Minister for Regulation

Information Release

Product Labelling Regulatory Review: Key Advice Papers relating to the Terms of Reference and Summary of Engagement Report

October 2025

This information release is available on the Ministry for Regulation website at:
https://www.regulation.govt.nz/about-us/our-publications/

Documents in this information release

#	Reference	Title	Date	Information withheld
1.	MFR2025-191	Forward plan and engagement approach for the Product Labelling Regulatory Review [Briefing paper]	17 July 2025	s 9(2)(a)
2.	MFR2025-243*	Product Labelling Regulatory Review Proposed Terms of Reference [Briefing paper]	18 September 2025	s 9(2)(a) s 9(2(f)(iv) s 9(2)(g)(i)

***Note:** The appendices A and B of briefing paper MFR2025-243 are the published Summary of Engagement Report and Terms of Reference, respectively.*

Information withheld
Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Sections of the Act under which information has been withheld:

- Section 9(2)(a) to protect the privacy of natural persons, including that of deceased natural persons
- Section 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials
- Section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

Accessibility
Documents are available in PDF format only.

Briefing Paper

MFR2025-191

Ministry for Regulation
Te Manatū Waeture

To	**Hon David Seymour, Minister for Regulation**		
Title	**Forward plan and engagement approach for the Product Labelling Regulatory Review**	Number	**MFR2025-191**
Date	**17 July 2025**	Priority:	**Medium**
Action Sought	**Note approach to engagement for Stage One of the review** **Agree to the recommendations in this report**	Due Date	**22 July 2025**
Copy to	**Hon Scott Simpson, Minister of Commerce and Consumer Affairs**		
Contact Person	**Justine Fitzmaurice, Manager Regulatory Reviews, Reviews and System Capability**	Phone	s 9(2)(a)
Contact Person	**Megan Rae, Senior Advisor, Reviews and System Capability**	Phone	s 9(2)(a)
Attachments	**None**	Security Level	**IN CONFIDENCE**

Executive Summary

1. Subject to Cabinet approval, you are scheduled to announce the Product Labelling Regulatory Review (the review) next week.
2. As signalled in the Cabinet paper considered by EXP this week, the review will take a two-stage approach:
    a. Stage One: officials will engage widely with affected businesses, industry groups and other stakeholders to understand regulatory 'pain points' associated with product labelling requirements.
    b. Stage Two: informed by this engagement and the Ministry's own analysis, officials will provide you and other relevant Ministers with advice on specific problems that the review will focus on addressing.
3. The review team will provide the final report for the review to you by 12 December 2025.
4. To align with the two-stage approach to the review, we recommend that Terms of Reference be developed and approved following the engagement process in Stage One, based on the advice we will provide to you and relevant Ministers on specific problems and focus areas for the review. This would allow the Terms of Reference to be drafted, and governance and reporting arrangements developed, to reflect

the focus areas and sectors the review will concentrate on. We would aim to have Terms of Reference approved in September 2025.

5. Following your announcement of the review, the review team will begin formal engagement as part of Stage One of the review. This will consist of:
    a. An online questionnaire sent to approximately 120 stakeholders to fill out and distribute across their networks. This group includes importers, exporters, manufacturers, retailers, packaging and labelling businesses, and industry groups and representative bodies. The questionnaire would be accessed through a provided URL, not posted on our public website.
    b. Targeted engagement with a small number of selected stakeholders with particular knowledge and expertise.

6. The questionnaire will be open for three weeks. After the questionnaire has closed and we have analysed the responses alongside our own research and engagement, we will report back to you on what we heard and provide advice on potential focus areas for the review and next steps.

Recommended Action

We recommend that you:

a	**note** that following your announcements of the Product Labelling Regulatory Review, the review team will begin a three-week period of formal engagement as part of Stage One of the review	*Noted*
b	**note** that engagement will consist of an online questionnaire sent to a wide range of stakeholders, as well as direct engagement with a smaller group	*Noted*
c	**note** that after engagement closes, we will provide advice to you on insights from engagement and advice on potential focus areas for the review	*Noted*
d	**agree** that the Terms of Reference for the review will be approved in September 2025, based on insights gained from engagement and the Ministry's advice on focus areas for the review	*Agree / Disagree*
e	**note** that we will provide advice on the engagement approach for Stage Two of the review at a later date, once focus areas for the review have been agreed and the Terms of Reference are approved	*Noted*

f	**note** that the review intends to provide you with the final report by 12 December 2025	*Noted*
g	**refer** this briefing to the Minister of Commerce and Consumer Affairs for his information	*Refer / Not referred*
h	**agree** that the Ministry for Regulation proactively release this briefing in due course, subject to any necessary redactions	*Agree / Disagree*

s 9(2)(a)

Justine Fitzmaurice
Manager, Regulatory Reviews
Ministry for Regulation
Date: 17 July 2025

Hon David Seymour
Minister for Regulation

Date:

Purpose of Report

7. This report provides you with an overview of the forward plan and engagement approach for the Product Labelling Regulatory Review (the review).

