**New Zealand Beverage Council response**

**to the National Organics Standard consultation**

By email to - organicsconsultation@mpi.govt.nz

| Reference | Comment |
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| Section 3.2 – Links to other legislation | A more extensive, but not exhaustive list of other applicable New Zealand legislation may be found in supplementary notice or guidance.  Supplementary notices/guidance not provided with this call for submission.  Correction to h. the correct title is ‘Australia New Zealand Food Standards Code’ |
| Section 3.5 – Prohibitions | Synthetic substances   1. Use of synthetic pesticides and fertilisers is prohibited. Note, this requirement should not preclude the presence of incidental amounts of pesticide residues in foods (within MPL) – recommend to review MPLs/default MRLs set for organics…with consideration to LOD in setting a default. The incidental presence of heavy metals is also likely, and therefore should be considered within the framework of synthetic pesticides and fertilisers. 2. Prohibition of using synthetic veterinary medicines or antibiotics – some permissions are outlined under section 5.6.2 and therefore section 3.5 along with 5.6.2 are contradictory so would suggest for consistency adding to section 3.5 ‘unless otherwise allowed in this Standard’. |
| Section 3.12 – packaging and labelling | “Packaging of organic products must be fit for purpose and comprised of suitable packaging that is reusable, recycled, recyclable, compostable or biodegradable where possible.” – consideration should be given to limited/viable options especially relating to ‘compostable’, ‘biodegradable’ and ‘reusable’ (e.g., with reference to CDS schemes/legislation does not accommodate/support reusable/returnable). |
| Section 3.12.1 – labelling | Is it the intent to state that it is a mandatory requirement to identify a registered entity (i.e., recognised agency/person) on the label? If a business wanted to reference a national logo, then combined with the mandatory reference to a registered entity, these two elements would not be possible on smaller packaging due to spacing constraints on the label (i.e., not enough space/real estate on label). Given this, and that information would be readily available on the public domain, could this requirement be more flexible in terms of optional requirements to identify minimum of one logo (either national logo or registered entity). |
| Section 3.12.1.1 – organic | ‘must be less than’ should include 5% and therefore suggest the following as a revision or words of similar effect ‘up to 5%’.  With reference to ‘non-organic agricultural products’ – query if ‘products’ should be ‘ingredients’?  As per section 3.12.1.2 – for clarity should organic ingredients be clearly identified as such in the ingredient list…given up to 5% could be non-organic? |
| Section 3.12.1.2 – made with Organic ingredients. | Is the intent to include organic ingredients 70% or greater but less than 95% since >/= 95% organic ingredients can make an organic claim on the product?  For products containing less than 70% organic ingredients, for clarity is it permissible (and the intent) for organic ingredients to be identified as organic in the ingredients list? |
| Section 8.2 – processing and preservation | Noting processing aids used to produce food are food additives.  Are there any processes which are expressly prohibited and should these be mentioned as part of list?  Is enzymatic hydrolysis (e.g., production of oat milk) covered under the current list?  ‘l.’ - gas flushing - question the relevance of including CO2/N2 references under this section given these gases are food additives approved and already mentioned under FSANZ. |
| Section 8.3.1 – use of organic & non-organic ingredients  [first green box] | For consistency - would suggest the wording of this section be standardised with the same wording under section 3.12.1.1.  Furthermore, with reference to 3.12.1.1, this section references ‘allowed’ when describing non-agricultural ingredients and non-organic agricultural ingredients.  “The operator must demonstrate that the non-organic agricultural ingredient cannot be sourced as organic in sufficient quality and quantity.” – what information would an operator need to demonstrate this? In reality there are other considerations which need to be factored into the choice to source non-organic agricultural ingredients such as supply constraints and costs, both of which severely restrict the use of organic versus non-organic ingredients. |
| Section 8.3.1 – use of organic & non-organic ingredients  [second & third green box] | Reference to ‘more than 70%’ versus ‘70% or greater’ as compared to section 3.12.1.2. Review cut-offs to ensure accuracy and consistency between sections.  “The operator must demonstrate that the non-organic agricultural ingredient cannot be sourced as organic in sufficient quality and quantity.” – what information would an operator need to demonstrate this? In reality there are other considerations which need to be factored into the choice to source non-organic agricultural ingredients such as supply constraints and costs, both of which severely restrict the use of organic versus non-organic ingredients. |
| Section 8.3.1 – use of organic & non-organic ingredients  [fourth green box] | With the understanding that processing aids are a mix of food additives and other permissible processing aid under FSANZ regulations, since ‘processing aid’ is mentioned specifically below ingredients a-d. Reference to the appropriate standard should be acknowledged. Note supplementary not available, as referenced.  Suggest that it reference the Food Standards Code (under the footnote) as per ‘h.’ under 9.4.1.4. |
| Section 8.3.2 Use of additives and processing aids | With reference to ‘d.’ should this statement be more explicit in terms of permitted under FSC and allowed under this Standard? |
| Section 9.2 Definition of an ‘Input’ | Reference to substance/product – throughout the consultation document wording is prescriptive in terms of describing ingredients and products however under this section ‘substance’ has been introduced, and product used to describe ingredients (which have been described as such previously). This inconsistency is confusing.  It would be extremely helpful to provide clarity around the meaning of input, especially given an input is not an ‘ingredient’ including a food additive/processing aid. |
| Section 9.4.1.4 Substances used for the purpose of food additives and processing aids | c. ‘they are found in nature’ – we already know that ‘ingredients of non-agricultural origin’ are permitted so therefore requirements for ‘natural’ under this section are contradictory.  h. since the overarching permissions are laid out in this Standard then I would suggest to add ‘and set out in this Standard’. |