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Trans-Tasman Trademark Defeat on Home Soil

What does a failure to secure a certification trademark for 'Manuka Honey' in New Zealand mean for the honey industry?

Setback on Home Soil – ‘Manuka Honey’ Trademark Denied in NZ



It was seen as the opportunity to get New Zealand’s Manuka Honey trademark bid back on course, but a ruling by the Intellectual Property Office of New Zealand (IPONZ) against the local applicants on May 22 has the group representing Kiwi honey producers and iwi yet again scrambling to chart an appropriate route forward. So, having previously failed in their certification trademark (CTM) bids in the United Kingdom and European Union markets, where are the efforts falling short? And, where to now for a New Zealand honey industry seeking to gain protection over the term ‘Manuka Honey’?

“Devastating”, “hugely disappointing” and “very tough” is how key decision makers are describing the IPONZ decision to rule against the CTM application of the Mānuka Honey Appellation Society (MHAS), which was backed and guided by iwi through the Mānuka Charitable Trust and their operating arm Te Pītau Ltd.

New Zealand producers first launched the application in 2015 through the Unique Mānuka Factor Honey Association (UMFHA), before the application was assigned to MHAS. It has subsequently been beset with delays due to legal technicalities, as well as Covid enforced lockdowns. In the meantime, MHAS suffered setbacks as bids to achieve CTMs in the UK and EU intellectual property offices failed in the face of opposition from Australian producers, among others. On New Zealand soil, the Australian Manuka Honey Association (AMHA) was once again the opposition, but hopes were high for a home win.

“This case represents a trans-Tasman tussle of extraordinary proportions over trade mark rights for mānuka honey. It is one of the most complex and long running proceedings to have come before the Intellectual Property Office of New Zealand,” begins the 171-page ruling document authored by IPONZ assistant commissioner of trade marks Natasha Alley.

The aim of the New Zealand honey groups was to gain exclusive use of the term ‘Manuka Honey’ for Kiwi producers, with their argument centring around the belief that consumers, when buying mānuka honey, expect it to come solely from New Zealand, and that mānuka is a taonga (treasure) to Māori people that is afforded protection under the Treaty of Waitangi – namely due to the ‘Wai 262’ claim regarding Aotearoa’s native flora and fauna.

However, the Australian opposition has been ruled successful, calling into question the ability of the New Zealand bid to prove ‘distinctiveness’, in the eyes of consumers, between that of mānuka honey from New Zealand as opposed to anywhere else (Australia, for now), as well as the role of the Treaty alongside trademark law.

THE REACTIONS

Lynell Tuffery-Huria, a patent attorney and Te Pītau director, led the group’s legal advisory committee and says the ruling comes as “hugely disappointing”.

“We were optimistic about a good decision here in New Zealand, the home of mānuka, but the decision is indicative of the intellectual properties regime and its inability to be flexible around taonga species such as mānuka,” Tuffery-Huria says.

Mānuka Charitable Trust chair Pita Tipene voices similar sentiments.

“We are devastated at this decision and really disappointed that it is out of step with intellectual property law, particularly as it pertains to indigenous peoples, not just in Aotearoa-New Zealand,” Tipene says.

THE ‘DESCRIPTIVE’ VERSUS ‘DISTINCTIVE’ STUMBLING BLOCK

Under intellectual property law, the applicant is required to prove their case in the face of any opposition, and for the MHAS/Te Pītau case that meant proving the term ‘Manuka Honey’ was more than just a mere descriptive honey variety, but a distinctive mark of honey from the *Leptospermum scoparium* plant grown in New Zealand.

“A trade mark that is descriptive of goods, and therefore not distinctive, cannot be registered for those goods unless the trade mark has acquired distinctiveness, either through use or any other



Te Pītau director Lynell Tuffery-Huria headed the group’s legal advisory committee in their failed efforts to gain a certification trademark over ‘Manuka Honey’ in New Zealand. The experienced patent attorney was optimistic for a favourable decision in “the home of mānuka”, but has been left “hugely disappointed”.

circumstance. Generally speaking, the reason for this requirement is that descriptive words should be available for use by the public and honest traders, rather than being monopolised by the trade mark owner," the IPONZ ruling states.