Background

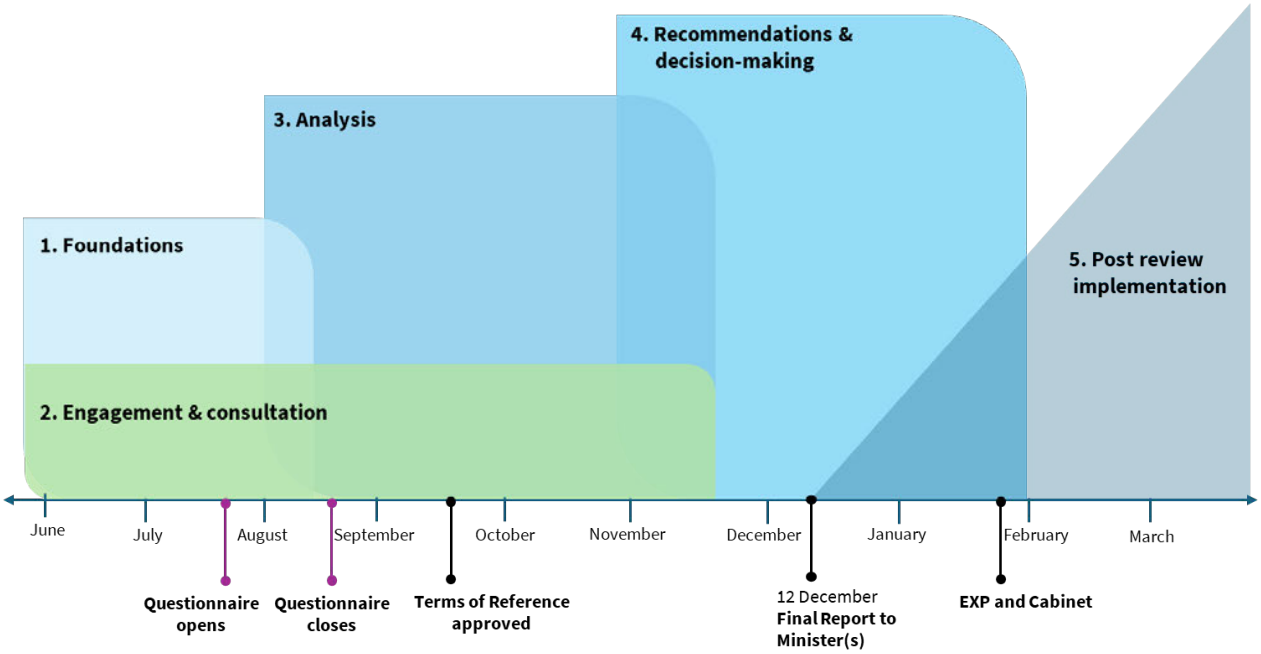
8. On 15 July 2025, Cabinet Expenditure and Regulatory Review Committee (EXP) agreed that the Ministry for Regulation will begin a review of regulations relating to product labelling in 2025. Cabinet is due to consider this proposal on Monday 21 July 2025.

9. The review will explore New Zealand's alignment with international product labelling standards and examine regulatory barriers to interoperability with international markets. This includes looking at domestic labelling requirements, import/export considerations, and innovative labelling approaches.

10. Following Cabinet approval of product labelling as the Ministry's next regulatory review, you are scheduled to announce the review next week.

Forward plan for the review

11. A draft overview of the plan for the review is set out below:



12. On this plan, the review team will provide the Final Report to you by 12 December 2025, for Cabinet consideration in the new year.

Approach to developing Terms of Reference for the review

13. As signalled in the Cabinet paper, the review will take a two-stage approach:
    a. Stage One: officials will engage widely with affected businesses, industry groups and other stakeholders to understand regulatory 'pain points' associated with product labelling requirements.
    b. Stage Two: informed by this engagement and the Ministry's own analysis, officials will provide you and other relevant Ministers with advice on specific problems that the review will focus on addressing.
14. The Ministry's previous regulatory reviews have developed and sought approval for Terms of Reference at the beginning of a review. However, given the exploratory approach of this review in engaging widely to identify issues and develop focus areas, we recommend that Terms of Reference development and approval takes place after this engagement process. This would allow the Terms of Reference to be drafted, and governance and reporting arrangements developed, to reflect the specific focus areas and sectors the review will concentrate on. Under this approach, we would aim to have Terms of Reference approved in September 2025.
15. The Cabinet paper proposes delegating development of the Terms of Reference to you in consultation with the Minister of Commerce and Consumer Affairs, given the relevance of product labelling to consumer welfare. It also proposes that you will involve other Ministers as appropriate if it becomes apparent that their expertise or portfolio is relevant.
16. Alongside our advice on potential focus areas for the review, we will provide you with advice on which Ministers should be engaged on the development of the Terms of Reference based on those potential focus areas, and a proposed process for this.
17. We recommend that you refer this briefing to the Minister for Commerce and Consumer Affairs for his information.

