

# New Zealand Food Safety

Haumaru Kai Aotearoa

1/06/2022

Glen Atkinson  
BdMax Limited  
32 Tauroa Road  
Havelock North

**This advice is for clearance under the ACVM Act only.**

**See “Important information” below for import requirements under the Biosecurity Act and the HSNO Act.**

Dear Glen,

## ACVM CLASS DETERMINATION ADVICE

1. Bird Scare
2. Etherics 5
3. Etherics 7
4. Etherics 1000
5. E15
6. FG4
7. Kiwifruit Pepper
8. Photo Max
9. Silica Max
10. Thermo Max
11. Zero In

The Agricultural Compounds and Veterinary Medicines team has completed a class determination for the above named product based on the information provided by the applicant.

### Determination

These products are defined as agricultural compounds under the Agricultural Compounds and Veterinary Medicines (ACVM) Act 1997.

These products are exempt from the requirement of registration under the ACVM Act.

These products are subject to the conditions in Regulations 7 to 15 and Schedule 2, as per the ACVM (Exemptions and Prohibited Substances) Regulations 2011 and Amendments.

These products do not require registration under the ACVM Act, however, the product must still comply with the conditions set out in the relevant ACVM regulations to be imported, marketed, distributed, sold or used in New Zealand.

### Rationale

These products are used to directly (or indirectly) manage plants growth and yield production and are defined as agricultural compound under the ACVM Act 1997.

These product are exempt from registration based on schedule 2, *Part C. Exemptions relating to agricultural compounds that could be used to manage plants or plant production*,

Bird Scare and Kiwifruit Pepper are exempt from registration as bird repellents under Entry 32 “Repellents applied directly to plants and used solely to repel vertebrates or invertebrates”

Etherics 5, Etherics 7, Etherics 1000, E15, FG4, Silica Max, and Zero In are exempt from registration as fertilisers under Entry 42 “Fertilisers”

Photo Max is exempt from registration as a plant bio-stimulant under Entry 44 “Plant Biostimulants”

Thermo Max is exempt from registration as a frost protectant under Entry 35 “Agricultural chemical compounds used to protect plants from climatological conditions”

### Advice

Ministry for Primary Industries  
Manatū Ahu Matua



**New Zealand Food Safety**  
Performance, Oversight and Approvals  
Pastoral House, 25 The Terrace  
PO Box 2526  
Wellington 6140, New Zealand  
Telephone: +64-4-894 2550  
[www.mpi.govt.nz](http://www.mpi.govt.nz)

Note that to comply with Regulation 12 (which relates to information requirements for products exempt as part of a group described in Schedule 2 of the Regulations), the contact details for the **New Zealand-based** party responsible for this product in New Zealand must be included on the label before it is sold. This information is required for traceability reasons in cases of complaints or recalls. It would be acceptable if the details are provided on a sticker applied to the packaging.

An assessment of the fit for purpose status of the product has not been made. As per Regulations 7 to 13 of the Regulations, it remains the responsibility of the manufacturer, importer and user to ensure that the product is fit for purpose and include appropriate use statements to ensure the product is used appropriately. Your obligations can be found here: <https://www.mpi.govt.nz/dmsdocument/19037-obligations-under-the-acvm-regulations>.

This determination is based on the information supplied as part of the application only. Promoting or selling this product in association with any other claims may alter the status of this product under the ACVM Act and Regulations.

The Agricultural Compounds and Veterinary Medicines (Exemptions and Prohibited Substances) Regulations 2011 are available via the link below:  
<http://www.legislation.govt.nz/regulation/public/2011/0327/latest/DLM3982848.html>

This class determination becomes **invalid** if:

1. This product is changed in any way.
2. This product is advertised using information different from that provided in the process of this class determination.
3. **Three years** have elapsed since the date of this class determination.
4. You do not comply with the conditions stated in the ACVM Regulations 2011 and Amendments.

**Important information:**

1. **This class determination letter (or copy) must be presented to MPI Biosecurity New Zealand at the border for the product/s to be released under the ACVM Act. To avoid delays with clearance and ACVM inspection costs, include a copy of this letter with the declaration information attached to the product.**
2. **If your products contain the following ingredients then contact the relevant team for import requirements under the Biosecurity Act 1993.**

Ingredient	Team to Contact
Live microorganisms (an import permit is required)	animal.imports@mpi.govt.nz
Ingredients of animal origin	
Whole or kibbled seeds	plantimports@mpi.govt.nz

For more information see <https://www.mpi.govt.nz/importing>

3. **Products containing a live organism and/or a hazardous substance must also meet requirements under the Hazardous Substances and New Organisms (HSNO) Act 1996. See [www.epa.govt.nz](http://www.epa.govt.nz)**

Yours sincerely,



Darren Yu  
 Adviser (Approvals Operations)



**Official Receipt G.S.T 64-558-838**  
 Received from: BdMax Limited  
 Being the class determination  
 fee of \$155.25

DATE: 31/5/2022

MPI General Ledger Code: 1.1640.21010