Minutes of the Executive Committee held by Teleconference on   
Thursday 29 July 2008 at 7.45pm

**Present:**Jim Syme (chair), Steve Clark, Mark Heard, Margaret Edwards, Graham Keen, Ed Scott, Andrew Taylor, Ian Manson, Alastair Bridge

**Apologies:**   
Nil

**Minutes of Previous Meeting:**  
Minutes were accepted as being a true and accurate record

**Matters arising:**

* Jim has spoken to Ian and Andrew, who were absent from the previous meeting, about the need to co-opt additional Exec members. It was thought that the matter should be deferred until it is clearer as to what the co-opted members' roles will be.
* Jim suggested that Brian Milne would be invaluable with his experience in the horticultural industry especially in relation to industry levies
* Alastair said that with the AGM now being so close it may be prudent to wait until we see who the new Executive are
* Margaret has spoken to the Food Writers Guild and another body who have “corporate members”
* they both have a “corporate member” fee of 2-3 times the standard subscription
* Alastair commented that if we want to establish a “corporate member” category it will have to go to the AGM in the form of a remit
* Ed was supportive of the idea of a “corporate” membership so long as we can attract them
* ***It was agreed that Alastair would ring several potential “corporate” members and if they are keen on the idea we will do something***
* ***Jim is presently compiling a communications strategy and will have it ready for the next meeting***

**Strategic Plan**

* Jim said that the draft was ready to be sent out to the membership for feedback but it included statistics that appeared to be incorrect
* Ed said the export statistics were not correct but Steve said that we should still include the stats but qualify them
* Andrew asked if we had any knowledge of sensitivities that may be in the Plan
* ***It was agreed that the Plan should be sent to members as soon as possible***

**Certification**  
An approach has been made by Grahame Taylor from the Waiheke Olive Group (WOG) requesting support from the national body for the Waiheke Olive Festival in November.  
Apparently these festivals have been extremely well received by the public at large and the attendance last year was in the area of 2000.  
As they are all local olive oil producers on Waiheke WOG feels this year would be good for them to have a further focus not only of educating the people about EVOO oil but explaining to them about the certification process and the meaning of the red certification stickers on bottles. They would like to think they could make a public awareness of the OliveMark sticker.  
To do this they believe they need some assistance and would like to put to Olives NZ the following.   
We propose ….

1. Balloons with the OliveMark logo placed at strategic points in the village, the festival the wharf and each of the stands.
2. A2 or A3 posters with the OliveMark and then a suitable notation e.g. “Look For This!” or  “Be Assured it is N Z EVOO! It costs no more to buy EVOO that is Certified!” These posters would bedisplayed widely.
3. White T- shirts printed with the OliveMark on the front for all producers with certified oil to wear on the day and for any other function they attend.

To do the above would cost approx $1,000 for which WOG would like to think ONZ would underwrite for them. They believe that ONZ “has not done a good job at promoting this certification sticker” and what better way than at a festival where en mass they will be all preaching to the public the advantages of the OliveMark stickers.

* Andrew was not opposed to the idea of supporting Waiheke but thought that we should also offer the same assistance to other regions. We should provide product rather than money
* Jim suggested we advise regions that ONZ has a promotional budget for certification and that we can provide up to $1,000 per region
* Ian Manson agreed and agreed with Andrew that we must ensure that any publicity must be of a very high standard and therefore ONZ must have some control over it
* Margaret said that ONZ should only control artwork which we would provide to regions
* Ed suggest that ONZ provide $1,000 per region up to 2/3’s of the total cost
* ***Alastair will draft a regional email and circulate to the Exec for approval***

**Certification and label auditing**  
A policy paper on Country of Origin labelling and mislabelling has been issued, but we need to state what our audit system will be and set out an advisory protocol. Once approved this should be put on the website.  
A wording along the following lines is suggested …   
“Olives New Zealand has certification standards with which certified oil must comply. These standards are listed below

* a chemical analysis must show that the oil contains less than zero point five percent (0.5%) FFA and has a PV of less than 15
* the oil must be evaluated by the ONZ Sensory Panel and meet the sensory conditions set by Olives New Zealand.
* the label on the oil must meet the required NZFSA standards, and have the month of pressing on it
* oil must be in dark glass bottles or if clear bottles or light glass bottles are used they must be packaged in a container that will exclude light.

