



# Food Notice

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

4 July 2023

## 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 4 July 2023.

## REVOCATION

This Food Notice revokes and replaces the *Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39*, issued on 24 April 2023.

## ISSUING AUTHORITY

This Food Notice is issued under section 405 of the Food Act 2014 for the purposes of sections 39 and 44 of that Act.

Dated at Wellington, 4 July 2023.

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Ministry for Primary Industries  
(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);
- 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.

The official template in Schedule 1 of this Notice is only available for use until 20 February 2024, after which food retail or food service businesses must be using the official template in Schedule 2 of this Notice.

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.

## Document History

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>• Amended Schedule 2 version number (S39-00002)</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> </ul> </li> </ul>

Notice	Date of Notice	Amendments made
		<ul style="list-style-type: none"> <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>
Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39	24 April 2023	<ul style="list-style-type: none"> <li>• Removed 'Other Information' from Introduction</li> <li>• Changed clause 1.3 - added in 'Templates amended' requirement where businesses using the Schedule 1 template have until 20 February 2024 to move to the template described in Schedule 2 of this Notice, and businesses using the template described in schedule 2 of this Notice have until 20 February 2024 to adopt the changes</li> <li>• Changed clause 1.4 – changed requirements for 'Amending registered FCPs' where businesses currently using the schedule 1 or schedule 2 template must insert or replace the cards described in clause 1.4 Table 1 upon issuing of this Notice</li> <li>• Added additional requirements to Schedule 1</li> <li>• Amended Schedule 2 version number (S39-00004)</li> </ul>
Food Notice: Food Service and Food Retail Business Food Control Plan templates issued under section 39	4 July 2023	<ul style="list-style-type: none"> <li>• Corrected minor naming errors with the Hot-smoking to control bugs card, and Recalling your food card in clause 1.4, Table 1</li> </ul>

Version S39-00003 of the Schedule 2 template food control plan is not reflected in this Notice. Template S39-00003 contained specific additional procedures for food businesses to adopt in 2020 and 2021 to accommodate operation during COVID-19 alert levels 3 and 4. Version S39-00003 was issued by *Food Notice: Requirements for food business operating under registered food control plans or national programmes during the COVID-19 response*. This Food Notice expired on 30 November 2021, so the content from template S39-00003 can no longer be used.

Version S39-00004 of the Schedule 2 template food control plan was issued on 24 April 2023, it was then reissued on 4 July 2023 to correct the minor errors out in the table above.

# 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 amended

- (1) The FCP template in Schedule 1 of this Notice is amended and issued for use until 20 February 2024.
- (2) The FCP template in Schedule 2 of this Notice is amended and issued. It must be only be used by:
  - a) all food businesses who register after the date of commencement of this Notice; and
  - b) all other food businesses by 20 February 2024.

### Guidance

- Food businesses using the FCP template in Schedule 1 will need to transition to the FCP template in Schedule 2 by 20 February 2024.
- Food businesses using any earlier version of the template in Schedule 2 will need to transition to the template in Schedule 2 of this Notice by 20 February 2024.

## 1.4 Amending registered FCPs

- (1) Food businesses who have registered an FCP based on the official template described in Schedule 1 or Schedule 2 of the Food Notice: Food Service and Food Retail Business Food Control Plan templates issued on 18 July 2018, must insert or replace the cards in Table 1, as applicable, into their FCP.

**Table 1**

<b>Card(s)</b>	<b>Change to FCP</b>
Blue card: Starting - Managing self-supply water	Operators that use a water supply from roof water/surface or ground water, are required to follow the updated requirements in this card.
Green card: Preparing - Separating food, Orange card: Serving + Selling - Knowing what's in your food, Orange card: Serving + Selling - Packaging and labelling	All operators are required to replace these cards in their FCP with the new cards that include requirements for plain English allergen labelling
Magenta card: Making + Cooking - Using acid to control bugs	Operators that use acid to control bugs are required to follow the updated requirements in this card.
Teal card: Specialist - Making sushi	Operators that make sushi are required to follow the updated requirements in this card.
Magenta card: Making + Cooking - Hot-smoking to control bugs	Operators that use hot smoking to control bugs are required to follow the updated requirements in this card.
Red card: Troubleshooting - Recalling your food	All operators are required to replace this card in their FCP with the new card that includes the new requirements for recalling food.

### **Guidance**

- Food businesses using the FCP template in Schedule 1 or 2 will need to include the additional requirements immediately upon commencement of this notice.
- Food businesses using the FCP template in Schedule 1 who are including the additional requirements, will need to transition to the FCP template in Schedule 2 by 20 February 2024.
- Food businesses using the FCP template in Schedule 2 who are including the additional requirements, will need to transition to the updated version of the FCP template in Schedule 2 by 20 February 2024.

# 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
- (4) The requirements described as 'Managing self-supply water'

- (5) The requirements for plain English allergen labelling described as 'Separating food', 'Knowing what's in your food' and 'Packaging and labelling'
- (6) The requirements described as 'Using acid to control bugs'
- (7) The requirements described as 'Recalling food'
- (8) The requirements described as 'Making sushi'
- (9) The requirements described as 'Hot-smoking to control bugs'

## **Schedule 2: Template Food Control Plan – Simply Safe & Suitable – S39-00004**

**Dark Blue Cards: Setting up**

**Blue Cards: Starting**

**Green Cards: Preparing**

**Magenta Cards: Making + Cooking**

**Orange Cards: Serving + Selling**

**Purple Cards: Closing**

**Red Cards: Troubleshooting**

**Teal Cards: Specialist**