



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

**TRADE AND
SUPPLY CHAINS**

Trade (Anti-dumping and Countervailing Duties) Act 1988

Full Review

**Canned Peaches from South
Africa**

Stage 2 Final Report

MBIE/AD/R/2025/001

NON- CONFIDENTIAL

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Abbreviations and Acronyms

The report contains the following abbreviations and acronyms:

Abbreviation	Meaning
Act	Trade (Anti-dumping and Countervailing Duties) Act 1988
Anti-dumping agreement	The WTO Agreement on Implementation of Article VI of the GATT 1994
chief executive	Chief Executive of the Ministry of Business, Innovation and Employment
Customs	New Zealand Customs Service
Foodstuffs	Foodstuffs Own Brand Ltd
GATT 1994	General Agreement on Tariffs and Trade 1994
GOSA	Government of South Africa
HWL	Heinz Wattie's Ltd
kg	Kilogram(s)
Langeberg and Ashton	Langeberg and Ashton Foods Pty Ltd
Langeberg Foods	Langeberg Foods Pty Ltd
MBIE	Ministry of Business, Innovation and Employment
Minister	The Minister of Commerce and Consumer Affairs
POR(D)	Period of review for dumping assessment, 1 January to 31 December 2024
PIP Report	Public Interest Preliminary Findings Report
Review	A full review of the imposition of anti-dumping duty canned peaches from South Africa authorised under section 17D of the Trade (Anti-dumping and Countervailing Duties) Act 1988.
Rhodes	Rhodes Food Group Pty Ltd
Subject goods	Imported goods that are the subject of the review
Woolworths	Woolworths New Zealand Ltd
WTO	World Trade Organization

1. Proceedings

1.1 Summary

1. On 12 December 2024, Heinz Wattie's Ltd (HWL), the only New Zealand producer of canned peaches, applied to the Ministry of Business, Innovation and Employment (MBIE) seeking a full review of anti-dumping duties on imports of canned peaches from South Africa. This review was initiated on 12 March 2025, pursuant to section 17D of the *Trade (Anti-Dumping and Countervailing Duties) Act 1988* (the Act).
2. On 8 September 2025, following Stage 1 of the review, the Minister of Commerce and Consumer Affairs (the Minister) determined that the continued imposition of an anti-dumping duty on imports, other than A10 cans, produced by Langeberg and Ashton Foods Pty Ltd (Langeberg and Ashton) is necessary to offset dumping and material injury to the domestic industry (HWL).¹ The Minister also determined a duty rate of 24.5 per cent for these goods and directed MBIE to start Stage 2.
3. At Stage 2, MBIE investigates whether continuing to impose an anti-dumping duty at the rates determined is in the public interest. Section 17H(2) of the Act, which sets out the public interest test, provides that it is in the public interest to continue to impose the duty unless the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty. As part of this assessment, MBIE must consider the effect of the duties on a range of factors set out in section 10F(3) of the Act.
4. Stage 2 commenced on 9 September 2025. In undertaking its Stage 2 assessment, MBIE has had regard to information received from HWL, New Zealand importers, South African exporters and the New Zealand Customs Service (Customs), as well as information from MBIE's own independent research.
5. On 7 November 2025, MBIE issued a Public Interest Preliminary Findings Report (PIP Report) in accordance with section 17I of the Act, and invited notified parties to make submissions in response. The PIP Report set out the preliminary findings likely to form the basis for the Stage 2 determinations to be made by the Minister under section 17J(1) of the Act.
6. On 13 November 2025, MBIE received a submission from Langeberg Foods Pty Ltd (Langeberg Foods), an entity that purchased the canned peach operations of Langeberg and Ashton. This submission materially affected the preliminary findings in the PIP report (discussed in section 4 of this report).
7. MBIE subsequently issued a second PIP report on 12 February 2025 and invited notified parties to make submissions in response. Submissions were received from Langeberg Foods and HWL. These have been considered in the preparation of the present Stage 2 Final Report. Annex One summarises interested parties' submissions on the second PIP report and sets out how MBIE has addressed these comments.
8. This Stage 2 Final Report is provided in accordance with section 17I(4) of the Act, and sets out MBIE's Stage 2 findings for the Minister. MBIE has reached the conclusion that continuing to impose the duty at the determined rates is in the public interest – that is, MBIE has found that the cost of imposing the duty to downstream industries and consumers is *not* likely to materially outweigh the benefit of imposing the duty to the domestic industry.

¹ The Gazette Notice of Determination can be found [here](#). The Minister terminated the remaining duties in place, on “all other producers”, on the basis that associated imports were not being dumped.