If the oil meets the certification standards and a Declaration of Compliance is signed the producer will be eligible to use the OliveMark on containers of that oil.  To use the OliveMark seal the certification licensing agreement that regulates the use of the Seal must be signed.  
As an industry we must rely on individual producers to undertake audits and to be vigilant for possible breaches of the standards. They should bring the matter to the attention of the Executive Officer of Olives New Zealand who will alert the producer of that oil to a possible breach of the standards.” …

* Andrew said that the oil should be taken back to the place of purchase

**Awards**

* Margaret reported that we are still waiting for confirmation from HortResearch for sponsorship
* We plan to have entry costs the same as last year with 2 or 3 judging panels
* Discussion took place about certification dates and deadlines.  It was agreed that every season will be different and no hard and fast deadlines can be made.
* It was suggested that members should be emailed to reinforce what the last date is before the Awards

**Executive Officers Position**  
  
There two alternatives for the appointment of a new Executive Officer

1. an existing business manager employed by Horticulture N Z would include olives with their present product group management responsibilities.  
   **Pro’s** – experienced administrator, in-house admin systems,   horticulture and a “pro-levy” stance “in the blood”  
   **Con’s** – not familiar with the olive industry and its idiosyncrasies  
   The cost for this option is payment of $40 per hour for the business manger’s time (but a lot of the routine administration work will be able to be handled by Hort N Z admin staff at a lower hourly rate), a share of HNZ fixed costs and payment of actual costs incurred eg. telephone, photocopying
2. ONZ will advertise the position both within and outside the industry   
   **Pro’s** – someone who has experience in and knowledge of the industry  
   **Con’s** – can a suitable person be found?  
   The cost for this option is $26,000 per year plus actual costs as for option a)

**Position Description**

|  |  |
| --- | --- |
| **Position:** | Executive Officer |
| **Primary Purpose:** | The Executive Officer position exists to support the achievement of Olives New Zealand’s strategic goals by liaising with external groups, providing membership support and ensuring the smooth administration of Olives New Zealand activities. |

 **Specific Accountabilities:**

1. **General Administration**Supports the smooth running of Olives New Zealand by providing accurate and timely administration of Olives New Zealand activities.
2. **Membership Support**Provides the Olives New Zealand members with a high level of customer service by ensuring all aspects of membership administration are dealt with in an efficient, timely and supportive manner.
3. **Meeting Management**  
   Assists with the smooth running of Olives New Zealand Executive meetings by managing the agenda, taking minutes, co-ordinating member contributions and compiling and sending our minutes in a timely manner. Arranges for minutes to be posted on website.
4. **Certification Integrity**Maintains the integrity of the certifcation process by liaising with the Technical Committee, managing the certification programme and monitoring the adherence to quality standards and criteria.
5. **Event Support**  
   Organises and supports the success of Olives New Zealand events (e.g. annual Awards and conferences) by providing management and administrative support.
6. **External Relationships**  
   Reinforces the profile and external relationships of Olives New Zealand by co-ordinating media contact, liaison with the IOC and representing Olives New Zealand with other industry bodies and third parties.

* both alternatives need to be considered and if Option 1 is chosen the advertisements need to be placed as soon as possible
* with regards to Option 2 Jim was of the opinuion that we need to get closer to Horticulture N Z and this option may the best one. HNZ would provide an experience administrator and would have in-house support and also back-up at holiday time and in the event of illness
* HNZ have offered to present ONZ with a proposal.
* Ed supports the HNZ option as does Margaret who said they would also provide research support and easier access to government
* It appears that the ONZ Consitution would allow for the appointment of a HNZ business manager as ONZ Executive Officer
* Ian Manson said the disadvantage of the HNZ option is that we could well have no continuity of employees if the business manager was to leave HNZ – a new officer would have to be trained in an industry he/she knew little about. Also a HNZ officer would not have an intimate knowledge of the olive industry nor would they know any of the growers
* It was agreed that Alastair would ask HNZ to present a proposal to ONZ and that he and Jim Syme would meet with Peter Silcock to discuss the proposal

**Updating the IOP Manual**It has been discovered that there are major problems with the present IOP Manual on the website.

* There are a number of stupid spelling mistakes in the chapter headings (e.g. FEACAL - which detract from the professional image of the BMP/IOP e-manual (bad spelling implies amateurism and carelessness). These errors were introduced in migration - they are annoying but are not serious.
* when the migration took place from expert to Netlist either Netlist or the ONZ Exec member responsible for the migration has 'simplified' the e-manual structure which has lead to material becoming illogically located and thus confusing to the reader.
* There are a good number of hyperlinks that are faulty.
  + Some hyperlinks lead to external websites that are now out of date (not surprising after 3 years) but these should be checked and updated.
  + Or internal hyperlinks that fail,
  + Or internal hyperlinks that lead to the wrong page making it difficult/impossible to find the correct page,
  + Or internal hyperlinks that are not active,
  + Or internal hyperlinks that lead to a page that has never been loaded.