On that note, the ruling was that MHAS "fell short of establishing the necessary distinctiveness, both inherent and acquired".

That decision aligns with the UK ruling in 2021 that concluded, "Based upon the way the mark is presented to the consumer and the understanding of the consumer of what the sign indicates, we have little hesitation in concluding that the sign "MANUKA HONEY" is not only descriptive, but is a term that has become customary in the current language of the trade and the bona fide and established practices of the trade to indicate a type of honey".

THE ROLE OF TE TIRITI

While the IPONZ and UK rulings on distinctiveness are in step, Tuffery-Huria says they were optimistic the weight of Māori rights in New Zealand would hold greater sway.

"We don't think the Treaty law can overrule the trademark law, but we are definitely of the view that Te Tiriti could colour how you interpret the intellectual property framework. That's a well-established concept of law that Te Tiriti does as one of the founding documents. It's called the concept of legality. And so, unless it is specifically excluded, then there is a basis to interpret the legislation in a manner that is consistent with Te Tiriti," the lawyer says.

While there is no precedent for that in the intellectual properties framework, Tuffery-Huria says there has been in the health regime

Pita Tipene, chair of the Mānuka Charitable Trust, is devastated at their failed trademark bid in New Zealand, and believes New Zealand needs to assess the whole intellectual property framework as it pertains to Māori rights provided under the Treaty of Waitangi.



and Resource Management Act, among others.

"There's definitely been a willingness and an interpretation of those legal frameworks in a manner that's consistent with Te Tiriti. The Resource Management Act does have a specific provision on Te Tiriti but, irrespective of that, there is some interpretation that is open to considering a different view than the standard interpretations of the concepts that are within the Trademark Act, and the intellectual property framework in general," she says.

In the IPONZ ruling, Alley writes that "careful consideration" was given to the taonga status of mānuka – both as a plant and as a te reo Māori kupu (word). She also notes "The protection of te reo Māori kupu and Māori intellectual property rights are undoubtedly of critical importance and have been recognised as such by the Waitangi Tribunal", while also citing the findings of the Wai 262 report, before concluding.

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"However, Waitangi Tribunal recommendations are only binding to the extent they have been incorporated into statute by the legislature. Tikanga (Māori custom) principles are relevant, but cannot override clear provisions in the Trade Marks Act, which I am required to apply."

New Zealand trademark law is shaped, in part, by globally coordinated treaties, which affect the scope of both New Zealand's central government and the Courts to alter the intellectual property framework.

"IPONZ has made that decision based on the law they have in front of them, which tells you something about our own law," Tipene says.

"That is not keeping in step with Wai 262 on protection of flora and fauna and intellectual property here in our own country. We have to look at the whole legal framework as it pertains to intellectual property, because we are starting with mānuka, which is our focus, but how will this affect intellectual property as it pertains to Māori indigenous rights here in New Zealand and across the world?"

WHERE TO FROM HERE?

With the IPONZ decision still raw, public reaction from around the New Zealand honey industry has been resolute behind the continuation of the bid to claim ownership of 'Manuka Honey', one way or another.

Comvita, a leading New Zealand mānuka honey exporter and backer of the New Zealand CTM efforts was fast to display a show of force through chief executive David Banfield.

"We are hugely disappointed by the decision shared by IPONZ today," Banfield said in a statement.

"We remain fully committed to work alongside the Mānuka Charitable Trust to support the protection of Mānuka as a taonga species from Aotearoa New Zealand. We see this as a long-term commitment and are undeterred by today's unfortunate decision."

Those at the coal-face of the protection efforts have already begun "rallying the troops" Tuffery-Huria says, with a busy period of meetings taking place in the weeks between the May 22 IPONZ ruling and the June 20 deadline for them to decide whether to lodge an appeal.

"We will be considering all the options and we have been considering different approaches for a long time, given the negative decision in the UK."

This year MHAS lodged a new CTM case in the UK. However, the legal efforts to prove New Zealand honey producers are worthy of being granted trademark status over the term 'Mānuka Honey' clearly need some rethinking.

