



GE Free New Zealand

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17 December 2025

Re: Proposal to enable a limited trial of digital labelling on certain imported food products

Tēnā koutou katoa MPI

GE Free New Zealand in Food and Environment is making a submission on your proposed trial of digital labelling on imported foods.

We oppose the limited trial of imported foods having digital labelling and require that comprehensive, clear ingredient labels are on all imported packaged foods.

1. Do you consider the trial parameters proposed are appropriate and fit for purpose?

- No. The description provided for public comment considers options for replacing on-pack information with digital labelling. This is a fundamental disadvantage to customers and unacceptable.
- The digital labelling proposal is a risky departure from the consistency of our national written labelling standards, requirements, and practices that apply and are accepted internationally.
- The United States Northern District Court of California found in the public interest and decided against the loophole that allowed ingredients to be hidden from consumers behind QR codes. It decided that “the electronic or digital link be accompanied by on package language” ([Case 3:20-cv-05151-JD Document 64, p.2/25¹](#))
- The July 2017 USDA study of [Electronic or Digital Link Disclosure report²](#) by Deloitte detailed the disadvantages for consumers in relation to digital access to food information. It is supposed that the statistics and digital literacy would be similar in NZ to these findings. This would create a serious disadvantage to major section of vulnerable customers.
- There are no international agreements, conventions, protocols or treaties that NZ is obligated to or mandated to [require digital labelling³](#) instead of written package labelling.
- The intended benefit of the exemptions to labelling will be to the food manufacturer whose responsibility it will then be to keep the QR codes accurate and able to be accessed at all times. The benefit may be illusory and will place liability and costs for site management that will likely outweigh package labelling for businesses.
- The most effective way to ensure consumer safety and accurate information is to maintain comprehensive written package labelling as has been the procedure for many years. If consumers do not have access to this written information any emergency health effect will be difficult to trace.

¹ https://www.centerforfoodsafety.org/files/ge-labelng-sj-decision_73582.pdf

² <https://www.ams.usda.gov/sites/default/files/media/USDADeloitteStudyofElectronicorDigitalDisclosure20170801.pdf>

³ <https://www.adatitleiii.com/2025/11/another-ny-federal-judge-rules-that-the-ada-does-not-require-retailers-to-provide-qr-codes-or-digital-tags-on-merchandise/#>

2. Do you consider the exemption scope proposed is appropriate and fit for purpose?

We do not agree with the exemption scope is fit for purpose or appropriate.

It is not acceptable to remove the requirements for printed labelling in favour of digital labelling.

- There is no mandate for trialing this significant departure from legislation and the Minister does not have a mandate to remove printed package labels.
- The Food Standards Code clearly states that labelling is a statement of ingredients that is attached to packaging or displayed when the food is sold. The ingredient on the label of the food maybe in words, pictures or graphics. There is no mandate for QR codes replacing written package labelling.
- The reasons are clearly set out in the Food Standards Code, Food Act and FSANZ Act in relation to a food being sold.
- It is required that labels
“...tag, brand, mark or **statement in writing** or any representation or design or descriptive matter that:
(a) is attached to the food or is a part of or attached to its packaging; or
(b) accompanies and is provided to the purchaser with the food; or
(c) is displayed in connection with the food when it is sold.
(Food Standards Code - 1.2.1- 3 Definitions -label)
(1) In this Code, in relation to a food for sale:
(a) is mentioned in the name of the food; or
(b) is usually associated with the name of the food by a consumer; or
(c) **is emphasised on the label of the food in words, pictures or graphics.**
(FSC: 1.1.2—4 Definition of ... characterising ingredient)

Information that is required to bear a label

- (a) name of the food
- (b) *lot identification
- (c) name and address of the *supplier
- (d) advisory statements, *warning statements and declarations
- (e) **a statement of ingredients**
- (f) date marking information
- (g) storage conditions and directions for use
- (h) information relating to nutrition, health and related claims
- (i) nutrition information
- (j) **information about *characterising ingredients and *characterising components**
- (ja) information relating to breakfast cereals that contain vitamin D ...
- (k) information relating to *genetically modified food
(Food Standards Code 1.2.1—8 General and additional requirements—retail sales⁴)