These both detract from the functionality of the BMP/IOP e-manual and so are more serious.  
There are missing figures.   
There are missing author names.   
There are format-corrupted equations.   
Perhaps more importantly, there are many whole sections and even some whole chapters that are entirely missing.    
  
The above missing material totals about 180 pp (about 126,000 words) and corresponds to about 35% (180/520x100) of the entire BMP/IOP e-manual.  
Alastair Bridge is meeting in mid-August with Sandy Lang (the Manual’s author) and Chris Gaellic (from Netlist) to determine whose fault the errors are, the cost to fix them and who will pay.

**General Business**

* Andrew said that the Exec should take the opportunity to meet at Conference and also with board members of Hort N Z
* He also thought we should invite the “right” guests to Conference and the Awards dinner
* We should also make more of the Best In Class and Best In Show winners for publicity purposes – including their own
* Jim Syme agreed and suggested that we could have a breakfast on the Sunday where the winners could meet food writers and other media

**OliveMark and “Olivenz”**  
Hawkes Bay branch has urgently requested that we review our decision that all containers of certified EVOO must carry the OliveMark.

**The OliveMark and certification underpins ONZ’s whole quality programme - to guarantee the public that certified New Zealand extra virgin olive oil is in fact extra virgin and is produced entirely from olives grown in New Zealand.**It has also been shown that NZ EVOO displaying the OliveMartk gives the product an advantage in the marketplace over oil not displaying the Seal.  
The Certfication Seal Licence Agreement carries the condition that the grower/marketer agrees to display the seal on all containers of their certified oil and the Executive of ONZ has agreed that it should also be included in the Declaration of Compliance (this does not apply to export oil).  
Failure to display the Seal on certified oil would undermine the whole purpose of the certification programme and our efforts to educate the New Zealand public on the value of containers EVOO displaying the OliveMark.  
  
Member support for certification is growing – in 2007 140 oils were certified – and the only negative comment on the changed wording has come from Hawkes Bay. Support for the requirement has come from other regions.

Hawkes Bay have stated that some oils displaying Awards stickers are not also showing the OliveMark and this is yet another compliance issue where we will be asking members to help police our regulations.  
There are a number of oils being produced in New Zealand that do not meet anything like good quality standards or are not true to label and we all need to concentrate our efforts of preserving the integrity of our industry.  
  
Our certification programme has been applauded by many in the international olive world as well as by a number of senior people in government and government agencies.  
The California Olive Council has recently introduced compulsory certification for their members. To be a member of the California Olive Association a grower must have certified oil.

* Jim said it was his opinion that we must stay with the amended Declaration of Compliance wording
* Ed agreed but said it was not reasonable to expect this requirement to apply to export oil – it should be specifically for local market oil sales
* Margaret and Ian agreed with Margaret re-iterating that there is the opportunity for producers to incorporated the red Seal in their main label
* it was emphasised by all the Executive that **certification is not compulsory – it is entirely voluntary**
* Steve asked Margaret to compile an article for the eNewsletter to reiterate the rationale of ONZ certification and its procedures.
* The decision for the amended Declaration wording to remain was unanimous  – although Andrew said he “wasn’t keen” as he is more interested in export so has a different view. **It was agreed that the requirement for the OliveMark to be put on all containers of certified oil DOES NOT APPLY TO EXPORT PRODUCT.**

The Hawkes Bay Branch is also accusing ONZ of not protecting our “intellectual property” of the OliveMark and the ONZ name and asks ONZ to “seriously consider commencing proceedings to prevent ‘passing off’ of” our name ….

* at this point Ian Manson spoke to his email setting out his position (copy attached to these Minutes). He doesn’t think the Executive needs to debate this matter as it is outside its jurisdiction.

 (Ian Manson left the meeting for this discussion)

….. Hawkes Bay believe that ONZ “must surely have a duty to all members to prevent diminishing the value of the intellectual property”.    
If we don’t do this they want us to consider us changing our name.  
Their stance has been taken because of the emergence of the “Olivenz” brand and they believe that any promotion of the “ONZ Extra Virgin Olive Oil” OliveMark gives the “Olivenz” brand unfair   
advantage …..

