Selling food from a stall – a guide to food safety regulation

This information is provided to help anyone wanting to process, make, or sell food at a stall identify the food safety laws that apply. It supports other information available from NZFSA, such as:

Food Safety Tips for Selling Food from a Stall
Food Safety Tips for Selling Food at Occasional Events
Food Safety Tips for Event Organisers
Food Safety Tips For Market Organisers

Find the section(s) that relate to your food – eg Meat, Fish, Dairy products, Horticultural produce, Honey, Eggs, Food service/‘take-away’ foods, Bread and bakery products, and Wine, spirits and Beer - to find out more about the food safety laws around processing or making and selling them.

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Processing and selling meat

Restrictions on selling meat

It is illegal to sell meat that has been home killed. It is also illegal to sell recreationally caught meat that has been shot in the wild and has not then gone through the regulatory system.

Responsibilities if you process or sell meat

Only meat that has come through the regulated system and has been primary processed (slaughtered and dressed) at a plant registered with a current Risk Management Programme (RMP) under the Animal Products Act (APA) can be sold for human consumption.

Meat from commercially hunted animals (eg wild venison or boar) may be sold but only if it is hunted within the regulated system and then dressed at a plant with a RMP registered under the APA.

Anyone carrying out secondary processing and/or retailing meat (for example cutting into joints, curing, or mincing and making sausages) can choose to either operate a RMP or be subject to the Food Act – operating with either an approved Food Safety Programme (FSP) or from premises registered under the Food Hygiene Regulations 1974.

How does it work?

A Food Safety Programme (FSP, Food Act 1981) that has been approved by NZFSA or a Risk Management Programme (RMP, Animal Products Act 1999) identifies how meat and/or meat products are kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited (FSP) or verified (RMP) to confirm that they are following the practices approved by NZFSA for their FSP or RMP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations the premises used to process and/or sell meat need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils. The regulations limit the sale of meat from stalls to canned meat, cooked meat, prepacked poultry, sausages, cured ham and cured bacon.

The Food Hygiene Regulations can be found at:
Food Hygiene Regulations 1974 (External website)

A template to develop a FSP for selling pre-packaged raw red meat from a stall is available at: Selling meat from a stall at:
Selling meat from a stall

A legal standard that sets requirements for the processing of uncooked comminuted fermented meats (UCFM) (eg salami and beer sticks) must be met by anyone who produces these types of UCFM products is available at:
Food (Uncooked Comminuted Fermented Meat) Standard 2008 (428 KB PDF)

Specifications for the processing of animal products for human consumption are at:
Further information if you process or sell meat

- Information about setting up a Food Safety Programme is at:
  Adopting a Food Safety Programme

- Information about setting up a Risk Management Programme is at:
  Setting up a Risk Management Programme

- A list of registered processors is at:
  Register of Risk Management Programmes

- Information about hunting wild game and game estate animals is at:
  Hunting Wild Animals

- Guidance for processors of meat products, such as smallgoods, operating under RMPs or FSPs or registered under the FH regulations is at:
  Processed Meats Code of Practice (100 KB PDF)

- A Further Processing Code of Practice for meat products, including key processing steps such as cooking, cooling, drying and smoking is at:
  Further Processing Code of Practice (120 KB PDF)

- A poultry processing Code of Practice is at:
  Poultry Processing Code of Practice

- Explanation about the differences between recreational catch and commercial food is at:
  Hunting, Collecting and Fishing for Wild Food
Processing and selling seafood

Restrictions on selling seafood

Recreational catch cannot be traded for human or animal consumption.

Responsibilities if you process or sell seafood

Anyone who carries out the commercial primary processing of fish must operate with a Risk Management Programme (RMP) under the Animal Products Act, unless they are exempted. Exempted primary processors can choose to either operate a RMP or be subject to the Food Act.

All bivalve molluscan shellfish (which includes clams, cockles, mussels, oysters, pipis, scallops and tutatuas) grown or harvested commercially in New Zealand must come from a growing area that is classified for harvest for human consumption.

What is primary or secondary processing?

Examples of primary processing include heading, gutting, and filleting of fin fish; shucking and depuration of bivalve molluscan shellfish; tubing of squid; tailing of crustaceans.

