



# Food Notice

## **Food Service and Food Retail Business Food Control Plan templates issued under section 39**

18 July 2018

## TITLE

Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39

## COMMENCEMENT

This Food Notice comes into force on 19 July 2018

## REVOCATION

This Food Notice revokes and replaces the Food Notice: Official Template Food Control Plans for Food Businesses issued 11 August 2017.

This Food Notice also revokes the two templates in the Food Notice: Official Template Food Control Plans for Food Businesses issued 11 August 2017 and replaces these with the template S39-00001 described in Schedule 1 and the template S39-00002 described in Schedule 2.

## ISSUING AUTHORITY

This Food Notice is issued under sections 39, 44, and 405 of the Food Act 2014.

Dated at Wellington this 18<sup>th</sup> day of July 2018.



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(acting under delegated authority of the Director-General)

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## Introduction

This introduction is not part of the Food Notice, but is intended to indicate its general effect.

## Purpose

The purpose of this Notice is for the Chief Executive (CE) of the Ministry for Primary Industries (MPI) to issue templates to enable food service and food retail businesses to develop and operate under a Food Control Plan (FCP).

## Background

The purpose of the Food Act 2014 (the Act) is to achieve the safety and suitability of food for sale, maintain and improve confidence in New Zealand's food safety regime and provide for risk-based measures that minimise and manage risks to public health.

The Act allows for the CE of MPI to issue templates for different types of food sectors or food businesses.

Schedule 1, Part 3 of the Act sets out the kinds of businesses in the food retail and food service sectors that must operate under a food control plan (FCP). They include, but are not limited to:

- food retailers such as butchers, fishmongers, delicatessens and bakeries; and
- food service businesses such as bars, cafes and restaurants, providers of catering services including those at educational facilities, operators of residential care facilities and other food service businesses.

A food retail or food service business described in Schedule 1, Part 3 of the Act may choose to:

- use either of the official templates in Schedules 1 and 2 of this Notice (the FCP based on this template must be registered with the appropriate registration authority); or
- use another applicable official template issued by MPI under section 39 of the Act; or
- develop a plan that is customised to the needs of their business (a custom FCP; the plan must be evaluated then submitted to MPI for approval); or
- use a template or model that has been developed by the business or by a third party, such as a food industry body, and approved by the CE of MPI under section 40 of the Act.

The official templates in Schedules 1 and 2 of this Notice have been developed to enable food businesses to identify, control, manage and eliminate or minimise food safety hazards or other relevant factors to achieve safe and suitable food. They provide sets of procedures for food businesses to tailor to their own operation.

Requirements in the templates take into account the type of food the business trades in, the type of process or operation that is applied to the food and each place that the food business trades in.

These templates have been developed by MPI for food businesses in the food retail and food service sectors only.

### Registration of the FCP based on a template

As set out in section 52 of the Act, food businesses' FCPs that are based on a template must be registered with the Territorial Authority (TA) where the business is based. If the FCP applies to more than one place of business, all within the one TA district, then the same applies.

If the business has multiple sites across a number of TA districts then the operator of the business can choose either to register all places of food business with the CE of MPI or to register all places of food business that are within one TA district with the relevant TA.

If a food business operates one or more mobile food businesses across a number of TA districts then the registration authority is the TA that corresponds with the business address of the mobile food business.

## **Who should read this Food Notice?**

The persons who should read this Notice are:

- operators of food businesses in the food service and food retail sectors who choose to use and register a FCP that is based on an official template described in Schedule 1 or 2 of this Notice to enable food to be safe and suitable; and
- registration authorities that are responsible for registering FCPs that are based on MPI's official template.

## **Why is this important?**

All food businesses in the food service and food retail sectors described in Schedule 1 of the Act must operate under a FCP. This Notice enables food businesses to meet this requirement through the use of an MPI official template FCP issued under section 39 of the Act.

## **Other information**

### **Transition to the new Act**

All new food businesses in the food service and food retail sectors are required to operate under a FCP from 1 March 2016.

Food safety programmes, used by businesses that are exempted under the Food Act 1981 from having to comply with the Food Hygiene Regulations 1974, will continue to be valid as deemed FCPs and businesses will have until the end of the introductory period (28 February 2019) to have their risk based programme registered under the new Act.

## Part 1: Requirements

### 1.1 Application

- (1) This Notice applies to food businesses in the food service sector and food retail sector that choose to register a FCP that is based on an official MPI template described in Schedule 1 or 2 of this Notice.