Engagement approach

18. In the planning stages of the review, the review team has already carried out some early engagement with government agencies and regulators to begin developing relationships and understanding the issues and opportunities in this area. However, with the review shortly to be announced (subject to Cabinet decisions), we are preparing to begin more formal engagement.
19. During Stage One of the review (pre-Terms of Reference), we will engage widely with stakeholders, including affected businesses, industry groups and representative bodies to gather information about regulatory problems and pain points.

20. In Stage Two (setting Terms of Reference and developing proposals for reform), we will carry out more targeted engagement with specific stakeholders to further understand issues in more detail, develop options and/or test recommendations.

21. In this briefing, we set out our plan for engagement during Stage One. We will provide further advice to you later in the review on our engagement approach for Stage Two, once you have agreed the focus areas of the review in consultation with relevant Minister(s).

Stage One engagement will be based around an online questionnaire for regulated parties

22. The primary purpose of engagement in Stage One is to identify potential problems and pain points with current product labelling requirements. These will form the basis of the review's focus areas and the Terms of Reference.

23. A secondary purpose is to identify and connect with interested stakeholders and learn which have an interest in the review and its outcome. This will help us to decide who are the key stakeholders to consult later in the review, for example to test options for reform.

24. To achieve these purposes, the review team is proposing targeted engagement with a wide range of stakeholders via an online questionnaire, focusing on regulated parties. This would involve sending the questionnaire to businesses, industry groups and key organisations we identify that may have:

    a. a particular interest in the topic of the review;

    b. insights and knowledge to share about problems/opportunities; and/or

    c. well-established business networks.

25. On current mapping, this would involve sending the questionnaire to around 120 parties. The types of businesses and organisations we are targeting include importers, exporters, manufacturers, retailers, packaging and labelling businesses, industry groups and representative bodies.

26. We would ask these stakeholders to both complete the questionnaire and distribute to their networks. Our intention is that distributing the questionnaire widely in this way will help us reach small and medium-sized businesses as well as larger players.

27. The questionnaire would be accessed through a provided URL, not posted on our public website. This is to ensure that the submissions we receive are primarily from regulated parties who regularly interact with product labelling requirements.

28. In addition to seeking input through the questionnaire, we will also engage with a smaller selection of stakeholders who are likely to have particular expertise or knowledge to share in this area.

29. We will continue to engage with regulators and government agencies to understand their perspectives on issues and opportunities via direct engagements, separately to the questionnaire process.

Timeline for engagement during Stage One

30. The questionnaire will go live and formal engagement will begin around one to two days after your announcement of the review. Currently we are planning to go live on Thursday 24 July 2025, although this date may change depending on the exact timing of announcements.

31. The questionnaire will be open for three weeks, and we will carry out our direct engagements with the identified stakeholders during the same period.

32. After the questionnaire has closed and we have analysed the responses alongside our own research and engagement, we will report back to you on what we heard during engagement and provide advice on potential focus areas for the review and next steps based on these insights.

Delivery risks with proposed engagement approach for Stage One

33. The primary delivery risk with the proposed engagement approach is managing expectations of stakeholders. Our communications could potentially reach hundreds or thousands of New Zealand businesses and organisations, and there is a risk we may receive a large volume of meeting requests as a result. If we receive a large volume of requests, it will take the review team longer to analyse the results than currently planned, which may have an impact on the overall review timeline. We will mitigate this risk by having a clear statement about the approach we are taking to accepting meetings, including that we will contact submitters after the consultation period has closed to discuss their submissions in more detail if needed.

34. The risk of receiving an unmanageably high volume of questionnaire responses is relatively low. It is possible that casting a wide net may result in a high number of responses, although we do not have enough evidence at this stage to assess how interested businesses and organisations will be in this topic and how motivated they might be to submit. However, this risk can be mitigated by developing a short questionnaire with specific questions to make submissions tagging as simple as possible, and exploring use of AI tools to assist with submissions analysis.

35. Another potential risk is that, due to the broad and high-level scope of the review topic, the submissions we receive are not specific enough to provide useful detail or are irrelevant. We will mitigate this risk by providing accompanying information and explanation in the questionnaire to be clear about what the review is looking at and will carefully design the questions to prompt thinking. Our targeted direct engagements are also intended to help us identify specific issues to explore in more detail.

Financial Implications

36. Engagement for the review will be funded from within baselines. Any direct engagements which would otherwise require travel will be carried out online.

Next Steps

37. Following Cabinet approval of product labelling as the Ministry's next regulatory review, you are scheduled to announce the review next week. We are working with your office to prepare a press release and other communications materials to support this announcement.

38. We will go live with our questionnaire and begin formal engagement one to two days after you have made your announcement, with a target date of Thursday 24 July 2025. The questionnaire will be open for three weeks.

39. The Ministry will keep you updated about the review's progress in the weekly report and through agency meetings as required. We will work with your office on scheduling specific briefing points to provide you with more substantive advice at key stages of the review.