An average consumer buying NZ EVOO has no idea of the full name of the “ONZ” on the sticker.  
A wholesaler or retailer will be very aware of Olives New Zealand as an industry body with no business or brand and also very familiar with certification eg. N Z Gap which all fresh fruit and vege producers must comply with in order to sell in to supermarkets. If a producer doesn't want to be NZ Gap certified they don't have to be, but to sell their produce to supermarkets they must be certified. It's their choice just as ONZ certification is.  
A bottle of “Olivenz” oil carrying the seal would have no more advantage than any other branded oil displaying the same sticker.  
   
Hawkes Bay also accuse an Exec member of leveraging off the OliveMark for his own commercial advantage, there will be confusion from the public with “Olivenz” EVOO and the ONZ OliveMark and that a levy used to promote certification will unfairly benefit the “Olivenz” label as a result. They say the “strongly object to being compulsorily forced in to subsidising an individual label”.

We have not had one complaint on this matter from outside Hawkes Bay – and only two from individual growers in Hawkes Bay.  
Hawkes Bay do not mention the existence of another brand “ONZOIL” nor another company in Auckland called Olivenz Ltd.  
In debating this issue it is worth mentioning:

* ONZ is not a brand
* Ian Manson has worked tirelessly for the good of ONZ, he has helped develop a food safety plan at his cost and made the template available to ONZ and has worked hard on the introduction of improved funding mechanisms for the industry
* all intellectual property at ONZ is on behalf of and relayed to all members by way of the website, research & development, representation on behalf of our members at exhibitions, policy statements, relationships we have with government and government agencies. The OliveMark is trademarked and is steadily becoming a essential tool in identifying NZ EVOO as EVOO of the highest quality
* within any industry there are similarities between companies’ names and images and that is a matter for those companies to live with – this is not a matter for ONZ to interfere.

The Executive is elected by the members to advance their olive oil interests. We listen to them carefully and, if they desire, we will carry out their issues.

* Alastair spoke to the legal opinion that he had obtained regarding the matter **(copy attached to these Minutes)**
* Andrew said there were grey areas in the matter but acknowledged that we had received legal advise that we have should have no concerns
* Steve said the only possible confusion is in the domain names and couldn’t see where Hawkes Bay were coming from
* Jim couldn’t see how the domain name matter was relevant as ONZ is not a brand. He suggested that we could put a by-line under any “Olives New Zealand” heading and this could take away any grey areas. As such we will ensure that all ONZ PR will continue to state that Olives New Zealand is the industry organisation for the New Zealand olive industry
* All the Executive
  + were comfortable with the present situation
  + had considered a name change and rejected the idea as being unnecessary.
  + rejected that there is a conflict of interest with regards to an Exec member. The Exec member had started pursuing the “Olivenz” brand name well before Olives New Zealand came in to being

**Action Points**

* **Alastair to ring several potential “corporate” members and if they are keen on the idea of corporate membership**
* **Jim to present a communications strategy to for the next meeting**
* **Alastair to draft an email on regional certification promotion and circulate to the Exec for approval**

Background Paper – Trademark ‘olivenz’ (Pronounced oli-venz)

25 July 2008

To the Executive - Olives New Zealand Inc.

From - Ian Manson, Managing Director, Olivenz Oils Limited

Subject – Trademark ‘olivenz (pronounced oli-venz)

Having been subjected to a number of emails and a letter that originated from a member of Olives New Zealand Inc – Hawkes Bay, I write to provide you all with a little background to my acquiring the Trademark ‘olivenz’.

Before providing my side of this story, I would like to make one comment – the tabling of this topic before Olives New Zealand Inc by a party that, in my opinion, fails to understand business structure and governance is causing me to become rather tired of reading such dribble. I believe this member should be very careful on what he writes or says as if the opportunity arises, I will make my thoughts known why I believe this subject has been tabled. I can say this may be of real interest to all our members. Furthermore, the words ‘smell a rat’ and 'most perturbed 'in correspondence bring another dimension that needs commenting on – one of ignorance and one of a party not doing their research.

**I comment**

The ‘olivenz’ Trademark (Device) was first registered with the Intellectual Property Office in February 2000 by company Olivenz Limited. Refer [www.iponz.govt.nz](http://www.iponz.govt.nz) under Trademark Search ‘olivenz’ Ref 608803.