3. Do you consider the exemption conditions proposed are appropriate and fit for purpose?

No. The trial exemptions are not reasonable because consumers become the end-subject of a experiment which is disadvantageous for

- The vast majority of people who check labels to meet their dietary needs
- People who have no access to digital technologies or technically are challenged.
- Parents with children with different allergy or food needs

⁴ <https://www.foodstandards.gov.au/sites/default/files/2025-12/Food%20Standards%20Code%20-%20Compilation%20%28December%202025%29.pdf>

- Everyone will be unable to access important information if there is technology failure on websites.
- Businesses who will be liable for any errors or digital failures that affect customers.

The notion of the trial to replace information on physical labels risks:

- accidental allergen exposure
- medication-food interactions
- misinterpretation or missed warnings
- harm to medically vulnerable consumers
- misleading consumers

A supermarket aisle is not a safe and reliable environment in respect to the time it takes to access information for each product.

Rushed shoppers may miss medical and allergenic warning due to the difficulty of speed and accuracy in obtaining the information.

- Food safety information must be printed — not conditional on digital access, website updates, digital literacy or financial capacity.
- There are many software programmes for QR codes scans are not intuitive to use and include pop-up ads, causing consumer confusion.
- QR codes collect customer information that might be used for push-marketing in breach the privacy laws.
- QR codes breaching privacy laws by obtaining confidential information that would also be able to trace consumers. This would look at buying trends that targets unwanted promotion of their products or selling to third parties.
- If the QR code was dependent on accepting the collection of private information and the customer did not agree the ingredient information could not be accessed, leading to a breach of the legal requirement to provide relevant information.

4. Are there any other matters you think the Minister should take into account before recommending an exemption?

We do not support this trial or the proposed exemptions for digital labelling.

Consumer choice has already been undermined by recent exemptions to tracing and labelling Gene Edited foods (FSANZ P1055). This is against the majority of consumers submissions and people wanting the right to know.

This proposal will not achieve the safety and suitability that is required for good operating practices.

It is detrimental to public trust and information.

- Customers would be [disadvantaged by QR codes](#)⁵ and there would be a breach of privacy laws⁶ by obtaining confidential information that would also be able to track and trace customers' buying trends and target them with unwanted promotion of their products or selling information to third parties.

⁵ <https://www.qrcodematic.com/advantages-and-disadvantages-of-qr-codes>

⁶ <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html#LMS23321>

- If access to a QR code was dependent on accepting terms and condition to the collection of private information and the customer did not agree, the ingredient information could not be accessed, leading to a health and safety breach.
- Written labels protect the privacy of customers, allowing them to quickly and easily access the information they seek, controlling the data they choose to impart.

In Summary:

The Digital labelling trial on certain food products breaches all the [Food Standards Australia New Zealand Act](#)⁷), [Food Standards Code](#)⁸, [Food Act](#)⁹ and [Privacy Act](#)¹⁰ around protection of data and labelling requirements. There is insufficient information to protect customers private contact information. The New Zealand's labelling legislation specifies that there is written ingredient information on the packets. It is already an option for a food business to place a QR code in addition to written ingredient labelling on their packages.

New Zealand customers need clear on-package written labelling, QR codes should be voluntary for businesses due to being discriminatory and unworkable for many customers.

We oppose the Digital food labelling trial and ask that the Minister does not proceed further.

We would like to have a hearing.

Ngā mihi,

Jon Muller

Secretary GE Free NZ in Food and Environment.

Cc: Claire Bleakley, Chairperson
Jon Carapiet, Spokesperson
Kara Vandeleur, Administrator

⁷ <https://www.foodstandards.gov.au/consumer/labelling/ingredients>

⁸ <https://www.foodstandards.gov.au/food-standards-code/legislation>

⁹ https://www.legislation.govt.nz/act/public/1981/0045/latest/DLM51304.html?search=sw_096be8ed8129ca3c_label_25_se&p=1&sr=9

¹⁰ <https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html#LMS23321>