Briefing Paper

MFR2025-243

Ministry for Regulation
Te Manatū Waeture

To	**Hon David Seymour, Minister for Regulation**		
Title	**Product Labelling Regulatory Review: Proposed Terms of Reference**	Number	**MFR2025-243**
Date	**18 September 2025**	Priority:	**High**
Action Sought	**Approve the Terms of Reference for the product labelling review** **Refer the Terms of Reference to selected Ministers**	Due Date	**23 September 2025**
Contact Person	**Justine Fitzmaurice, Manager Regulatory Reviews**	Phone	s 9(2)(a)
Attachments	**Appendix A: Summary of Engagement report** **Appendix B: proposed Terms of Reference**	Security Level	**IN CONFIDENCE**
Consultation	The full list of agencies consulted in developing the Terms of Reference is set out at paragraph 19 of this briefing. The agencies who were invited to provide specific feedback on this briefing are the Ministry of Health, the Ministry of Business, Innovation and Employment, the Ministry for Primary Industries, the Ministry of Foreign Affairs and Trade, the Ministry for the Environment, the Environmental Protection Agency, WorkSafe New Zealand, New Zealand Trade and Enterprise and the Commerce Commission.		

Executive Summary

1. On 21 July 2025, Cabinet agreed that the Ministry for Regulation will undertake a review of product labelling regulations in 2025 (the Review). We intend to provide you with the final report for the Review by 12 December 2025.

2. You agreed that the Terms of Reference for the Review would be approved in September 2025, based on insights gained from engagement and the Ministry's advice on focus areas for the review [MFR2025-191 refers].

3. Officials commenced a three-week engagement period in August 2025. We engaged with regulated parties (affected businesses, industry groups and representative bodies) and consumer groups to identify the regulatory issues, pain points and opportunities associated with product labelling regulations. We

received 85 submissions through our online questionnaire, and held direct engagement meetings with 34 organisations. A Summary of Engagement report is attached at **Appendix A**.

4. Officials analysed the responses and insights received, along with our own research and analysis, against a set of criteria to identify which issues should form potential focus areas for the Review. These were then tested with agencies and regulators.

5. Based on our findings from this process, we are proposing five focus areas for the Review:

- **Supermarket competition, with a focus on product labelling issues.** This reflects Cabinet's direction for the Review to evaluate the effects of current product labelling regulations on prospective entrants to the supermarket sector and provide recommendations to remove product labelling barriers and improve retail grocery competition [CAB-25-MIN-0234.01 refers].
- **Food and beverage labelling requirements (including alcoholic and non-alcoholic drinks).** New Zealand is part of a joint food regulation system with Australia and pursues alignment with international standards bodies. While regulated parties expressed significant support for this harmonised system, some told us that there are further opportunities for improvements to reduce unnecessary compliance costs.
- **Over the counter (OTC) medicines labelling requirements**. Regulated parties have told us that the current regulatory framework for OTC medicines in New Zealand present barriers to harmonisation with Australia and other global trading partners. Labelling requirements, in combination with New Zealand's market size, may mean that some products are not commercially viable in our market.
- **Dietary supplements labelling requirements, with a focus on barriers to export.** Some regulated parties raised issues with the current regulatory framework for dietary supplements, stating that the requirements are outdated and not fit for purpose. The differences in New Zealand's requirements compared to export destinations create compliance costs by requiring relabelling, causing supply chain delays and hindering market access.
- **Digital labelling.** While global markets are advancing digital labelling standards, New Zealand currently lacks a clear regulatory direction and guidance regarding their use. Regulated parties across a range of sectors viewed digital labelling as an area of opportunity to lower compliance costs and support innovation and supply chain traceability.

6. These focus areas are reflected in a proposed Terms of Reference for your feedback, attached at **Appendix B.** We are seeking your feedback by 23 September 2025.

7. Agencies were generally supportive of the five proposed focus areas. However, the Ministry for Foreign Affairs and Trade (MFAT) and the Ministry for Primary Industries (MPI) expressed reservations about the Review focusing on food and beverage labelling. This is due to the complexity and longstanding nature of our international arrangements for food regulation and existing mechanisms to address issues raised by regulated parties. Both agencies noted that consultation with Australia would need to occur on any recommendations, given our joint food regulation system. s 9(2)(f)(iv), s 9(2)(g)(i)

8. Cabinet authorised you to develop the Terms of Reference for the Review in consultation with the Minister of Commerce and Consumer Affairs and any other relevant Ministers as appropriate [CAB-25-MIN-0234.01 refers]. Once you have provided feedback on the proposed Terms of Reference, this briefing seeks your agreement to refer the Terms of Reference for consultation to the following list of Ministers who have an interest in the proposed focus areas:

- Minister for Economic Growth (Hon Nicola Willis)
- Minister of Foreign Affairs (Rt Hon Winston Peters)
- Minister of Health (Hon Simeon Brown)
- Minister for Trade and Investment (Hon Todd McClay)
- Minister of Commerce and Consumer Affairs (Hon Scott Simpson)
- Minister for Food Safety (Hon Andrew Hoggard).

