

Production and Sale of Fruit and Vegetables

Relevant to – *Food Act 2008, Australia New Zealand Food Standards Code*

Selling fresh produce grown on your property can be rewarding and a terrific extra source of income. Environmental Health Services support people selling fresh produce in their communities, however there are certain factors you need to be aware of. In the case of selling whole fruit, vegetables and herbs, you do not need to be registered with the Shire as a food business, however if you are processing your produce for sale then registration is mandatory. This fact sheet aims to highlight some of the key requirements and responsibilities which need to be considered by a food business under the *Food Act 2008*.

The Food Act 2008

Producers involved in the primary production of fruit, vegetables and herbs may be required to comply with the *Food Act 2008*. Depending on the type of food being sold the producer may be required to either notify or register with their local Shire if retailing directly to the consumer (Department of Health WA, 2010).

Whole fruit, vegetables and herbs are considered to fall within Regulation 11 of the *Food Regulation 2009*. This section of the Regulation deals with the sale of food which is not potentially hazardous and which can be handled in the course of conducting the food business because the food is contained within a closed package. However, if the food business is involved in the processing of fruit, vegetables or herbs (i.e. making fruit salad, fruit juice or pre-cut vegetables etc.) then they are not exempt and are required to apply for registration with the Shire (Department of Health WA, 2010).



Figure 1: Whole fruit and vegetables do not require registration in order for a food business to sell these. You should however notify the Shire before selling (Tsiumis, 2012).

Responsibilities of a Food Business

A food business has a responsibility to ensure the health and safety of any consumer of its food produce. In doing so, all stages of food production (i.e. production, processing, packaging, transportation and storage) must be considered. A food safety plan is a good way to ensure your produce is suitable for sale. This should comply with the *Food Act 2008*

and the *Food Standards Australian and New Zealand* (FSANZ).

Chemical Usage in Food Production

Chemical control has played a large role in production of food products since the 'Green Revolution'. Although Australia has come a long way towards using safer products since the days of DDT, there are still strict guidelines in place which need to be adhered to when using chemical products for the control of pests and diseases in a food crop.

Withholding Periods (WHP)

The WHP is the time elapsed between the last treatment with a chemical and the harvest of a crop. Withholding periods are specified on product labels to ensure that any chemical residue on produce is below the maximum residue limit (MRL) (Department of Agriculture Fisheries and Forestry, 2004).

For this reason, it is crucial that the WHP's listed on the label are conformed with. Any person who uses a pesticide product has a duty of care to ensure that their use of chemicals does not cause harm to human or animal health. If a WHP will interfere or clash with the time of harvest then another product with a shorter WHP should be used instead. Alternatively, other non-chemical means of control may be available.

Labels

Labels are provided by law on all registered chemical products used for the control of pests and diseases. The label will contain information specifying any warnings and the product description, the directions for use, general instructions, any applicable precautions to be taken when using the product and details relating to storage and disposal.

The *Health (Pesticides) Regulations 2011*, specify that a person must not use a registered pesticide other than in accordance with the requirements set out on the approved label. Failure to comply will result in a fine of \$2,500. Information on labels can be found at;



Figure 2: The label will contain all the information you should be aware of when using a pesticide (Department of Health WA, 2013).

Spray records

Keeping spray records will greatly help a food business not only in its management, but also quality assurance. Spray books can be bought from your local agricultural supplier however you may wish to produce your own booklet. It is very important for you to understand what to include in your records.

The example shown in Figure 2 includes the date the chemical was applied, the product name, the paddock number, the crop sprayed, the aim (e.g. to control aphids), the rate (i.e. L/ha), a place for the operator to sign and comments which include space to record the WHP for easy reference come harvest time. Note however that this has been designed for an organic program and it may be better for fruit and vegetable gardeners to create something more uniform to their own business. A broadacre cropping operation would also have a very different record sheet, which would include spray conditions.

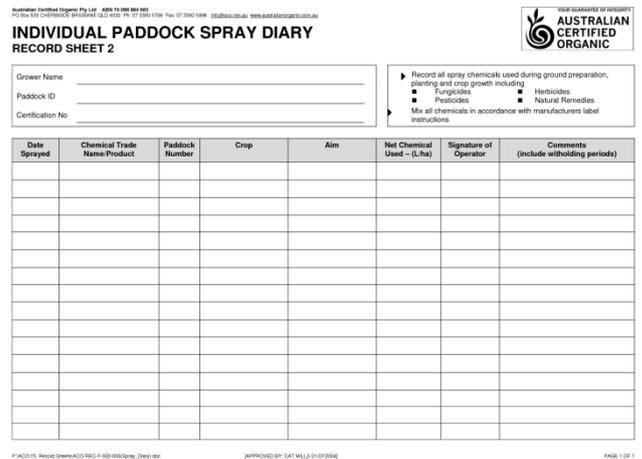


Figure 2: Keeping a spray diary is an important element in any food business (Doc Stoc, 2011).

Penalties for non-compliance

Under the *Food Act 2008* and other legislation such as the *Health (Pesticides) Regulations 2011* there are serious repercussions for non-compliance.

Under the *Food Act 2008*, a person must not sell food that is deemed 'unsuitable', with the penalty being a fine of \$40,000 for an individual or up to \$200,000 for a body corporate. Under the *Food Act 2008*, 'unsuitable' food is defined as (a) damaged, deteriorated or perished to an extent that affects its reasonable intended use, (b) contains any damaged, deteriorated or perished substance that affects its reasonable intended use, (c) is the product of a diseased animal, or an animal that has not been declared by or under another Act to be safe for human consumption or (d) contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food.

Food is not considered 'unsuitable' if, when it is sold for human consumption, it contains an agricultural or veterinary chemical, so long as it does not contain the chemical in an amount that contravenes the Food Standards Code. This Code contains information regarding Maximum Residue Limits (MRL) found at <http://www.comlaw.gov.au/Details/F2013C00616>. Where an MRL is exceeded, it is usually a result of not following the label directions, or 'going off label'.

Greywater

More information on the use of grey water when growing food can be found at http://ww2.health.wa.gov.au/Articles/F_/Greywater