There is also always the hope that a geographic indicator (GI) – such as products like Champagne wine or Feta cheese hold – might one day be established for mānuka honey. With GIs set during trade negotiations, gaining them is difficult in trading blocks in which Australia also holds sway and can negotiate against such GIs being granted to New Zealand. However, the NZ-EU trade agreement struck last year does provide greater assurances to Europe's recognition of taonga Māori species, plus a specific Māori Trade and Economic Co-operation chapter, giving hope that there could be further gains made.

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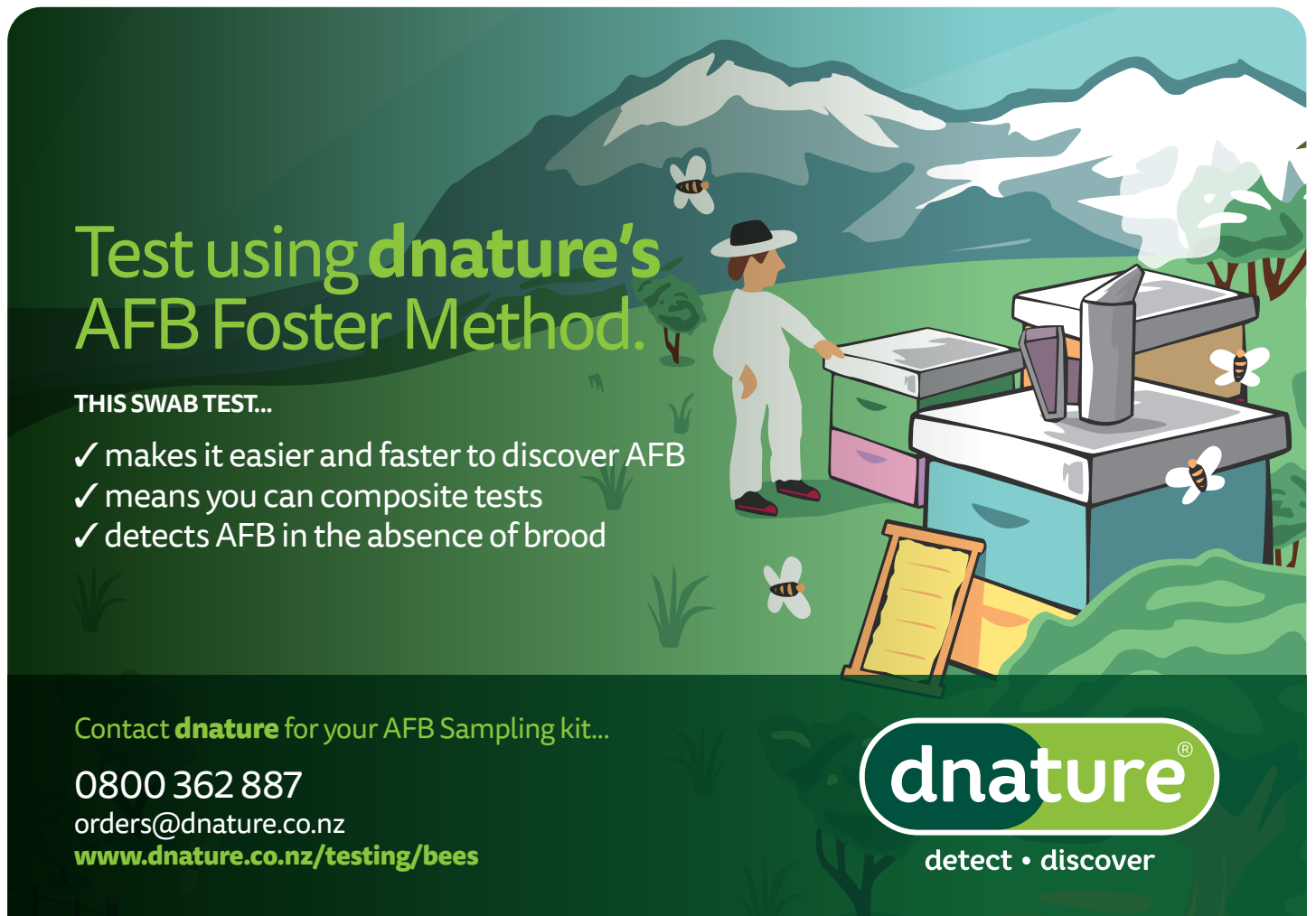
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"These things just take time to work through, but also to pull the troops in behind. So that we are on one waka and heading in the same direction," Tuffery-Huria says of their plans.