Recommended Action

9. We recommend you:

a	**note** that on 21 July 2025, Cabinet agreed that the Ministry for Regulation will undertake a review of regulations relating to product labelling (the Review) in 2025 [CAB-25-MIN-0234.01 refers]	*Noted*
b	**note** that Cabinet authorised you to develop the Terms of Reference for the Review in consultation with the Minister of Commerce and Consumer Affairs, and any other Ministers as appropriate	*Noted*
c	**note** you agreed that the Terms of Reference for the review will be approved in September 2025, based on insights gained from targeted engagement and the Ministry's advice on focus areas for the review [MFR2025-191 refers]	*Noted*
d	**note** that to inform the Terms of Reference, officials carried out a period of targeted engagement with regulated parties, industry bodies and consumer groups to understand regulatory problems and pain points with current product labelling requirements	*Noted*
e	**note** that a Summary of Engagement report is attached as **Appendix A** to this briefing	*Noted*
f	**note** that following targeted engagement with regulated parties and consumer groups, internal analysis and further discussions with agencies, officials propose that the Terms of Reference outline the following focus areas for the Review: a. supermarket competition with a focus on product labelling issues (as directed by Cabinet) b. food and beverages (alcoholic and non-alcoholic) c. over-the-counter medicines labelling requirements d. dietary supplements labelling requirements, with a focus on barriers to export e. digital labelling	*Noted*
g	**approve** the Terms of Reference for the Review (attached at **Appendix B**), subject to any feedback you may provide to officials	*Agree / Disagree*

h **refer** this briefing to the following Ministers to seek their feedback on the Terms of Reference: Minister for Economic Growth, Minister of Foreign Affairs, Minister of Health, Minister for Trade and Investment, Minister of Commerce and Consumer Affairs, Minister for Food Safety — *Agree / Disagree*

i **agree** that the Ministry for Regulation may proactively release this briefing once the Terms of Reference have been published, subject to any necessary redactions — *Agree / Disagree*

s 9(2)(a)

Justine Fitzmaurice
Manager, Regulatory Reviews
Ministry for Regulation
Date: 18 September 2025

Hon David Seymour
Minister for Regulation

Date:

Purpose of Report

10. This report:

- provides advice on proposed scope areas for the Product Labelling Regulatory Review (the Review)
- attaches a proposed Terms of Reference for the Review for you to consult with a group of Ministers with an interest in these topic areas
- attaches a Summary of Engagement report outlining the feedback we received from engagement with regulated parties, industry bodies and consumer groups, which was used to inform the proposed scope areas and Terms of Reference.

Background

11. On 21 July 2025, Cabinet agreed that the Ministry for Regulation would undertake a review of product labelling regulations in 2025. Cabinet authorised you to develop the Terms of Reference for the Review in consultation with the Minister of Commerce and Consumer Affairs and any other relevant Ministers as appropriate [CAB-25-MIN-0234.01 refers]. We intend to provide you with the final report for the Review by 12 December 2025.

12. As signalled in the Cabinet paper, the Review is taking a two-stage approach:

- Stage One: officials will engage widely with regulated parties, industry groups and other stakeholders to understand regulatory 'pain points' associated with product labelling requirements.
- Stage Two: informed by this engagement and the Ministry's own analysis, officials will provide you and other relevant Ministers with advice on specific regulatory problems that the review will focus on addressing.

13. In July 2025, you agreed that the Terms of Reference would be approved in September 2025, based on insights gained from engagement and the Ministry's advice on focus areas for the Review [MFR2025-191 refers]. Officials then commenced a three-week period of engagement in August 2025.

14. During the engagement period, we engaged with regulated parties (affected businesses, industry groups and representative bodies) and consumer groups to identify the regulatory issues, pain points and opportunities associated with product labelling regulations. We sent an online questionnaire to approximately 120 stakeholders, inviting them to both complete the questionnaire and distribute it to their networks. We received 85 submissions through the questionnaire, and held direct engagement meetings with 34 organisations.

15. A more detailed Summary of Engagement report is attached at **Appendix A**. This will be published alongside the Terms of Reference once those are approved.

Process for selecting focus areas

16. Following our engagement with regulated parties, we analysed the responses, along with our own research and analysis, against a set of criteria to identify which issues should form potential focus areas for the Review. We used the following criteria:

    - **Nature and substance of regulatory issue** – there is evidence of a regulatory issue/opportunity that we can influence
    - **Authorising environment** – the timing is good to look at this issue or opportunity (considering matters such as alignment with Government/ Ministerial priorities, and whether there are existing Bills in the House or other work already underway on the same topic).
    - **Potential return on investment** – addressing the issue or opportunity is likely to have material impacts (e.g. from an economic perspective).
    - **Feasibility** – the size and scope of the work is achievable in the timeframe set out for the Review (Final Report by December 2025).