Secondary processing includes processes at any stage beyond primary processing. Examples include salting, brining, smoking, refrigeration and storage; extracting, drying, blending of powders from fish or shellfish; adding non-animal product ingredients to seafood such as breading, coating, saucing and assembling.
Who is exempted from a RMP?

This diagram shows who must operate with a RMP and who may operate with a FSP or under the Food Hygiene Regulations:

Secondary processors can choose to either operate a RMP, or be subject to the Food Act and operating with either an approved Food Safety Programme (FSP) or from premises registered under the Food Hygiene Regulations 1974.
How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA or a RMP (Animal Products Act 1999) identifies how fish and/or fish products are kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited (FSP) or verified (RMP) to confirm that they are following the practices approved by NZFSA for their FSP or RMP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations the premises used to process and/or sell fish need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

Other situations

A commercial inshore fishing vessel that does not carry out processing at sea but retails whole fish from the vessel at the quayside and provides a processing service at customer request may operate under the Food Hygiene Regulations.

A registered commercial inshore fishing vessel that carries out processing, such as filleting, at sea is required to operate a RMP. A template for this is available at:

Inshore Vessels Fish Filleting RMP Template

An operator that primary processes and sells fish by wholesale only must operate under a RMP, even if no fish is exported. Further information at:

When is it Primary Processing or ‘Just a Fish Shop?’ (208 KB PDF)

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Specifications for the processing of animal products for human consumption including fish and shellfish are at:

Animal Products (Specifications for Products Intended for Human Consumption) Notice 2004

Further information if you process or sell fish

- Information about setting up a Food Safety Programme is at:

  Adopting a Food Safety Programme

- Information about setting up a Risk Management Programme is at:

  Setting up a Risk Management Programme

- Further information about land and sea-based requirements (excluding BMS) is available at:

  Fish and Seafood Processing Requirements (not Bivalve Molluscan Shellfish)
• Information about requirements for shellfish operations is at:  
  Bivalve Molluscan Shellfish Processing Requirements

• The Seafood Industry Standards Council Code of Practice for the processing seafood products is available at:  
  Seafood Code of Practice (External website)

• Information about registering a fishing vessel is available at:  
  Registering a Fishing Vessel (External website)

• Explanation about the differences between recreational catch and commercial food is available at:  
  Hunting, Collecting and Fishing for Wild Food

• Further information about processing seafood is at:  
  Seafood Industry Sector
Processing and selling milk, butter, cheese and other dairy products

Restrictions on the sale of dairy products

The sale of raw milk and raw milk products is restricted. Information on raw milk is at: Unpasteurised Milk Products

Responsibilities if you process or sell dairy products

The manufacture of dairy products for sale is covered by the Animal Products Act (APA). Under the Act, manufacturers who only supply the New Zealand and/or Australian market must operate a food safety management system. They have the choice of either a registered Risk Management Programme (RMP) under the APA or a Food Safety Programme (FSP) approved in accordance with the Food Act. The technical requirements are essentially the same for either.

Manufacturers with their own milking animals (cows, sheep or goats) must register a RMP for their milking or on-farm activities. If other activities are carried out, such as manufacture, transport or storage, these processes must also be identified, either in the RMP or FSP.

A producer of raw milk cheese is required to be registered with either a RMP or FSP for the manufacturing processes.

The Food Hygiene Regulations 1974 are not a legal option for any of the above activities. However, the regulations can apply to a business that obtains dairy ingredients from an operator with either a RMP or FSP and then either:

- manufactures a dairy product that is sold for consumption either on the premises (such as ice cream made at a café or restaurant) or otherwise for immediate consumption (such as a soft-serve ice cream cone from an ice cream van), or
- only retails dairy products (such as pre-packaged milk or cheese; or serving hard scoop ice cream made by a commercial manufacturer).

If the café or restaurant making ice cream expanded its activities to sell retail packs of their product then they would need to operate with either a RMP or FSP.

How does this work?