SEEKING CONTINUED SUPPORT

Essential to getting on board that waka are major financial backers the Government, UMFHA, whose membership includes a large swath of the New Zealand honey industry's packers and marketers, plus other major donors from around the mānuka honey industry. Comvita's public backing on the day the decision came out is one thing, but the meetings behind closed doors over the next few weeks with the remaining key stakeholders will be critical to the new path forward.

In the immediate aftermath of the IPONZ decision Tuffery-Huria says Te Pitau was feeling supported and commitment was still there from the key backers.

For Tipene and the MCT, their resolve is strong as they hope to chart a more lucrative course forward in a journey of Mānuka Honey protection that is heading towards a full decade with few wins.

"We really need to bring some collective wisdom to this. We need to make sure that we know the detail of the determination and then find the best path in which to protect our taonga, the mānuka plant and mānuka honey, because we're not daunted by this determination," The Mānuka Charitable Trust chair says.

"We're going to double – triple – our efforts now to ensure that others, and in this case, the Australians, are not stealing our rights for commercial gain." 🐝

Rawcliffe Resigns

After being at the forefront of the efforts to secure ownership of the term 'Manuka Honey' for New Zealand producers since 2015, John Rawcliffe stepped down from the role of UMFHA chief executive on May 31.

UMFHA Board chair Rob Chemaly informed members of the news via email, stating that Rawcliffe "played a significant role in UMFHA's development, bringing a strong science and technical skillset to grow the organisation and its UMF™ quality mark into a world-leading standard for mānuka honey, one that is recognised around the world".

The association will work through a recruitment process to appoint a new chief executive, with Chemaly saying the board will update members at their AGM on Wednesday June 28 in Rotorua. Rawcliffe's contributions will also be recognised there. 🐝



After being an integral player in New Zealand's efforts to protect the term 'Manuka Honey' since the inception of the legal efforts in 2015, now-former UMFHA chief executive John Rawcliffe vacated the role on May 31.



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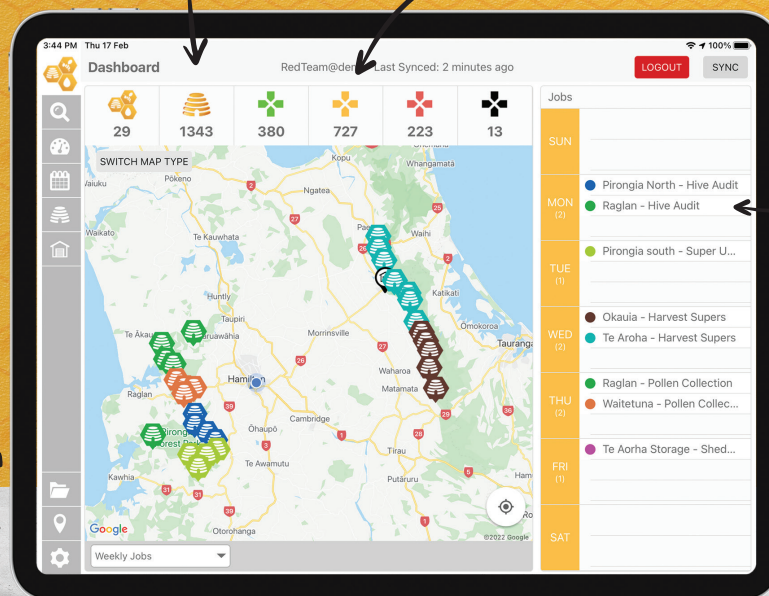
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The IPONZ Mānuka Decision and Next Steps



Few people have a better understanding of the major factors influencing New Zealand's desire to secure ownership of the term 'Manuka Honey' than Ian Fletcher. Now semi-retired, Fletcher's working career as a top-level civil servant included a stint as CEO of the very UK Intellectual Property Office (IPO) where the battle for Manuka Honey continues. Until recently he has advised key groups leading the charge on behalf of Kiwi honey producers – Mānuka Honey Appellation Society (MHAS) and Unique Mānuka Factor Honey Association (UMFHA) – leaving Fletcher uniquely placed to offer what many will consider a controversial opinion on the next moves in the honey 'stoush'.