2. Legal Requirements

2.1 Matters to be investigated

9. This full review is being conducted in accordance with the Act. The World Trade Organization (WTO) Agreement on the Implementation of Article VI of GATT 1974 (the Anti-Dumping Agreement) and reports adopted by the WTO Dispute Settlement Body provide guidance where the Act is silent, or where there are questions as to its interpretation.

Public interest assessment

10. Section 17H of the Act sets out the requirements for Stage 2 of a full review:
- (1) *If the Minister directs the chief executive to start full review stage 2, the chief executive must investigate whether continuing to impose an anti-dumping or a countervailing duty at the rate determined under section 17G(2)(a) is in the public interest.*
 - (2) *Continuing to impose the duty is in the public interest unless the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty.*
 - (3) *In investigating whether continuing to impose the duty is in the public interest, the matters the chief executive must investigate include those referred to in section 10F(3).*
11. Section 10F(3) of the Act provides that the chief executive must investigate the following matters as part of the public interest assessment:
- (a) *the effect of the duty on the prices of the dumped or subsidised goods*
 - (b) *the effect of the duty on the prices of like goods produced in New Zealand*
 - (c) *the effect of the duty on the choice or availability of like goods*
 - (d) *the effect of the duty on product and service quality*
 - (e) *the effect of the duty on the financial performance of the domestic industry*
 - (f) *the effect of the duty on employment levels*
 - (g) *whether there is an alternative supply (domestically or internationally) of like goods available*
 - (h) *any factor that the chief executive considers essential to ensure the existence of competition in the market.*
12. MBIE can also investigate other matters that it considers appropriate or that are raised by parties other than those captured above, and is not restricted to solely investigating the matters in section 10F(3) of the Act.
13. Section 17I(4) of the Act provides that *the chief executive must report the findings of full review stage 2 to the Minister.*
14. Section 17J of the Act provides that:
- (1) *Within 90 days after the start of full review stage 2 (but not less than 30 days after the written advice is given by the chief executive under [section 17I\(1\)](#)), the Minister must determine whether continuing to impose the anti-dumping or countervailing duty is in the public interest (see [section 17H\(2\)](#)).*

The Minister must give notice of a determination under subsection (1) as soon as practicable after the determination is made.

2.2 Continuation of duties

15. At Stage 1 of the investigation the Minister determined to retain duties for Langeberg and Ashton and to terminate duties against all other South African exporters. At Stage 2, the Act does not allow for the extension of the duties determined at Stage 1 to a different person who was not captured within the scope of the original determination.
16. Because imports from Langeberg and Ashton are not expected to continue, either continuing or removing the duty is expected to have no material practical effect on the public interest factors set out in section 10F(3) of the Act. However, the Act does not permit a review to be cancelled or modified once underway. Therefore, the Minister is still required to take a final procedural step and make a Stage 2 final determination. This will conclude the review and ensure that the duties on South African peaches are current.
17. Accordingly, in assessing whether continuing to impose an anti-dumping duty at the rate determined is in the public interest, MBIE has necessarily focussed on the effect of the duty on Langeberg and Ashton, not the effect on Langeberg Foods. MBIE acknowledges that this is an unusual result.

3. Investigation procedures

3.1 Subject goods

18. The goods which were the subject of the full review (subject goods) at Stage 1 were:
- Canned peaches (halves, slices, and pieces) packed in various concentrations of sugar syrup and in can sizes ranging from 110 grams up to but not including A10 cans (2.95kg / 3.0kg / 3.06kg).*
19. The subject goods that have been imported during the period from 1 January to 31 December 2024 comprise peach slices, dices, and halves in juice and syrup in 410g/415g (N1M), 820g/825g (A2.5), and 2.95kg/3kg (A10) cans.
20. The goods are currently classified under Tariff Item 2008.70.09 and Statistical Key 00L (as shown in Figure 1 below). MBIE notes this key also includes goods outside the subject goods description, and therefore outside the scope of the present review. Out of scope products include preserved nectarines, nectarine pulp or puree, and preserved peaches in presentations other than cans.

Figure 1: Tariff Classification

Tariff item	Stat Key	Unit	Description	Duty	Pref.
2008.70.09	00L	kg	Fruit, nuts and other edible parts of plants, otherwise, etc. – Peaches, including nectarines -- Other	5%	Free *See Below CA Free LDC 4

*Unless otherwise indicated AAN, AU, CN, CPT, HK, KR, LLDC, MY, Pac, PPP, SG, TH, TPA and TW rates in the Preferential Tariff are Free.