17. After completing this analysis, we identified a range of potential focus areas. We then tested these with agencies. The purpose of engaging with agencies was to:

    - Brief them on early insights from the engagement analysis
    - Deepen our understanding of the relevant regulatory frameworks
    - Identify existing work underway that may address some of the identified issues
    - Receive specific feedback on the proposed focus areas.

18. The agencies and regulators we sought feedback from are the Ministry of Justice, Ministry of Health, Ministry of Business, Innovation and Employment, WorkSafe New Zealand, the Commerce Commission, the Ministry for Primary Industries, the Environmental Protection Agency, the Ministry of Foreign Affairs and Trade, the Ministry for the Environment, New Zealand Trade and Enterprise and the Department of Internal Affairs (Government Chief Digital Officer).

Areas we propose should be in scope

19. Following the process outlined above, we are proposing five focus areas for the Review:

    - **Supermarket competition**, with a focus on product labelling issues
    - **Food and beverage** labelling requirements (including alcoholic and non-alcoholic beverages)
    - **Over the counter (OTC) medicines** labelling requirements
    - **Dietary supplements** labelling requirements, with a focus on barriers to export
    - **Digital labelling**.

20. A proposed Terms of Reference based on these focus areas is attached for your feedback and approval at **Appendix B**.

Supermarket competition

21. In July 2025, Cabinet directed the Review to evaluate the effects of current product labelling regulations on prospective entrants to the supermarket sector and provide recommendations to remove product labelling barriers and improve retail grocery competition [CAB-25-MIN-0234.01 refers].

22. This is part of Workstream Two of the Government's broader grocery work programme, looking at structural, regulatory and enforcement improvements to boost grocery competition.

23. In line with Cabinet's direction, the interaction between product labelling requirements and retail grocery competition will be a core focus for the Review. It will be considered from two lenses:

- Taking this as a specific focus area, we will look across product categories and sectors to identify where labelling requirements may be creating barriers to market entry
- In looking at the other focus areas, we will explicitly consider impacts on the retail grocery sector.

24. Some regulated parties have indicated that the food labelling regime presents a regulatory hurdle for prospective entrants into the supermarket sector due to its complexity, cost and differences between New Zealand's labelling requirements and those of other countries. These aspects may be constraining prospective entrants from scaling quickly and therefore deterring them from entering the sector.

25. Agencies had limited specific feedback on the inclusion of retail grocery competition as a focus area for the review, noting the significant overlaps with food and beverage labelling requirements (see below). The Commerce Commission was supportive of efforts to improve groceries competition.

Food and beverages (alcoholic and non-alcoholic)

26. New Zealand is part of a joint food regulation system with Australian Federal, State and Territory Governments, where we have committed under the Joint Food Standards Treaty to harmonise food standards. Under this agreement, Food Standards Australia New Zealand (FSANZ) is responsible for developing legally binding food labelling and safety standards in both countries through the Australia New Zealand Food Standards Code (the Code). New Zealand adopts and enforces the Code through the Food Act 2014 and regulations made under that Act (see for example the Food Regulations 2015).

27. This joint system creates benefits for trans-Tasman trade (representing around a quarter of total food product exports), as well as global trade given its reputation as a highly trusted system for food regulation.[1]

28. Most regulated parties expressed significant support for this harmonised system. However, some regulated parties have told us that there are further opportunities for improvements to reduce unnecessary compliance costs, particularly in relation to specific requirements in the Code, FSANZ's current practices and processes, and how the Code is implemented.

29. We also heard a desire for greater harmonisation, alignment, or mutual recognition to food labelling standards in other jurisdictions. This would help mitigate trade friction issues, maximise innovation and reduce regulatory compliance burden and labelling costs. New Zealand is already involved in global food standards development and FSANZ seeks to harmonise with these where possible, but there may be opportunities for greater alignment.

30. Some agencies expressed reservations about how our work in this area would interact with existing systems and frameworks for food and beverage standards, given the complexity and longstanding nature of these arrangements. Some substantive feedback from the Ministry for Primary Industries (MPI) and Ministry of Foreign Affairs and Trade (MFAT) is highlighted in the following table (continues over page):

Agency	Feedback
MPI	• s 9(2)(g)(i) [redacted] • They noted that countries have different labelling requirements to meet specific population needs or national public health objectives. They suggested that the Review should have a greater focus on understanding whether the differences in New Zealand are appropriate and support proportionate risk management and consumer protection objectives. • MPI suggested that any recommendations in this area would require engagement with Australia given the interdependency of our food labelling requirements. • MPI also noted the Minister for Food Safety's recent announcement of the Food (Exemption of Food for Export) Regulations 2025, which come

[1] In 2022, food exports to Australia made up 24.72% of New Zealand's total food exports by trade value. Source: World Bank (World Integrated Trade Solution data), New Zealand: Food Products Exports by Country (2022).