A FSP (Food Act 1981) that has been approved by NZFSA or a RMP (Animal Products Act 1999) identifies how dairy products are kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited (FSP) or verified (RMP) to confirm that they are following the practices approved by NZFSA for their FSP or RMP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations the premises used to sell, or make and sell, dairy products need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)
Further information if you process or sell dairy products

- Information about setting up a Dairy FSP is available at:
  
  Adopting a Dairy FSP

- Registration requirements for a Dairy RMP is available at:
  
  Registering a Dairy RMP

- Further information about making dairy products is at:
  
  Dairy Industry Sector
Processing and selling horticultural produce

Responsibilities if you process or sell horticultural produce

Anyone who prepares, packs, stores, or sells horticultural produce is able to operate under the Food Act, either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA identifies how produce is kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited to confirm that they are following the practices approved by NZFSA for their FSP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations to sell produce, the premises will need to meet requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The regulations exempt premises from registration that sort, grade and pre-pack produce for wholesale, or pre-process produce by stripping from stalks, sorting, or washing. Premises selling produce on the land where it’s been grown are also exempt from registration. Hygiene at these premises may still be checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Further information if you process or sell horticultural produce

- Information about setting up a Food Safety Programme is at:
  Adopting a Food Safety Programme

- Tips for people who grow and retail horticultural produce from the ‘farm-gate’ is available at:

- Information about the standards that apply when selling organic food is at:
  Selling Organics
Processing and selling honey

Responsibilities for beekeepers

Beehives have to be registered under the Biosecurity Act. This is carried out through AsureQuality under the American Foulbrood Pest Management Strategy. More information is at:

Registering Beehives (External website)

The beekeeper also needs to be fully conversant with requirements around tutin in honey.

The Food (Tutin in Honey) Standard 2010 (61 KB PDF) applies to all honey produced, harvested or packed for sale or export for human consumption. Further information about the standard is found in the 2010 Tutin Standard Compliance Guide (199 KB PDF).

This new standard replaces the Food (Tutin in Honey) Standard 2008 (Effective 25 January 2009) (98 KB PDF) which applies to all honey produced, harvested or packed between 1 January and 30 June of any year prior to 31 December 2010 for sale or export for human consumption. The compliance guide to this standard is found in the 2008 Tutin Standard Compliance Guide (178 KB PDF).

Responsibilities for processing and selling honey

If the honey is for export, a business extracting honey from the comb, cutting the comb, packing and retailing will need to register a Risk Management Programme (RMP) in accordance with the Animal Products Act (APA).

If the beekeeper sells the honey (still in the comb) to a person with a RMP for them to extract, cut and/or pack etc the beekeeper will need to complete a harvest declaration under the APA and submit that with the product. A declaration document is at:

Honey and Other Bee Products Harvesting Statement (47 KB PDF)

If the honey is not for export a business processing and packing honey for retail sale in New Zealand can choose to either register a RMP or operate under the Food Act, either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA or a RMP (Animal Products Act 1999) that identifies how honey is kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited (FSP) or verified (RMP) to confirm that they are following the practices approved by NZFSA for their FSP or RMP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations, the premises used to process and/or sell honey need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:
Food Hygiene Regulations 1974 (External website)

Further information if you process and/or sell honey:

- Information about setting up a Food Safety Programme is at:
  Adopting a Food Safety Programme

- Information about setting up a Risk Management Programme is at:
  Setting up a Risk Management Programme

- Processing of bee products Code of Practice is available at:
  Bee Products Processing Code of Practice

- Guidance on Honey Labelling Requirements is available at:
  Labelling Honey

- Other processing information about honey and bee products is at:
  Honey and Bee Products Industry Sector
Producing, processing and selling eggs

Responsibilities for egg producers, processors and retailers

All egg producers (those who have layer hens of any poultry species and harvest eggs for human or animal consumption) are required to have a registered Risk Management Programme (RMP) before trading any eggs. There is an exemption to this requirement for producers meeting all of the following requirements:

- produce eggs for sale for human or animal consumption from 100 female birds or fewer (all species included);
- sell all eggs that are intended for human or animal consumption direct to the consumer or end user; and
- do not sell any eggs to any person for further sale (eg wholesale).