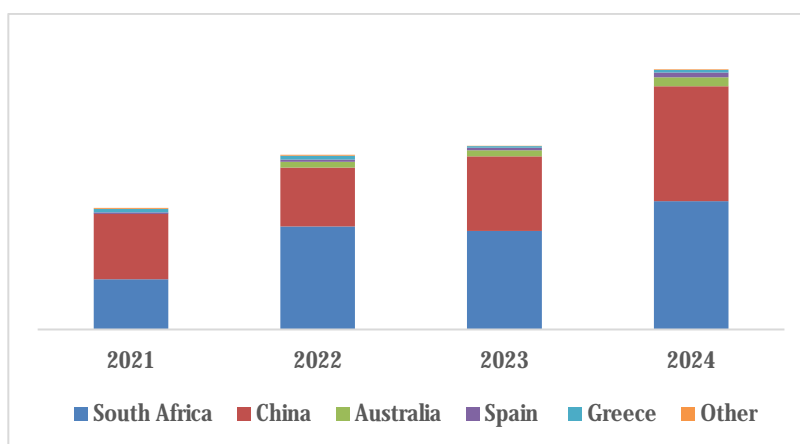
3.2 Like goods

21. Section 3(1) of the Act defines like goods, in relation to any goods, as:
- (a) *other goods that are like those goods in all respects, or*
- (b) *in the absence of goods referred to in paragraph (a), goods which have characteristics closely resembling those goods.*
22. To determine whether the goods produced in New Zealand are like goods to the subject goods, MBIE normally considers physical characteristics, function and usage, pricing patterns, marketing and distribution, substitutability and commercial interchangeability, and any other relevant matters, with no one of these factors necessarily being determinative.
23. During Stage 1 of this review, MBIE concluded that the canned peaches produced by HWL were like goods to the subject goods. This was on the basis that HWL's products, while not alike in all respects, had characteristics closely resembling the subject goods. MBIE's findings are detailed in section 2.2.1 of the [Stage 1 Final Report](#) for the present review.

3.3 Imports of canned peaches

24. Figure 2 shows import volumes of canned peaches into New Zealand in the period January 2021 to December 2024, under the above tariff item and statistical key. Where possible, MBIE has excluded goods that are not subject to the review from the data. The figures presented below include HWL's imports – MBIE notes HWL did not import subject goods from South Africa during the 2024 period.
25. Imports from South Africa made up 50 per cent of total imports of the subject goods in 2024.

Figure 2: Imports of Canned Peaches (MT)²



Source: New Zealand Customs data

3.4 Notified and affected parties

26. In the context of the present review, MBIE had the following obligations in relation to notified and affected parties:

27. Section 17I(1) requires that:

The chief executive must, within 60 days after starting full review stage 2, give the notified parties written advice of the preliminary findings that are likely to form the basis for a determination to be made by the Minister under section 17J(1).

28. Section 17I(2) requires that:

The chief executive must give all persons that the chief executive considers would be significantly affected by continuing to impose the duty a reasonable opportunity to present, in writing, all evidence relevant to full review stage 2 and, on justification being shown, to present that evidence orally.

29. Section 3(1) of the Act defines “notified parties” as

- (a) the Government or Governments of the country or countries of the export of goods to which the notice relates; and
- (b) exporters and importers known by the chief executive to have an interest in those goods; and
- (c) the applicant in relation to those goods; and
- (d) where the Minister or the chief executive is taking action under section 18, the Government of the third country on behalf of whom the Minister or the chief executive is taking action.

30. These parties are discussed at section 3.5 of this report. The Act does not explicitly define “significantly affected” parties. In light of the public interest test outlined in section 17F(2), MBIE considers “significantly affected” parties for the purposes of a Stage 2 review to include all notified parties, Langeberg Foods, consumers and downstream industries.

3.5 Notified parties

3.5.1 Government of South Africa

31. MBIE has continued to notify the Government of South Africa (GOSA) during Stages 1 and 2 of this

² Note y-axis values are withheld to preserve confidentiality of information.

review. MBIE has not received any submissions from GOSA since the start of this review.

3.5.2 Exporters / Foreign producers

32. MBIE identified two South African manufacturers exporting the subject goods to New Zealand during the 2024 period – Rhodes Food Group Pty Ltd (Rhodes), a participating exporter, and Langeberg and Ashton which initially indicated it would participate then withdrew, before providing information, on the basis that the business was in the course of being sold.
33. Langeberg and Ashton is the only manufacturer directly affected by the present Stage 2 review (noting duties were not determined for Rhodes following the Stage 1 review). Langeberg and Ashton is owned by a division of Tiger Brands Limited. MBIE has not received any information from Langeberg and Ashton to date, so has used the best available information for Langeberg and Ashton related assessments. However, as noted in the proceedings section, Langeberg Foods has been engaging with MBIE since 12 December 2025. Langeberg Foods purchased the canned peach operations of Langeberg and Ashton as a going concern. It asserts that it is a different company and therefore a different legal person to Langeberg and Ashton.