BY IAN FLETCHER

I generally don't write about beekeeping in the Advocate, but the decision released by the Intellectual Property Office of New Zealand (IPONZ) last week, rejecting the MHAS application for a certification trade mark for mānuka honey, has led to a lot of consternation in the industry and among commentators. I want to look at what might be done next.

The IPONZ decision leaves the New Zealand industry at a crossroads, but not the one many think. Whether or not the decision released last week should be appealed is for others to consider. I think the real issue is how to reconcile our 'inner' world, involving the evolving balance of Māori and non-Māori interests, small and larger beekeepers and different manuka-producing regions of our surprisingly large country against our shared interest to do as well as we can collectively in foreign markets, consistent with meeting consumer protection rules and consumer expectations.

Let's remember the original objective: to protect the term "mānuka honey", so the extra value that was accruing to this suddenly valuable product came back to New Zealand. Otherwise, others will produce their own, it will be commoditised and cheapened, and our shared national IP and brand value will be eroded. Like kiwifruit.

The corollary is that if we have a reliable flow of extra value then it's worth taking care to divide that value up equitably as we see fit, properly rewarding Māori as part of that process. But crucially, the value comes from foreign consumers, the ones who pay the extra. Without them, it's all an expensive conceit. It's consumption that counts, not production.

A soldier I once worked with summed it all up: "when you're up to your armpits in alligators, it's easy to forget the original objective was to drain the swamp". He had a cheerful cartoon

to drive home the point. I consider we all need to remember the objective here is to secure the value of this great honey for New Zealand. How we get there is secondary. Whether the IPONZ decision is appealed is very much a matter of tactics. I would say that IPONZ have taken extraordinary pains over their decision, and that needs to be acknowledged.

SO, WHAT NOW?

The first thing to remember is that effective protection for mānuka honey means protection in foreign markets. We know that steps to protect the mānuka name will mean choices as to trade marks or Geographic Indications. These are matters of legal form and practical choice. What really matters is not the form we choose but what our opponents will do. The one fact above all that emerges for me from the New Zealand case last week, from the UK case before it, and from the EU and Chinese cases, is that we have serious opponents, and we underestimate them at our peril. There is money in mānuka honey and they want to get it just as much as we do. They have agency, and they often have home-ground advantage. We have two options: beat them or deal with them. I now think only the second option – making a deal – is realistic.

I'm told I've got in trouble for saying this before. So, let me double down. I don't think we can actually 'beat' foreign producers of competing honey in foreign IP courts any more. I think mānuka honey from New Zealand was distinctive once, but we have not been able to put the evidence together. So, to win a good place for our product and anything like a fair return for our people, we need to be prepared to settle with our opponents, and agree a shared Geographic Indication, or something similar. Otherwise, we will just compete on price, and lose as foreign production steps up. Like kiwifruit.



Pronouns matters. I've said "our" in the paragraph above deliberately because this has to be a whole-industry effort, and it has to be a whole-country effort. Within the industry, we need to fix poor governance. Everyone needs to be properly included, big, small, Māori and non-Māori.

CAN YOU NEGOTIATE TAONGA?

Within that context, Māori leaders rightly challenge me with their view that their taonga cannot be negotiated with, or bargained away. That's an important point. My response is two-fold: firstly, commercially, we're at the point where foreign competitors can just ignore Māori concerns, use the word mānuka (or manuka, spelling the word either way in latin text), and help themselves. I've focused on Australia because their competitive place is disclosed, organised and immediate. But we export mānuka seeds and seedlings globally, and others will follow. If we can make a deal with Australian producers, we have a chance to build a shared 'moat' against future unbridled competition. Second best, yes, but maybe better than anything else.

Secondly, there is the values point: why we should compromise at all, given the values at stake? My answer is that we set out down this route precisely because their was commercial value to be secured for everyone's benefit. Refusing to engage with the world as we now find it risks the futile gesture of the martyr. I argue that it's better to get the best outcome we can from the world we're in, learn from the experience, and do better next time.