Anyone who processes or retails eggs, and is not a producer, may choose to operate under the Food Act, either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA or a RMP (Animal Products Act 1999) identifies how eggs are kept safe by the business and covers activities such as handling, processing, transporting and displaying eggs for sale. Food businesses are audited (FSP) or verified (RMP) to confirm that they are following the practices approved by NZFSA for their FSP or RMP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations the premises used to process and/or sell eggs need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Further information if you produce, process or sell eggs:

- Information about setting up a Food Safety Programme is at:
  Adopting a Food Safety Programme

- Information about setting up a Risk Management Programme is at:
  Setting up a Risk Management Programme

- A RMP template and guidelines for producers is available at:
  Egg RMP Template
• Information about labelling of eggs is at:

  Labelling of Eggs and Egg Products

• Specifications for the processing of animal products, including eggs, is available at:

  Animal Products (Specifications for Products Intended for Human Consumption) Notice 2004

• Other processing information for eggs is at:

  Egg Industry Sector
Providing a food service or ‘take-away’ food

Responsibilities if you make catered or ‘take-away’ food

A business providing a catering or food service is required to operate under the Food Act, either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA identifies how food is kept safe by the business and covers activities such as sourcing ingredients, handling, processing, transporting and displaying food for sale. Food businesses are audited to confirm that they are following the practices approved by NZFSA for their FSP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations, the premises used to make and sell food need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Further information if you provide food service, catered or ‘take-away’ food

- Information about setting up a Food Safety Programme is at:
  Adopting a Food Safety Programme

- NZFSA has developed a template that food service and catering businesses may complete and register through their local council as their FSP. Information is available at:
  Template Food Service Food Safety Programme (Food Control Plan)

- Hot Tips for a safe and successful sausage sizzle is available at:
  Food Safety Tips for a Safe Sausage Sizzle (323 KB PDF)

- Food Safety Tips for occasionally selling food is available at:
  Food Safety Tips for Selling Food at Occasional Events (403 KB PDF)
Making and selling bread and bakery products

Responsibilities if you make or sell bread and bakery products

A business that makes and sells bread and/or bakery products - such as cakes, slices or pies - is required to operate under the Food Act either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA identifies how bread and bakery products are kept safe by the business and covers activities such as handling, processing, transporting and displaying it for sale. Food businesses are audited to confirm that they are following the practices approved by NZFSA for their FSP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations the premises used to make and/or sell bread or bakery products need to meet the registration requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Fortification of bread with iodine.

From October 2009, New Zealand bakers have been required to replace non-iodised salt in bread with iodised salt. NZFSA has developed a user guide which contains information for bakers about the bread and bread products that must contain iodised salt.

The user guide is at:

Adding Folic Acid and Iodised Salt to Bread - User Guide

Fortification of bread with folic acid

The fortification of bread is voluntary in New Zealand. NZFSA has developed a user guide (see above) which contains information for bakers who want to add folic acid to bread.

Further information if you make or sell bread and bakery products

- Information about setting up a Food Safety Programme is at:

Adopting a Food Safety Programme

- Information on iodine is at:

Iodine and Fortification
• Information on folic acid is available at:
  
  Folic Acid and Folate

• Other processing information for bread and bread products can be found at:

  Baking Industry Sector
Making and selling wines, spirits and beer

Wine

Most winemakers (wine includes grape wine, fruit wine, cider and mead) are subject to the Wine Act 2003 unless exempted. Under the Wine Act, most winemakers need to have a wine standards management plan. Further information is at:

Wine Act 2003 requirements

Spirits and beer

A business that brews beer or sells spirits is required to operate under the Food Act either from premises that meet the requirements of the Food Hygiene Regulations or under an approved Food Safety Programme (FSP) which exempts the business from the regulations.

How does it work?

A FSP (Food Act 1981) that has been approved by NZFSA identifies how brewed and distilled products are kept safe by the business and covers activities such as handling, processing, transporting and bottling it for sale. Food businesses are audited to confirm that they are following the practices approved by NZFSA for their FSP and are selling safe food.

Alternatively, if someone can operate under the Food Hygiene Regulations they will need to meet the requirements prescribed in the regulations. Premises are inspected and hygiene requirements checked by local councils.

The Food Hygiene Regulations can be found at:

Food Hygiene Regulations 1974 (External website)

Further information if you make or sell spirits and beer

- Information about setting up a Food Safety Programme is at:

  Adopting a Food Safety Programme

- Stalls selling alcoholic drinks will require a liquor license. General information about liquor licensing can be found at:

  Sale of Liquor Act requirements (External website)