3.5.3 Importers

34. MBIE provided Stage 1 and Stage 2 questionnaires³ to the following New Zealand importers – these were either identified via Customs data as subject good-importers for the 2024 period or due to their participation in the previous review, and wished to participate in the current review.
- Barkers Food Processors
 - Brooke Holdings Ltd
 - Foodstuffs Own Brand Ltd (Foodstuffs) (New World, PAK'nSAVE, Four Square and Gilmours)
 - Woolworths New Zealand Ltd (Woolworths) (Countdown, Super Value and Fresh Choice)
35. Of these importers, Brooke Holdings, Foodstuffs and Woolworths provided Stage 1 questionnaire responses, and Brooke Holdings provided a Stage 2 questionnaire response. MBIE has referred to these submissions to gain additional insight into the impacts of the duty on the consumers, downstream industries and the domestic industry, being the parties directly considered under the section 17H(2) public interest test.

3.5.4 Applicant (New Zealand Industry)

36. Section 3A of the Act defines the term “industry” in relation to any goods, as:
- (a) *the New Zealand producers of like goods; or*
 - (b) *such New Zealand producers of like goods whose collective output constitutes a major proportion of the New Zealand production of like goods.*
37. HWL is the sole manufacturer of canned peaches in New Zealand and therefore constitutes the New Zealand industry for the purpose of this review. HWL produces a range of styles of canned peaches (including sliced and halved) preserved in syrup, a ‘lite’ medium, or fruit juice, in cans of three sizes (400g/410g, 820g and 2.95kg/3kg) under the Wattie’s and Oak brands. Distribution is at a wholesale level to supermarkets, to other retailers, and to the food service sector.
38. HWL noted that it has, in times of short supply, needed to import canned peaches to protect its

³ The Stage 2 Framework and Questionnaire are available at: [Trade remedy investigations | Ministry of Business, Innovation & Employment](#)

market share, shelf space, and consumer goodwill. It confirmed that it did not import any subject goods from South Africa during the period of review for dumping (POI(D)).

39. In addition to the information provided during Stage 1 of this review, HWL provided a response to the Stage 2 Review Framework and Questionnaire (Stage 2 Questionnaire).

3.6 Affected Parties

40. Section 17I(2) of the Act provides that:

The chief executive must give all persons that the chief executive considers would be significantly affected by continuing to impose the duty a reasonable opportunity to present, in writing, all evidence relevant to the investigation and, on justification being shown, to present that evidence orally.

3.6.1 Langeberg Foods

41. MBIE considered when consulting on the PIP that Langeberg Foods was included in the category of persons significantly affected by continuing to impose the duty, as described in section 17I(2). This is because, if Langeberg Foods were determined to be the same exporter as Langeberg and Ashton, the duty would apply to them, and they would be significantly affected.

3.6.2 Consumers and downstream industries

42. Additionally, in the context of Stage 2, affected parties includes consumers and downstream industries.

43. Section 17H(4) defines consumers for the purposes of a full review Stage 2 as:

(a) *New Zealand consumers of –*

(i) the dumped or subsidised goods; or

(ii) like goods; or

(iii) the other goods referred to in paragraph (a) of the definition of downstream industries; and

(b) *if the Minister considers it appropriate for the purposes of this section, any other relevant New Zealand consumers.*

44. Section 17H(4) defines downstream industries for the purposes of a full review Stage 2 as:

(a) *Each immediate downstream New Zealand industry that uses the dumped or subsidised goods, or like goods, as an input in the production of other goods; and*

(b) *if the Minister considers it appropriate for the purposes of this section, any other relevant downstream New Zealand industry.*

45. MBIE considers customers purchasing canned peaches from the retail sector, and customers of the commercial food service sector to be consumers. MBIE considers manufacturers of food items containing canned peaches to be downstream industries. MBIE understands that downstream industries of canned peaches tend to purchase these goods in A10 cans, which are not subject to duties, or large drums, which are not subject to this Stage 2 review.

46. MBIE contacted several consumer groups/companies seeking a consumer perspective and to identify possible downstream industries. Entities included the New Zealand Food & Grocery Council, Retail NZ, Manufacturers' Network, Employers & Manufacturers Association, NZ Council of Trade Unions, NZ Chefs, Baking Industry Association, Hospitality New Zealand and Restaurants NZ. MBIE has not received information from these groups, or from other consumers/downstream industries.

4. Change in ownership

4.1 Context

47. The Stage 2 inquiry requires an assessment of whether the continued application of the duty to Langeberg and Ashton is in the public interest. To properly make that assessment, MBIE must understand whether, following the acquisition, Langeberg and Ashton continues to operate as an exporter of canned peaches.
48. As outlined above in section 2.2, Stage 1 duties were determined solely against Langeberg and Ashton. Consequently, if Langeberg Foods is the same person as Langeberg and Ashton, duties may be continued on them. However if they are not the same person, then the relevant duties do not apply to them.
49. This is relevant to MBIE’s investigation of whether the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty. If Langeberg Foods is considered a separate person, then no exporters are captured by the duty determined at Stage 1. This affects the assessment of both the cost and the benefit, both of which would effectively be zero. MBIE also notes that many of the factors it is required to investigate are themselves assessed by reference to the “effect of the duty” and that will depend on who and what it would be imposed on.