PM TO PM

And to do this we need to re-engage government at a political level (ie not MPI, a hapless side show if I ever saw one). The IPONZ decision is about Australia, and as we all know, the trans-Tasman relationship is managed Prime Minister to Prime Minister. Hipkins' silence is eloquent: he may well see all this as a noisy and unwelcome distraction. Until we offer a credible path to peace, he's right. He wants to see himself as an ANZAC peacemaker: welfare rights for Kiwis in Oz, 501 deportations defused (a bit), a path to citizenship there for many of us. He won't make war on Australia in these circumstances; we need to give him a basis to lead the way towards a decent settlement with the producers of – dare I say it – manuka honey in Australia.

One of my predecessors as head of the UK Intellectual Property Office – Alison Brimelow – used to shout on these occasions "being right is not enough!" We are right, but it's not enough and it won't do. Time to face some facts.

Full disclosure: I was an adviser for the UMFHA and MHAS until I withdrew from that for medical reasons just over two years ago. UMFHA asked me to come back to advise after their defeat in the UK IPO at the end of 2021. I was briefly elected Chair of MHAS in early 2022 until I withdrew from that role after a few months. Historically, I was CEO and Comptroller-General of the UK IPO 2007-9. Today, I act as an adviser to NZ Beekeeping Inc. 🐝

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Apiculture Industry Set to Shine Despite Gloom for Some



The highlight of the New Zealand apiculture industry's calendar is almost upon beekeepers and Apiculture New Zealand (ApiNZ) chief executive Karin Kos says the team behind their National Conference and Trade Exhibition has an event planned that is set to help beekeepers and the honey industry "shine". Rotorua's Energy Events Centre will host approximately 1000 people on June 29 and 30, in an event with something for all beekeepers.

"Connections, community and competitions", that's the meaning behind, and reason for, the national conference, Kos believes.

Even before the formation of ApiNZ in 2016, a gathering of beekeepers on a national scale during the down-time of winter had long been a trend in New Zealand, with National Beekeepers Association meetings bringing apiarists from around the country to various host centres. Once again, in 2023 as beekeepers suffer at the hands of unsustainable honey prices, the Rotorua event will be the venue for a show of strength by those sticking it out. The hosts are expecting another good turnout.

"Contrary to what some people might be saying, conference is alive and well and we are ahead on delegate numbers from this time last year. We are a bit behind on exhibitors, but are seeing a late surge," Kos says.



Beekeepers and apiculture industry personal listen in at the 2021 Apiculture New Zealand Conference in Rotorua, where a slightly smaller crowd is likely this year as the event returns to the North Island following the 2022 Christchurch gathering. Photo: ApiNZ

Last June just over 750 people attended the national conference in Christchurch. Previous to that, events with as many as 1200 delegates have taken place, including several in Rotorua. This year the tag line in Rotorua will be, *Beyond the frame: where to next for the NZ apiculture sector?*

The template for the event is a familiar one, with a similar mix of plenary speaking sessions, 'toolbox' discussions, and expert panels, as have become common place at national conferences in recent years. Also on the agenda are ApiNZ's AGM, a wide range of competitions, social events and trade displays.

"You need to get together with other beekeepers and have the appropriate conversations. Asking each other, what are you guys doing? What are you finding? What is going on up north, or down south. To me, that is the most important outcome of the conference – everyone has an opportunity to get together and have a good chat over a couple of days," Kos says of an event that, after seven years with ApiNZ, she knows well.

While the conference itself might officially be a two-day affair, it is preceded, on Wednesday June 29, by the 4th New Zealand Honey Bee Research Symposium and also a Professional Learning and Development Day for apprentice beekeepers at the same venue.

As for the main event, two international speakers and beekeeping experts will be guests. Dr Peter Neumann, a professor at Switzerland's Institute of Bee Health will take to the stage to present on two varied topics.

"Peter is really interesting and quite quirky. I asked him what he wanted to speak about and he said 'Colony Loss and the international trends, but my pet topic is small hive beetle. Can I talk about that?' Of course, I said 'absolutely', so he will be very interesting," Kos says.

Also providing a keynote address will be Dr David Tarpy, professor at the Department of Applied Ecology at North Carolina State University in the USA. His address, 'What's going on with queens?', will be packed with advice on how to improve queen bee quality as well as overall colony health and productivity.