Olivenz Limited was the company set up in conjunction with Christchurch based property developer R J Hughes Developments Ltd., and at that time developed the many olive groves in Ohoka and San Dona, some 20 minutes drive north of the City of Christchurch. It had as its Chairperson none other than Sue Suckling who, at that time, was on several boards, including The New Zealand Dairy Board.

This development comprised approx 200 lifestyle blocks with olive trees planted on all blocks. It was estimated 100,000 trees were planted during the development phase.

In conjunction with the registration of Trademark ‘olivenz’, another brand ‘virginz’ was registered with Olivenz Limited issuing an elaborate prospectus to all owners of the lifestyle blocks offering shares with the capital injection sought to develop a processing plant along with a restaurant complex. Olivenz Limited imported an Alfa Laval press (1.5 tonnes per hour) with the view to commence commercial olive oil production in year 2002 – 2003.

Unfortunately, the lifestyle block owners did not support the venture and following two periods of extending the closing date for the purchase of shares in company Olivenz Limited, the directors decided to withdraw the prospectus. Please remember we are talking year 2000 – some eight years ago.

In late 2002, the directors decided to wind-up the company, however, the Trademarks over ‘olivenz’ and ‘virginz’ remained registered with an expiry of February 2005.

In 2002, I met with Directors Thompson and Hughes of former company Olivenz Limited seeking an opportunity to acquire the Trademark ‘olivenz’ and presented them with a letter of offer to purchase.

My offer was turned down; due to the price being too low and again in 2004 I revisited the topic with Robin Hughes. Once again, my offer was not to their expectation. In June 2003, I registered the domain name olivenz.com to coincide with my view of acquiring the ‘olivenz’ Trademark.

In 2004 – 2005, the Government amended the Intellectual Property Act for registration of Trademarks and extended all current approvals for a period of seven-years following date of registration, this resulted in the expiry date for these two Trademarks extending to February 2007.

During the period 2002 – 2005, several parties, including Olives New Zealand Inc., approached former directors Thompson and Hughes seeking their approval to sell them the ‘olivenz’ Trademark and all these parties were turned away. When Olives New Zealand Inc made their approach it coincided with the name change from New Zealand Olive Association to Olives New Zealand Inc.

Being patient and prior to the expiry in February 2007, in June 2006, I engaged a Christchurch based Patent Attorney to investigate the possible revoking of the ‘olivenz’ Trademark due to its none use and this was achieved.

In September 2006, I instructed the Patent Attorney to register the existing ‘olivenz’ device and went about seeking approval for a Trademark over the name ‘olivenz’. Following much communication between the Patent Attorney and the Intellectual Property Office, the result was – no party can register a Trademark over the word ‘olivenz’.

Between late 2006 and early 2007 I went about developing a business strategy for the acquired ‘olivenz’ Trademark device and this included redesigning the brand and developing labels for our selected packaging.

In March 2007, following many meetings with retailers and professional parties, I selected the label best suited to our marketing strategy.

Submission to the Intellectual Property Office of this new design was in April 2007, however, they believed the design was simply a word and was subsequently withdrawn with the revamped design accepted in September 2007.

**In conclusion**

When reading the above it becomes very clear the brand ‘olivenz’ should have been on the scene in 2002 or 2003 and it is very strange that some twelve months following the brands release on the domestic and international marketplace, a member from the Hawkes Bay is showing concern of its existence.

To-date I have received many kind words on our initiative and packaging design from many quarters and this includes parties in NZ, USA, UK and Europe, culminating with the recent design award from the 2008 Los Angeles International Olive Oil Competition.

Further, I donated bottles of the ‘olivenz’ extra virgin olive oil to Olives New Zealand Inc in October 2007 where these were placed on all dinner tables at the 2007 Olive Oil Awards. To receive a barrage of correspondence from one quarter, who attended the dinner, some 10-months later does appear very odd and smacks of someone not having an understanding of business practice and struggling to accept the rights of parties meeting the conditions of intellectual property registration and ownership.

Finally, I do not intend withdrawing the ‘olivenz’ brand from the marketplace and if any further correspondence is directed my way, in regard the use of the Trademark ‘olivenz’ or my company affairs, by any party, whether a member of Olives New Zealand Inc or not, I may elect to invite my solicitor becoming involved.

I didn’t for one moment believe the executive of Olives New Zealand Inc should be faced with having to debate this issue, which in my opinion is completely outside its jurisdiction.

[**Legal opinion from Colin Hadley of Baldwins**](http://netlist.co.nz/Communities/OlivesNZMembers/pdfs/EXEC_MINS_July08_Legal_Opinion.pdf)(pdf file)