4.2 Submissions and subsequent material from Langeberg Foods

50. During Stage 1 of the Review, MBIE engaged with Langeberg and Ashton, which indicated it could not participate in the review due to an impending sale, and subsequently withdrew from the review process.
51. MBIE issued a Public Interest Preliminary Findings Report on 7 November 2025 for comment. During the comment period, MBIE received a formal submission from Langeberg Foods on 13 November 2025, followed by further submissions on 21 and 29 November 2025. These submissions were Langeberg Foods’ first substantive engagement with this review.
52. In its submissions, Langeberg Foods stated that it took over the canned peach operations previously operated by Langeberg and Ashton from 1 October 2025. Langeberg Foods asserted that it is a new and distinct person from Langeberg and Ashton, and that Langeberg and Ashton will not continue exporting canned peaches to New Zealand.

4.3 Information considered

53. In considering the information provided by Langeberg Foods to determine whether it is a separate legal person to Langeberg and Ashton, MBIE completed the following steps, with due diligence:
 - reviewed Langeberg Foods’ submissions and supporting material provided during the Stage 2 process
 - undertook checks of South African company registration information available through the South African Companies and Intellectual Property Commission (CIPC), including whether the entities identified by parties appear to be separately registered and are currently active
 - considered relevant publicly available information regarding the sale and ongoing operational arrangements to understand, at a high level, whether there is evidence that Langeberg Foods is operating independently of Langeberg and Ashton
 - had regard to publicly available information on the operational context of Langeberg and Ashton’s canned peach business, in considering whether it has the practical capacity to

continue exporting to New Zealand

- considered HWL's submission on the subject following the release of the PIP Report, and
- considered whether there is information suggesting continuity or ongoing association relevant to how MBIE proceeds for the purpose of this Stage 2 assessment (for example, continuity of production and any ongoing commercial arrangements).

54. Through the above process, MBIE identified the following information:

- **Separate incorporation and registration:** Company registration records from the CIPC show that Langeberg Foods and Langeberg and Ashton are separately incorporated entities, each with its own company registration number and legal status. According to this information Langeberg and Ashton was incorporated on 4 August 2000 and remains registered and "In Business" as of November 2025. Langeberg Foods was incorporated on 7 September 2020 and remains registered and "In Business" as of November 2025. Both entities are concurrently existing as registered companies in South Africa. Langeberg Foods has also confirmed in its submissions and correspondence that it is a legal entity separate from Langeberg and Ashton. MBIE considers this information supports the view that Langeberg Foods is a separate entity from Langeberg and Ashton.
- **Change in ownership, directors, management and/or shareholding:** Submissions from Langeberg Foods state that the sale of Langeberg and Ashton meant ownership (meaning the transfer of the business and assets, not simply a transfer of shares from owners Tiger Brands Limited to new, unrelated shareholders) transferred from Tiger Brands Limited to a new consortium comprising Norfund (the Norwegian development finance institution), the Ashton Fruit Producers Agricultural Co-Operative, and the Langeberg Community Trust. Submissions from Langeberg Foods also state the directors, management team, and shareholders of Langeberg Foods are not the same as the respective individuals who occupied those roles in Langeberg and Ashton. CIPC records as of December 2025 confirm that the directors of each company are different.
- **Legal Personhood:** Langeberg Foods' submissions indicate that Langeberg Foods has no ongoing legal or operational association with Langeberg and Ashton. The new entity is operating independently from the former company. Therefore it is a different person as it has its own legal personhood independent to Langeberg and Ashton. There is a degree of continuity due to Langeberg Ashton selling their business as a going concern. This includes that, as indicated by public reporting, many staff from the previous entity are being retained. However this does not affect MBIE's view that Langeberg Foods is a distinct legal entity with independent personhood, given the change in ownership and governance.

4.4 Conclusion

55. On the basis of the information set out above, MBIE is satisfied that Langeberg Foods is a separate person to, and consequently is not the same exporter as, Langeberg and Ashton. MBIE is therefore of the view that the Stage 2 duties do not apply to Langeberg Foods and accordingly proceeds in this report on the basis that Langeberg Foods and Langeberg and Ashton are separate exporters.
56. MBIE also concludes that Langeberg and Ashton is not expected to continue exporting canned peaches to New Zealand. This conclusion is based on Langeberg and Ashton no

longer having the capacity to produce canned peaches for export following the sale of the canning operations. While Langeberg and Ashton could, in theory, purchase canned peaches from Langeberg Foods or another producer and continue exporting we consider this unlikely given statements by Tiger Brands Ltd (the owners of Langeberg and Ashton) indicating intentions to exit the deciduous fruit business and focus on local markets. While Customs data from February 2026 does still show Langeberg and Ashton as the exporter of record for some canned peach imports, MBIE expects these are goods that were sent prior to the sale being finalised.

