

**SUBJECT: Industry Code of Practice for Country of Origin Representations
August 2017**

PURPOSE OF THE CODE

To set out a Code of Practice (“The Code”) that Natural Health Products New Zealand Inc. Members will follow when representing Country of Origin in domestic product labelling, packaging, advertising and brand communications.

“This Code has been prepared to assist Members. However Members cannot rely solely upon it, and should seek their own legal advice as required.”

SCOPE OF THE CODE

The Code applies to all members of Natural Health Products New Zealand Inc. in relation to country of origin representations on product labelling, packaging, advertising and brand communications of products sold in New Zealand. The Code endeavours to help members comply with their legal obligations and marketing objectives.

RESPONSIBILITIES OF NATURAL HEALTH PRODUCTS NEW ZEALAND

The Natural Health Products New Zealand Inc. Regulatory Committee is responsible for:

- ensuring that any changes to Country of Origin legislation that may affect this Code are communicated to the Board; and
- suggesting relevant amendments to the Code to the Board for approval as required.

Individual Natural Health Products New Zealand Inc. members are responsible for ensuring compliance of their domestic product labelling, packaging, advertising and brand communications within the Code.

COUNTRY OF ORIGIN REPRESENTATIONS FOR EXPORT PRODUCTS

All representations must meet the law of the destination countries the product is exported to. You may want to seek specific legal advice from local lawyers in relation to the legal position in any particular country.

INTENTION

The Code is intended to lay out levels of claims, depending on the source of the ingredient(s) making up a product. All claims should be clear, comprehensive, and accurate.

1. “PRODUCT OF NEW ZEALAND” CLAIMS

When the claim “Product of New Zealand” is applied on a product’s label, all, or virtually all, of the significant ingredients, components, processes, and labour used in the manufacture of the product must be from, or have taken place in, New Zealand. For example:

- Propolis capsules manufactured and packaged in New Zealand using only New Zealand propolis may use this statement.
- Herbal extracts manufactured in New Zealand from New Zealand sourced active ingredients may use this statement.
- New Zealand Greenshell mussel powder or oils may use this statement.
- New Zealand-grown Blackcurrant products may use this statement.

The basis for the “*Product of New Zealand*” claim must be clear, including by specifying the source of what the key ingredients is.

2. “MADE IN NEW ZEALAND” CLAIMS

“*Made in New Zealand*” claims may be used when a product is substantially manufactured or transformed/processed in New Zealand. When some ingredients are imported this must be made clear on product labelling, packaging, advertising and brand communications.

Accordingly the “*Made in New Zealand*” claim may still be used even when some or all of the ingredients are imported. For example in the case of:

- a food item, if its essential character is created in New Zealand; or
- a manufactured product, if that product is substantially manufactured in New Zealand and critical ingredients come from New Zealand.

Whether a product can be said to be “*Made in New Zealand*” is a question of fact and degree and will depend on each specific product.

The following statements should be used in the relevant situation:

1. “*Made in New Zealand from local and imported ingredients*” where the product is substantially manufactured or processed/transformed in New Zealand using predominately local ingredient(s).

OR

2. “*Made in New Zealand from imported and local ingredients*” where the product is substantially manufactured or processed/transformed in New Zealand using predominately imported ingredients.

OR

3. “*Made in New Zealand from imported ingredients*” where the product is substantially manufactured or processed/transformed in New Zealand from imported ingredients exclusively

To use these qualified claims, the last substantial transformation of the product must have occurred in New Zealand. This recognises the importance of value added by New Zealand ingredients and/or processing. Where the last process is a simple encapsulation, tableting, blending of predominately imported ingredients or simple filling of a consumer pack with

imported product, it may be more accurate to replace “Made” with “Encapsulated”, “Tableted”, “Formulated”, or “Filled” in the above examples. You may also wish to directly identify the actual New Zealand-sourced ingredients within the ingredient descriptions to ensure clarity and accuracy.

3. PRODUCTS MANUFACTURED BY A MEMBER COMPANY OUTSIDE NEW ZEALAND

“Products of New Zealand” and “Made in New Zealand” statements can be used by replacing “New Zealand” with the actual country of origin/manufacture when products are manufactured outside New Zealand.

For example, if all or virtually all of the significant ingredients, components, processes and labour used in the manufacture are from or have taken place in a foreign country, then that product may meet the criteria for a “Product of [Foreign Country]” label.

However, if the product does not meet the criteria for a “Product of [Foreign Country]” label, a lesser claim, such as “Made in [Foreign Country] from [foreign country] sourced and imported ingredients” or others as set out in part 2 above may be used.

4. “PACKAGED IN NEW ZEALAND” CLAIMS

“Packaged in New Zealand” statements should not be used unless the product is manufactured outside New Zealand, e.g. capsules manufactured in the USA or Australia are packaged and labelled in New Zealand. The following statements should be used:

“Packaged in New Zealand. Made in [Foreign Country] from [Foreign Country] sourced and imported ingredients.”

OR

“Packaged in New Zealand. Made in [Foreign Country] from imported and [Foreign Country] sourced ingredients.”

OR

“Packaged in New Zealand. Made in [Foreign Country] from imported ingredients.”

5. OFFSHORE COUNTRY OF ORIGIN REQUIREMENTS

All packaged and/or labelled product for export should not be misleading as to its New Zealand origin. It must also comply with the legal requirements for Country of Origin representation and labelling of the destination country.

6. NATURAL HEALTH PRODUCTS NEW ZEALAND CODE OF PRACTICE FOR COO LABELLING

We recently reviewed our Code of Practice for Country of Origin Labelling as a result of recent correspondence with the Commerce Commission and we confirm we are happy with it as per this [link](#) direct to the Commerce Commission website.