



ANALYSIS

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1989, No. 147

**An Act to amend the Dairy Industry Act 1952**

[19 December 1989]

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

**1. Short Title and commencement**—(1) This Act may be cited as the Dairy Industry Amendment Act 1989, and shall be read together with and deemed part of the Dairy Industry Act 1952 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of January 1990.

**2. New sections substituted**—(1) The principal Act is hereby amended by repealing section 15 (as amended by section 2 of the Dairy Industry Amendment Act 1957 and section 4 of the Dairy Industry Amendment Act 1976), and substituting the following sections:

**“15. Dairy produce not to be adulterated**—(1) Except as provided in section 15A of this Act, no person shall manufacture dairy produce out of any substance that is not milk or cream.

“(2) No person shall knowingly sell any dairy produce manufactured otherwise than in accordance with subsection (1) of this section.

**“15A. Certain ingredients permitted**—Any person may mix with, add to, or use in the manufacture of, any dairy produce, during or after its manufacture, any of the following ingredients:

“(a) Common salt, sugar, and water:

“(b) If its use in the manufacture of dairy produce is for the time being permitted by regulations under the Food Act 1981, any coagulative, colouring agent, enzyme, preservative, or other additive, constituent, or ingredient:

“(c) With the written consent of the chief executive of the Ministry of Agriculture and Fisheries, and subject to the conditions (if any) specified in the consent, an additive, constituent, or ingredient specified in the consent.

“15B. **Dairy produce not to be mislabelled**—(1) In this section, ‘labelling’, in relation to any substance, means—

“(a) Describing or representing the substance (by words, pictures, or devices) on any label attached to the substance, any document or other item associated with the substance, or any container containing the substance; or

“(b) Permitting any other person to label the substance;—  
and ‘to label’ has a corresponding meaning.

“(2) No person shall knowingly—

“(a) Label any dairy produce that is intended to be exported, in a way that is likely to confuse or mislead a reasonable person in any country outside New Zealand where it is likely to be sold as to the kind of dairy produce it is; or

“(b) Label any substance intended to be exported that is not dairy produce, in a way that is likely to confuse a reasonable person in any country outside New Zealand where it is likely to be sold as to whether or not it is dairy produce; or

“(c) Label any substance intended to be exported that is not dairy produce, in a way that is likely to lead a reasonable person in any country outside New Zealand where it is likely to be sold to believe that it is dairy produce.”

(2) The following enactments are hereby consequentially repealed:

(a) The Dairy Industry Amendment Act 1957:

(b) Section 4 of the Dairy Industry Amendment Act 1976.

**3. Margarine Act 1908 repealed**—(1) The following enactments are hereby repealed:

(a) The Margarine Act 1908:

(b) The Margarine Amendment Act 1972:

(c) The Margarine Amendment Act 1980.

(2) The Ministry of Agriculture and Fisheries Act 1953 is hereby consequentially amended by omitting from the Schedule (as substituted by section 4(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 and from time to time thereafter amended) the item "The Margarine Act 1908."

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This Act is administered in the Ministry of Agriculture and Fisheries.

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