5. Stage 1 Findings

5.1 Dumping

57. MBIE's Stage 1 findings were that:

- Imports of the subject goods produced by Langeberg and Ashton, other than A10 cans, are being dumped, while those produced by Rhodes, and A10 cans produced by Langeberg and Ashton, are not.
- The expiration, removal or variation of current anti-dumping duties is likely to result in a continuation of the identified dumping.

5.2 Injury

58. MBIE concluded at Stage 1 that the dumped imports from South Africa were likely to cause a recurrence of material injury to HWL if the determined duty is not continued as:

- On balance, the removal of duties would likely result in a significant increase in the volume of dumped imports from South Africa.
- Duty removal is likely to result in significant price undercutting and price suppression in relation to HWL's like goods, but is unlikely to result in significant price depression.⁴
- The removal of duties is likely to adversely affect HWL's output, revenue, market share, profits, cash flows, employment and wages, and growth. It is, however, difficult to meaningfully identify the impact of duty removal on ROI, production capacity utilisation, inventory, and HWL's ability to raise capital and make investments.

59. On this basis and in accordance with section 17G(1) of the Act, the Minister made the following Stage 1 determinations:

- An affirmative determination that the continued imposition of the current duties on imports, other than A10 cans, produced by Langeberg and Ashton is necessary to offset dumping and that material injury to the industry would be likely to recur if the duties expire.
- A negative determination in relation to all other subject good imports from South Africa, and A10 cans produced by Langeberg and Ashton, that duties are not necessary to offset dumping and that material injury to the industry is unlikely to recur were duties to expire. The review was terminated in respect of these imports, and duties allowed to lapse.

⁴ **Price suppression** occurs when New Zealand producers are unable to raise prices, such as to cover rising costs. **Price depression** refers to prices being lower than in periods unaffected by allegedly dumped or subsidised imports. In Stage 1, MBIE found that removing duties would lead to price suppression for HWL (i.e., limited ability to increase prices), but not price depression (i.e., actual price decreases).

6. Public interest investigation

6.1 MBIE's approach

60. In light of the information summarised in section 4 of this report, MBIE's view is that Langeberg Foods is not the same person as Langeberg and Ashton and is not the exporter named in the duty, and that the determined duty under review in Stage 2 applies only in relation to exports by Langeberg and Ashton.
61. MBIE's view is also that Langeberg and Ashton is not expected to continue exporting and that it is unlikely that there would be further imports from Langeberg and Ashton to which the duty would apply.
62. The statutory test under section 17H(2) of the Act requires the chief executive to investigate whether the benefit to the domestic industry from continuing the duty is likely to outweigh the cost to consumers and downstream industries. In a scenario where the duty is unlikely to be applied to any actual imports, both the cost and the benefit are effectively zero.

6.2 Effects investigated

63. As noted earlier, section 10F(3) of the Act provides that the chief executive is required to investigate the effect of the determined duty on:
- Section 10F(3)(a): The prices of the dumped or subsidised goods
 - Section 10F(3)(b): The prices of like goods produced in New Zealand
 - Section 10F(3)(c): The choice or availability of like goods
 - Section 10F(3)(d): Product and service quality
 - Section 10F(3)(e): The financial performance of the domestic industry
 - Section 10F(3)(f): Employment levels
64. MBIE concludes that, as there are unlikely to be imports to which the duty would apply, the duty is likely to have no effect on any of these factors.

6.3 Alternative supply (domestically or internationally) of like goods

65. In accordance with sections 17H(3) and 10F(3)(g) the chief executive is also required to investigate whether there is an alternative supply (domestically or internationally) of like goods available. In making this assessment, MBIE considers whether:
- The domestic industry can meet domestic demand.
 - The imported good is meeting excess demand the domestic industry cannot to supply.
 - Competitive alternative supply sources able to meet extra demand are available.
 - Any technical specifications required by the domestic market that may limit imports.⁵
 - There is a risk of supply monopolisation in New Zealand, and to what extent.⁶

⁵ Restrictive technical specifications that favour South African and domestic products—but exclude other imports—could heighten the risk of monopoly and reduce supply diversity in the New Zealand market.

⁶ If the duty effectively eliminates non-New Zealand sources of canned peaches, leaving the domestic producer as the sole supplier, this would significantly reduce access to alternative supply in a competitive market.

