



FOOD UNIT NOTICE

SUBJECT: Businesses involved in the primary production and sale of fruit and vegetables

Notice Number: 10.3

Date of Issue: 14/07/2010

Distribution of Notice:

Local government enforcement agencies

Purpose:

To ensure local government enforcement agencies have a consistent approach to the registration or notification of certain primary food production businesses

Actions:

No action; for information only

Primary Food Production:

Businesses involved in the primary production of fruit and vegetables are required to comply with the *Food Act 2008* (the Act) but are exempt from the registration and notification provisions of Part 9. This is because they are excluded from the meaning of “food business” as defined in section 10 of the Act.

Primary food production does not include any activity that involves the sale or service of food direct to the public. Thus if a primary food producer is involved in the retail sale of their produce at the ‘farm gate’ this activity would fall within the definition “food business”. This type of food business activity would then be subject to the provisions of Part 9 of the Act.

Depending on the type of food being sold the food business would be required to either notify or register with the appropriate enforcement agency.

Sale of fruit and vegetables - businesses exempt from registration requirements:

Regulation 11 of the *Food Regulations 2009* state that if a food business consists of selling food:

- (a) that is not potentially hazardous food; and



- (b) that cannot be handled in the course of conducting the food business because the food is contained within a closed package;

then the food business may be classified as an exempted food business.

Department of Health's advice:

Whole fruits and vegetables should be considered to fall within the scope of regulation 11.

However if the food business is involved in the processing of fruit and vegetables (i.e. fruit salads, fruit juices), then they would not fit within this exempt category and would be required to apply for registration.

Further information:

For further information on managing risks involved in the processing of fresh cut fruit and vegetables please refer to:

[Food Unit Notice 09.05 – Microbial Contamination of Fresh Cut Fruit and Vegetables.](#)

Useful Resources and Websites:

- Department of Health WA www.public.health.wa.gov.au
- Food Standards Australia New Zealand <http://www.foodstandards.gov.au>
- Food Regulation Secretariat <http://www.health.gov.au>

Contact the Food Unit:

Any feedback or concerns please utilise the “Food Unit Query” form which can be downloaded from our website:

http://www.public.health.wa.gov.au/2/786/3/food_informatio.pm

Email: FoodUnit@health.wa.gov.au
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www.public.health.wa.gov.au

Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.