	into effect on 25 September 2025. These regulations will facilitate export trade by enabling food exporters to meet overseas labelling and compositional requirements (and not be required to meet domestic requirements), provided they have a verifiable process in place to demonstrate they can identify and achieve the overseas requirements. MPI considers that these regulations are likely to address many of the concerns we heard from regulated parties about export barriers due to labelling requirements.
MFAT	• The Ministry of Foreign Affairs and Trade supports greater international alignment, but not at the expense of global alignment with Australia. This is a feature of New Zealand's global reputation as a producer of high quality and safe food, reflects a key pillar of our bilateral economic relationship, and reflects the Government's prioritisation of regulatory alignment and frictionless cooperation with Australia. During their annual leaders' meeting on 9 August 2025, Prime Minister Luxon and Australian Prime Minister Albanese committed to further aligning our regulatory systems and removing trade impediments, including by harmonising trans-Tasman standards. • MFAT also suggested that international alignment to food labelling standards in other jurisdictions may come at the expense of reducing alignment with Australia. • Reflecting the joint system, MFAT also recommends consultation occurs with the Australian Government through the remainder of the Review. Consultation with Australia would provide opportunities for both countries to jointly explore potential improvements to benefit the joint system, including in relation to specific labelling requirements, regulatory practices and implementation.

31. We share agencies and regulated parties' view that the harmonised system and emphasis on alignment with international standards is valuable. The Joint Food System is recognised by New Zealand exporters as of significant commercial value to them, not only in the Australian market but globally. The Review will consider any international implications of any proposed amendments to product labelling regulations.

32. The intent of the Review in looking at this area will not be to undermine the existing international agreements, but to identify further opportunities to strengthen and improve them. Additionally, given the Review's focus on retail grocery competition, it is logical to include a focus on food and beverage labelling given the significant proportion of retail grocery sales this category represents.

Over the counter (OTC) medicines

33. Regulated parties have told us that the current regulatory framework for OTC medicines in New Zealand present barriers to harmonisation with Australia and other global trading partners. This has led to duplication, increased costs and

reduced consumer access. For example, we heard that differences in labelling requirements mean that some Australian-approved products cannot be sold in New Zealand without reformulation and/or relabelling. Labelling requirements, in combination with New Zealand's market size, may mean that some products are not commercially viable in our market.

34. There appears to be potential for greater harmonisation and regulatory alignment with Australia and other comparable jurisdictions in this area. Addressing these gaps has the potential to reduce compliance costs for regulated parties and prevent New Zealand consumers from missing out on OTC medicines available overseas.

35. The Ministry of Health (MOH) supports this topic being a focus area for the Review. s 9(2)(f)(iv) [redacted]

Dietary supplements

36. Some submissions from regulated parties raised issues with the current regulatory framework for dietary supplements. Regulated parties stated that the current requirements are outdated and not fit for purpose. They create a barrier to export growth due to high compliance costs and legal risk due to overlapping and outdated regulations.

37. Dietary supplements sit at the interface between food and medicine, which are regulated under the Food Act 2014 and the Medicines Act 1981 and associated regulations respectively. Dietary supplements which make health or therapeutic claims are not captured as part of the export exemptions under the Food Act. Instead, they are subject to the more stringent requirements under the Medicines Act and associated regulations.

38. Regulated parties told us that the current restrictions on health or therapeutic claims on dietary supplements hinders New Zealand's export competitiveness. Even where therapeutic claims are permitted in an importing country, there is no export exemption to permit therapeutic claims for New Zealand dietary supplements being exported to that country.

39. The differences in New Zealand's requirements compared to export destinations create compliance costs, by requiring relabelling, causing supply chain delays and hindering market access.

40. s 9(2)(f)(iv) [redacted]

41. The Government has previously agreed that natural health products, of which dietary supplements are a subset, s 9(2)(f)(iv) In the meantime:

- s 9(2)(f)(iv)
- s 9(2)(f)(iv)

42. MPI have told us the requirements for dietary supplements are highly complex, involving multiple agencies, overlapping regulatory frameworks and varying overseas requirements. MPI highlighted that while some of the concerns from regulated parties relate to labelling, the sector seeks a clear regulatory framework to operate from, s 9(2)(g)(i)
s 9(2)(g)(i)
.

43. We have not scoped MOH and MPI's work programmes in detail and therefore cannot advise whether there is significant scope for us to expand upon these pieces of work. s 9(2)(f)(iv)
For this reason, dietary supplements did not score as highly against our criteria as the other focus areas.

44. However, if you wish to include dietary supplements in the Review, we propose that this focus area would involve supporting MPI and MOH's work programme and exploring whether additional changes could be made to reduce unnecessary labelling barriers to dietary supplement exports.

Digital Labelling

45. New Zealand's regulatory framework for product labelling is predominantly focused on physical labels, creating challenges for businesses to adopt digital labelling technologies such as QR codes. There are emerging trends and practices around the use of digital labelling globally, including Codex guidance for governments on the use of technology for food labelling.

46. Some jurisdictions are adopting new digital labelling requirements. For example, the European Union (EU) is introducing new requirements around wine labelling and explicitly adopting digital labels to implement these. While global markets are advancing digital labelling standards, New Zealand currently lacks a clear regulatory direction and guidance regarding their use.