- There are non-price, non-supply factors to consider (contract terms, delivery speed etc.).

6.3.1 Domestic supply

66. Information gathered during the Stage 1 review shows that HWL is unable to meet total domestic demand. During the POI(D), HWL and importers have sought to meet demand by sourcing goods globally. HWL also noted that most imports from South Africa are made by supermarket chains for private label products, which HWL no longer supplies. Consequently, any stock for private label products must be sourced either from South Africa or other overseas suppliers.

6.3.2 Alternative supply

67. The global market for canned peaches provides an alternative supply of like goods for New Zealand importers. These sources are competitive in price and quality and can accommodate additional demand. MBIE also notes that while the applied Customs rate of duty is 5 per cent, the availability of preferential rates at *Free* means that there is no *Normal* tariff protection for many alternative potential sources of the subject goods.⁷

68. At present, there are several alternative sources of the subject goods for New Zealand:

- Non-South African sources are Australia, China, Spain, and Greece. Of these markets, canned peaches from Australia are not subject to dumping duties. In contrast, goods from Spain, Greece, and certain goods from China (which are currently under investigation and subject to provisional duties) continue to enter New Zealand despite being subject to duties.
- The New Zealand market will also continue to have unchanged access to South African sources other than Langeberg and Ashton. South Africa has remained one of the largest sources of supply for New Zealand importers despite duties being in place since 1996.

6.3.3 Technical specifications

69. Based on the information available, MBIE understand that there are no technical specifications required by the domestic market that might restrict import possibilities from international sources of supply.

6.3.4 Risk of monopolisation

70. MBIE considers the risk of monopolisation by the domestic industry to be low as:

- The determined duty rate was established in accordance with the lesser duty rule in section 10E(2) of the Act.⁸ This rule ensures the application of the lowest possible duty necessary to remedy the injury caused by dumping. Its purpose is not to eliminate importation but to restore fair competition, thereby mitigating the risk of monopolisation.
- While HWL is New Zealand's sole domestic producer of canned peaches, New Zealand remains a small open economy that is inherently exposed to international competition.

6.3.5 Non-price, non-supply factors

71. MBIE notes that canned peaches are typically contracted for on an annual basis based on the exporting country's season. As such, a lag in contract timing may contribute to a short-term delay

⁷ Normal rates are standard import tariff rates applied to goods from countries without a preferential trade agreement. Free rates refer to situations where imports from specific countries enter duty-free due to the presence of a preferential trade agreement.

⁸ Lesser duty rule: Section 10E(2) of the Act provides that duties must not exceed the level necessary to prevent or remove material injury to the domestic industry. This principle is referred to as the lesser duty rule.

in shifting to alternative sources of supply.

6.3.6 Conclusion

72. In light of the above findings, on balance, MBIE considers there is an alternative supply of goods of like goods available domestically and internationally.

6.4 Other factors essential to ensure competition in the market

73. In accordance with sections 17H(3) and 10F(3)(f), the chief executive is required to investigate any factors the chief executive considers essential to ensure the existence of competition in the market. MBIE concludes that, as there are unlikely to be imports to which the duty would apply, there are no other essential factors it must consider.

7. Conclusions

74. As provided under section 17H(2) of the Act, the continued imposition of the determined duty at an updated rate of 24.5 per cent on imports of non-A10 canned peaches produced by Langeberg and Ashton is in the public interest unless the cost to downstream industries and consumers of imposing the duty is likely to materially outweigh the benefit to the domestic industry of imposing the duty.
75. As noted above, a final Stage 2 determination is a procedural requirement under the Act to conclude a review. In the present case, MBIE concludes that, as there are no longer any imports for the duty to apply to, the benefits and costs of the duty will both be zero. Therefore, continued duty imposition is in the public interest on the basis that the consequent cost to downstream industries and consumers is not likely to materially outweigh the consequent benefit to the domestic industry.

Trade and Supply Chains

Ministry of Business, Innovation and Employment

28 April 2026

ANNEX ONE: Comments received on the second PIP report

Comments on the second PIP report were received from Langeberg Foods and HWL, a summary of points raised in the submissions and MBIE’s comments are included below. All information received from the submissions was considered, where relevant, in the preparation of this final report.