### 1.2 Definitions

- (1) In this Notice:

**Act** means the Food Act 2014

**FCP** means food control plan as described in the Act

**food retail sector** means food businesses that prepare or manufacture food for direct retail sale to consumers as described in Schedule 1, Part 3 of the Act

**food service sector** means food businesses that prepare or manufacture and serve meals, snacks, or beverages for consumers for immediate consumption as described in Schedule 1, Part 3 of the Act

**MPI** means the Ministry for Primary Industries which is the Ministry responsible for administering the Act

**Regulations** means the Food Regulations 2015

**TA** means Territorial Authority as defined in the Local Government Act 2002.

- (2) All terms used in this Notice and that are defined in the Food Act 2014 (the Act) or Food Regulations 2015, but not defined in this Notice, have the same meaning as in that Act or Regulations.

#### Guidance

- A **template** is a document that can be used by, in this instance, a food retailer or food service business to develop their own FCP.

### 1.3 Templates

- (1) The templates in Schedules 1 and 2 of this Notice are issued under this Notice by the CE of MPI.

### 1.4 Amending registered FCPs

- (1) Food businesses who have registered an FCP based on the official template described in Schedule 1 of the Food Notice: Official Template Food Control Plans for Food Businesses, which was issued by MPI on 11 August 2017, must include all of the applicable 'Additional Requirements' described in the template S39-00001 in Schedule 1 in their FCP.
- (2) Food businesses who have registered an FCP based on the official template described in Schedule 2 of the Food Notice: Official Template Food Control Plans for Food Businesses, which was issued by MPI on 11 August 2017, must insert or replace the following cards, as applicable, into their FCP:

<b>Card(s)</b>	<b>Change to FCP</b>
Selling your food to other businesses	Operators that choose to sell their food to other food businesses in the food service sector or food retail sector rather than solely direct selling to the final consumer are required to follow the requirements in the card.
Checking the plan is working well	All operators are required to check their FCP is working well as described in the card.
Separating food Knowing what's in your food	All operators are required to replace these cards in their FCP with the new cards that include lupin as an allergen.

# Schedule 1: Food Control Plan – Food Service and Food Retail – S39-00001

## Template packs

### Basics Pack

- (1) Introduction
- (2) Management
- (3) Places Basics
- (4) People Basics
- (5) Food Basics
- (6) Records - Basics
- (7) Diary
- (8) Retail Basics
- (9) Records - Retail Basics

### Serve Safe

- (1) Serve Safe
- (2) Records - Serve Safe

### Bakery Safe

- (1) Bakery Safe
- (2) Records - Bakery Safe

### Fishmonger Safe

- (1) Fishmonger Safe
- (2) Records - Fishmonger Safe

### Butchery Safe

- (1) Butchery Safe
- (2) Records - Butchery Safe

### Delicatessen Safe

- (1) Delicatessen Safe
- (2) Records - Delicatessen Safe

## Additional Requirements

- (1) The requirements described as 'Preparing red meat for mincing and serving lightly-cooked or raw'
- (2) The requirements described as 'Checking the plan is working well'
- (3) The requirement to add lupin to any lists of allergens



## **Schedule 2: Template Food Control Plan – Simply Safe & Suitable – S39-00002**

**Dark Blue Cards: Setup**

**Blue Cards: Starting**

**Green Cards: Preparing**

**Yellow Cards: Making + Cooking**

**Orange Cards: Serving + Selling**

**Purple Cards: Closing**

**Red Cards: Troubleshooting**

**Teal Cards: Specialist**

## Schedule 3: Document history table

Notice	Date of Notice	Amendments made
Food Notice: Official Template Food Control Plan for Schedule 1 Food Businesses: Food Service and Food Retail	1 March 2016	<ul style="list-style-type: none"> <li>• N/A (first issue of this template).</li> </ul>
Food Notice: Official Template Food Control Plan for Schedule 1 Food Businesses: Food Service and Food Retail	1 March 2017	<ul style="list-style-type: none"> <li>• New official templates issued as outlined in Schedules 1 and 2 of this Notice.</li> <li>• Updated sous vide requirements.</li> </ul>
Food Notice: Official Template Food Control Plan for Food Businesses	11 August 2017	<ul style="list-style-type: none"> <li>• Added requirement for preparing red meat for mincing and serving lightly-cooked or raw.</li> </ul>
Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39	18 July 2018	<ul style="list-style-type: none"> <li>• Added requirements for persons using the official template described in Schedule 1 to: <ul style="list-style-type: none"> <li>– amend their plan to include the requirements described as ‘Checking the plan is working well’; and</li> <li>– amend their plan to add lupin as an allergen.</li> </ul> </li> <li>• Added requirements for persons using the official template described in Schedule 2 to amend their plan to: <ul style="list-style-type: none"> <li>– add the ‘Selling your food to other businesses’ card (if applicable); and</li> <li>– add the ‘Checking the plan is working well’ card; and</li> <li>– replace the ‘Separating food’ and ‘Knowing what’s in your food’ cards to add the allergen lupin to the plan.</li> </ul> </li> </ul>