47. During engagement, regulated parties across a range of sectors viewed digital labelling as an area of opportunity to lower compliance costs and support innovation and supply chain traceability. We also heard across our engagement that accessibility of key health and safety information (e.g. allergen declarations) is critical in considering the potential role for technology in communicating label information.

48. As part of the Review, we propose investigating digital labelling trends, exploring emerging practices and the role of Government in supporting the uptake of digital labelling and reduce unnecessary compliance costs. This analysis will not be confined to a particular product category but will look across categories and sectors.

49. Agencies generally supported this as a focus area for the Review. The Commerce Commission suggested that, in the context of digital labelling, the Ministry for Regulation may wish to consider cybersecurity/scam risks and risks of reduction in consumer protection for low digital literacy groups, and whether there are any mitigations that may be appropriate. Other agencies similarly noted accessibility and equitable access as key considerations for this work.

50. MPI noted that FSANZ has recently committed to investigating digital food labelling reform. This work is looking at what information must remain on a physical label, what information can be provided through a digital label (such as a QR code) and what information must be provided to consumers when shopping online. Consultation is anticipated to take place in 2025, with framework development in 2026. The findings and recommendations of the Review may be able to support this work.

Areas placed out of scope

51. The attached Terms of Reference sets out a proposed list of areas that the Review will not focus on. For most of these areas, further investigation by officials determined that there were unlikely to be significant regulatory issues to address, or that the issues identified ranked less highly against our assessment and prioritisation criteria.

52. A notable area where we received multiple comments from regulatory parties was on product labelling requirements for hazardous substances. Many products that contain hazardous substances are subject to multiple sets of labelling requirements across different legislative frameworks. A number of parties we

spoke to indicated that they find it difficult to comply, or be confident they are compliant, due to the complexity of requirements and areas of misalignment between these frameworks.

53. We explored this area in more detail and concluded that the issues highlighted are unlikely to be able to be substantively addressed by focusing on product labelling requirements. Challenges with these requirements appear to be driven by the underlying features of the system, like the framework for substance classification. This would be beyond the scope of a review focused on product labelling.

54. We share MBIE's view that the hazardous substances system is complex and may require review and reform, but that this would benefit from being a more fundamental reform. Changes focused only on product labelling would be unlikely to deliver meaningful improvements. We therefore have not proposed hazardous substances as a focus for the Review.

Engagement with other Ministers

55. Based on the proposed scope areas for the Review, we suggest you consult with the following Ministers on the Terms of Reference before approving them:

- Minister for Economic Growth (Hon Nicola Willis) – the Review is looking at the effect of product labelling regulations on prospective entrants to the supermarket sector. Minister Willis is also acting as Commerce and Consumer Affairs Minister on all matters relating to grocery regulation.
- Minister of Foreign Affairs (Rt Hon Winston Peters) – given the Review's relevance to the Joint Food Standards Treaty with Australia.
- Minister of Health (Hon Simeon Brown) – has policy responsibility for the Medicines Act 1981 and associated secondary legislation which regulate product labelling requirements for OTC medicines.
- Minister for Trade and Investment (Hon Todd McClay) – has policy responsibility for international trade and investment.
- Minister of Commerce and Consumer Affairs (Hon Scott Simpson) – Cabinet has authorised you to develop the Terms of Reference in consultation with Minister Simpson, who retains his responsibility for competition and consumer policy and overseeing the Fair Trading Act 1986. Minister Simpson also oversees the Trans-Tasman Mutual Recognition Arrangement (TTRMA) and its implementing legislation, the Trans-Tasman Mutual Recognition Act 1997.
- Minister for Food Safety (Hon Andrew Hoggard) – has policy responsibility for the Food Act 2014 and works with Australia on joint standards for food labelling (including beverages).

Next Steps

56. We propose the following process for finalising the Terms of Reference:

- You approve the Terms of Reference, subject to any feedback you may wish to provide.
- After updating the Terms of Reference to reflect your feedback, we will provide your office with an updated Terms of Reference to consult with the Ministers you have selected.
- Following your discussions with your Ministerial colleagues, we will update the Terms of Reference to reflect any changes, and provide you with a final version to approve for publication.

57. You have previously agreed that the Terms of Reference would be approved in September 2025 [MFR2025-191 refers]. We therefore request any feedback you may have on the Terms of Reference be provided by Tuesday 23 September, so that Ministerial engagement can begin.

58. We will work with your office as required to provide any further advice or materials to support discussions with your Ministerial colleagues about the Terms of Reference. We will also work with your office to prepare any communications materials to support publication of the Terms of Reference.

Appendix A: Summary of Engagement report

[Attached separately]

Note: The Summary of Engagement report has been proactively released:
https://www.regulation.govt.nz/regulatory-reviews/product-labelling-review/

Appendix B: Proposed Terms of Reference

[Attached separately]

Note: The Terms of Reference has been proactively released:
https://www.regulation.govt.nz/regulatory-reviews/product-labelling-review/