

The close-out date should reflect the potential of the non-compliance to affect wine safety, wine identity, traceability or truth in labelling and its ease of rectification.

If the corrective action request is not closed out by the agreed date, the verifier will review the reason for the non-closure with the operator. The verifier can cancel a corrective action request and issue a new one with a new close-out date. The verifier may decide that due to lack of close-out, the non-compliance is now critical and bring to the attention of NZFSA.

5.3 Verification frequency

Winemakers who make wine for export are not eligible for performance based verification: these winemakers remain on annual verification.

6 Reporting requirements

6.1 Critical non-compliance

In the event that a critical non-compliance is raised with an operator, this must be reported to NZFSA within 24 hours. The report must describe how the critical non-compliance occurred and what action the operator is taking to address the issue and any recommendations that the verifier has.

The form for recording and reporting a critical non-compliance can be downloaded from:

www.nzfsa.govt.nz/wine/? . Contact:

Job title
Compliance and Investigation Group
NZFSA

6.2 Verification report to operator

The template Wine Act verification report can be downloaded from: www.nzfsa.govt.nz/wine/?

At the exit meeting of the audit, it should be clear to the operator what the findings were and when the next audit will be due.

6.3 Report to WECS

The first page of the template verification report must be sent to WECS in Auckland.

WECS
PO Box 90276
Victoria St West
Auckland 1142

Fax: 09 302 2969

Email:
sue@nzwine.com

The front page must be sent to WECS regardless of whether or not the winemaker is an exporter.

6.4 Quarterly report to NZFSA

Recognised Agencies must report to NZFSA on their Wine Act verification activities every quarter.

The form for recording and reporting on quarterly activities can be downloaded from:

www.nzfsa.govt.nz/wine/?

Reports should be sent to:

Programme Manager (Wine and Plant Products)
NZFSA
PO Box 2835
Wellington
Email:@nzfsa.govt.nz