

**Reprint  
as at 1 March 2016**

**Food Amendment Act 1996**

Public Act      1996 No 41  
Date of assent    24 June 1996

Food Amendment Act 1996: repealed, on 1 March 2016, pursuant to section 420(2) of the Food Act 2014 (2014 No 32).

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

**This Act is administered by the Ministry for Primary Industries.**

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## **An Act to amend the Food Act 1981**

### **BE IT ENACTED by the Parliament of New Zealand as follows:**

#### **1 Short Title and commencement**

- (1) This Act may be cited as the Food Amendment Act 1996, and shall be read together with and deemed part of the Food Act 1981 (hereinafter referred to as the principal Act).
- (2) Except as provided in subsection (3) of this section and in section 8(2) of this Act, this Act shall come into force on the 1st day of July 1996.
- (3) Section 31 of this Act shall come into force on the day after the date on which this Act receives the Royal assent.

#### **2 Interpretation**

*This section inserted definitions of the terms **Australia-New Zealand Joint Food Standards Agreement**, **Food safety programme** and **Food Standard** in section 2 of the principal Act.*

#### **3 Meaning of food safety programme**

*This section inserted s 4A of the principal Act.*

#### **4 General prohibitions on sales**

*This section substituted s 9 of the principal Act.*

**5 Misleading labelling and packaging**

*This section substituted s 10(2) and inserted s 10(3) of the principal Act.*

**6 Restrictions on advertising**

(1) *This subsection substituted s 11(1) of the principal Act.*

(2) *This subsection substituted s 11(3) of the principal Act.*

**7 Contravention of Act, etc, knowing that will create risk to human health**

*This section inserted s 11AA of the principal Act.*

**8 Repeal of section 11A (relating to raw milk)**

(1) Section 11A of the principal Act (as inserted by section 27(1) of the Milk Act 1988) is hereby repealed.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

**9 New Part 2A inserted**

*This section inserted Part 2A of the principal Act.*

**10 Powers of officers**

*This section amended s 12(2)(g) and (j) of the principal Act.*

**11 Powers of local authority inspectors**

*This section amended s 13(1)(d) of the principal Act.*

**12 Further provisions relating to seizure and detention of articles**

*This section amended s 14(3)(a) of the principal Act.*

**13 Power to issue search warrant even though offence not imprisonable**

*This section inserted s 15A of the principal Act.*

**14 Power of Medical Officer of Health to require information**

*This section amended s 17(1) of the principal Act.*

**15 Evidence of analysis**

*This section amended s 23(4) of the principal Act.*

**16 Special provisions relating to imported consignments**

*This section amended s 24(1)(f) of the principal Act.*

**17 Jurisdiction of District Courts**

(1) *This subsection amended s 27(1) of the principal Act.*

(2) *This subsection repealed s 27(4) and (5) of the principal Act.*

**18 Copy of analyst's certificate or report to be served with summons**

- (1) *This subsection inserted s 27A of the principal Act.*
- (2) *This subsection amended s 23(2)(a) of the principal Act.*
- (3) *This subsection amended s 33(1) of the principal Act.*

**19 General penalty**

*This section amended s 28 of the principal Act.*

**20 Liability of principal for acts of agents, etc**

*This section substituted s 29(2)(a) of the principal Act.*

**21 Strict liability**

*This section amended s 30 of the principal Act.*

**22 Further defences**

*This section amended s 31 of the principal Act.*

**23 Courts may order withdrawal of goods from circulation**

*This section amended s 23(1), (4) and (5) of the principal Act.*

**24 Records**

*This section amended s 41(1) of the principal Act.*

**25 Regulations**

*This section amended s 42 of the principal Act.*

**26 Regulations for fees and charges**

*This section inserted s 42A of the principal Act.*

**27 Consequential amendment to Dairy Industry Act 1952**

*This section substituted section 15A Dairy Industry Act 1952.*

**28 Amendment to Summary Proceedings Act 1957**

*This section amended Part 2 of Schedule 1 to the Summary Proceedings Act 1957.*

**29 Consequential amendments to Wine Makers Act 1981**

- (1) *This subsection amended section 2 Wine Makers Act 1981.*
- (2) *This subsection substituted section 15(1) Wine Makers Act 1981.*
- (3) *This subsection substituted section 25(1) Wine Makers Act 1981.*
- (4) Section 2 of the Wine Makers Amendment Act 1982 is hereby consequentially repealed.

**30 Consequential amendments to Sale of Liquor Act 1989**

- (1) *This subsection substituted section 37(3) Sale of Liquor Act 1989.*
- (2) The following enactments are hereby consequentially repealed:
  - (a) Subsections (2) and (3) of section 2 of the Sale of Liquor (Off-Licence) Amendment Act 1992:
  - (b) Section 2 of the Sale of Liquor Amendment Act 1994.

**31 Power to issue food standards between passage and commencement of this Act**

- (1) Subject to this section, the power conferred by section 11C of the principal Act (as inserted by section 9 of this Act) to issue food standards may be exercised at any time after the date of commencement of this section as if Part 2A of the principal Act (as so inserted) came into force on that date.
- (2) The following provisions apply with respect to the issuing of food standards in reliance on this section:
  - (a) The Minister shall not issue food standards in reliance on this section unless the Minister is satisfied that it is necessary to do so for the purpose of giving effect to the provisions of Annex D(3)(a) of the Australia-New Zealand Joint Food Standards Agreement:
  - (b) No food standards may be issued in reliance on this section after the 1st day of July 1996:
  - (c) No food standards issued in reliance on this section may be expressed to come into force before the 1st day of July 1996:
  - (d) Nothing in section 11E(2) of the principal Act (as inserted by section 9 of this Act) shall apply with respect to the issuing of food standards in reliance on this section:
  - (e) It shall not be necessary for the Minister to give notice to any person of the Minister's intention to issue food standards in reliance on this section:
  - (f) Before issuing food standards in reliance on this section, the Minister shall undertake such consultation (if any) as the Minister considers appropriate and practicable in the circumstances with such persons, representative groups within the food industry or elsewhere, Government departments, Crown entities, and local authorities as the Minister considers appropriate, but no other consultation shall be required with respect to the issuing of food standards in reliance on this section:
  - (g) Nothing in section 11G(3) of the principal Act (as so inserted) shall apply with respect to food standards issued in reliance on this section.
- (3) Except as provided by subsection (2) of this section, all the provisions of Part 2A of the principal Act (as inserted by section 9 of this Act) apply in relation to the issuing of food standards in reliance on this section, and with respect to

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food standards so issued, as they apply in relation to food standards that are not so issued.

- (4) Nothing in this section limits section 12 of the Acts Interpretation Act 1924.

## **Eprint notes**

### **1    *General***

This is an eprint of the Food Amendment Act 1996 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *About this eprint***

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

### **3    *Amendments incorporated in this eprint***

Food Act 2014 (2014 No 32): section 420(2)