A. Langeberg Foods	
Submission	MBIE Comment
<p>Langeberg Foods endorses MBIE’s conclusion that Langeberg Foods is legally and operationally distinct, and submits that this supports its non-inclusion from the scope of the Stage 1 anti-dumping measures. The submission also signals the company’s intent to comply with applicable trade and anti-dumping rules should it supply the New Zealand market.</p>	<p>MBIE acknowledges this submission.</p>

B. HWL	
Submission	MBIE Comment
<p>HWL notes MBIE’s comments that Langeberg and Ashton were sold as a going concern and argues that, as a going concern, it could be assumed existing relationships with customers and suppliers would be maintained. On that basis, HWL says it cannot be ruled out that Langeberg Foods would continue the relationship with Brooke Holdings (importer of record), making entry back into the New Zealand market with dumped peaches an easy transition.</p>	<p>MBIE notes HWL’s concern that a going-concern sale may allow continuity of commercial relationships (including with Brooke Holdings). However, a going-concern transfer and possible continuity of relationships do not, of themselves, determine exporter identity for the purposes of this review. The Act focuses on the legal person “by or for whom” goods are exported (including ownership/beneficial interest), and MBIE’s assessment of incorporation and ownership/governance information has led it to conclude Langeberg Foods are a separate exporter to Langeberg and Ashton.</p>

<p>HWL points to the similarity of the new entity’s name to the former, arguing this supports a view that Langeberg Foods is minimising disruption to operations and sales, and reinforces an argument that New Zealand can expect an increase in dumped preserved peaches from South Africa.</p>	<p>MBIE considers that a similarity in naming is not, of itself, evidence of similar exporter identity. Under the Act, the duty under review is exporter-specific, and MBIE’s assessment (including company registration and ownership/governance information) is that Langeberg Foods and Langeberg and Ashton are separate legal persons and therefore separate exporters for the purposes of this review.</p>
<p>HWL disputes Langeberg Foods’ submission that “the directors, management team, and shareholders of Langeberg Foods are not the same” as those of Langeberg and Ashton. It notes that public commentary on the number of jobs being saved reinforces the argument that Langeberg Foods is a near identical entity to Langeberg and Ashton Foods under Tiger Brands, using existing customer and supplier relationships. HWL requests MBIE request the organisations’ structures with names (pre- and post-sale) to provide critically needed clarity.</p>	<p>MBIE has considered these points, including potential operational continuity from the going-concern sale, but notes that staffing continuity or jobs retained does not, on its own, establish that the same legal person continues to export or that ownership/control remains unchanged. MBIE is of the view that further detail will not add to the assessment, as the presence of different directors and shareholders is sufficient to conclude that the two companies are separate legal persons. MBIE notes that the directors of Langeberg Foods and Langeberg and Ashton are different as of December 2025 according to South African Companies and Intellectual Property Commission information.</p>
<p>HWL seeks recognition from MBIE that if anti-dumping duties are not in place that HWL will suffer significant material injury, noting in points 50 to 52 in the preliminary Stage 2 report MBIE recognises that HWL will be seriously injured given dumping is likely at levels to cause significant material injury.</p>	<p>MBIE notes Stage 2 does not revisit the Stage 1 dumping/injury determinations; it applies the Act’s public interest test (costs to consumers/downstream industries vs benefits to the domestic industry). In this case, MBIE has proceeded on the basis that Langeberg and Ashton is not expected to continue exporting, meaning there are no anticipated imports for the duty to apply to and therefore no practical injury-preventing effect from continuing (or removing) the duty. However, because the low/lack of imports also reduces the cost of a duty to consumers and downstream industries, the net result is still that the cost to the latter does not outweigh the benefit of duty imposition.</p>

<p>HWL raised concerns with MBIE allowing Langeberg Foods to participate late in the process.</p>	<p>MBIE notes HWL’s concern about the timing of Langeberg Foods’ engagement. MBIE considers it appropriate to take account of material new information received during Stage 2, and provided interested parties further opportunity to comment through the second PIP process. MBIE is satisfied this approach ensured parties had a reasonable opportunity to respond and supports procedural fairness.</p>
<p>HWL submits that Langeberg Foods should not be exempted on the basis of assurances alone. It argues that stronger evidence (or a financial guarantee) should be required to support claims that it will not export and/or dump into New Zealand, and that otherwise the duty should remain until the next review.</p>	<p>MBIE’s assessment of exporter identity is guided by the Act’s exporter definition and the information reasonably available (including registration and sale/ownership information). The Act does not provide for requiring financial guarantees in this context, and duties under review apply to the exporter named in the existing determination; any future concerns about dumping by Langeberg Foods would need to be addressed through the Act’s relevant investigation/review mechanisms based on evidence.</p> <p>MBIE also notes that Langeberg Foods is not being exempted – rather they were never captured.</p>
<p>HWL submits that MBIE’s approach is inconsistent with the intent of the trade remedies legislation, and refers to its experience in the 2023 China canned peach investigation to argue that forecast dumping-related injury risks can eventuate and should not be discounted in this review.</p>	<p>MBIE is required to apply the Act to the facts of this review, including the exporter-specific scope of the duty determined at Stage 1 and the Stage 2 public interest test. MBIE’s conclusions in this review are based on the evidential record for this proceeding and the statutory requirements that apply at Stage 2.</p>