In addition to those international experts, panel discussions with New Zealand's own experts on key topics will take place, such as managing varroa (including breeding for resistance), honey markets, and even lessons from Cyclone Gabrielle's impact on beekeepers. Add to that a guest appearance from Danny Le Feuvre, chief executive of the Australia Honey Bee Council, to update on the Australian varroa incursion response, plus political journalist Patrick Smellie on how various potential government collations which could form after this year's election might impact apiculture, and an educational and insightful event is set to take place once again.

On top of those discussions, ApiNZ's wide range of competitions will be held – highlighted by the New Zealand Honey Awards. From innovative ideas, to sustainability in beekeeping, plus dedication to the industry, and the best photos to the best honeys, the awards act as a celebration of all things apiculture.

"The competitions are there for our industry, but also for beekeepers, their businesses and their honeys to shine," Kos says.

Registration pricing for both days of the conference range from \$300 to \$408 and have not increased on the 2022 event. With organisers well aware of the financial struggles of many parts of the industry, Kos says they have done what they can to provide a high-quality and valuable event at a price which she has not seen matched at similar primary industry events.

"There is so much happening and so much to do," the chief executive says. "It is going to be another great experience and I am looking forward to seeing people there."

Further information and registration for ApiNZ Conference and Trade Exhibition, as well as Honey Bee Research Symposium and Professional Learning and Development Day is available [here](#). 🐝



The Rotorua Energy Events Centre will play host to the ApiNZ Conference and Trade Show for the third time in five years, June 29-30, following successful events in 2019 and 2021. Photo: ApiNZ



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Quarterly Honey Market Chat - June '23

Now's the time many beekeepers will be looking to sell their honey – small as many crops might be this year. So, it's good to bring you commentary from three honey buyers/traders in this, the second ever Honey Market Chat, following on from our first updates in March.

It's positive that buyers are talking of slight increases in price, but we all know it's a long way off where the producer wants, nay needs, it to be. The falling export market is an ongoing concern too. Nonetheless, knowledge is power, and so hopefully you can gain plenty from their advice.

Thanks to John, James and Logan for offering up their insights and supporting this column. Let it not be said they are not trying to communicate with their suppliers.

And, if you are a honey buyer reading this, feel free to reach out to be included in the next Honey Market Chat, hopefully in September so as we can follow the quarterly theme.

Until then, whether selling or buying honey, best of luck and let's do what we can now to have our hives in the best possible shape for a more productive season ahead.

Patrick Dawkins, editor.



Mānuka Orchard

Logan Bowyer
Owner

So far in 2023 sales through Mānuka Orchard are tracking better than at the same time last year, and that makes painting a (ever-changing) picture of key aspects of the markets easier. So here goes:

Positive trends - The average price offered for this season's bush and multi-manuka honey is up 30% on last year. The stock

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What honey types are currently selling?

- Multi-manuka and monfloral Manuka below 100MGO sales are strong. Some

native monoflorals, such as rewarewa, have been in strong demand this year. Why? If the results show low C4 or good DHA:MGO ratios then these honeys are beneficial to help B-grade honey become A-grade and fill the area of low supply volume in the current market, that being mānuka below 100MGO.

Current shifting trends - More buyers are requesting C4 results of <6, diastase >10 and DHA:MGO ratios above 3:1. Fully tested honey with results less than 3 months old with one, two or three of these attributes is achieving the best pricing and fastest sales. Some buyers are requesting AFB and glyphosate counts of nil. Yeast and mould counts are up on average, so the fermentation risk has increased for honey with higher moisture. The need for blending to improve the saleability of honey is increasing.

While NZ still has a lot of honey in stock,

as it ages it is going to be harder for it to meet specification. The requirement for low-C4 and fresh mānuka with good DHA:MGO ratios will be required to enable the older honeys to meet sale specs.

A few thoughts to leave you with -

Blending to ensure your honey is at the top of the saleability pile, when you don't meet spec, is now the norm. The average time between a buyer contacting me and requiring the honey is <5 days. So don't sit on your hands and wait until demand gets stronger before testing or starting the journey of fully understanding your honey's grade/saleability.

For further advice, get in touch:

Logan 027 667 7588

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General Manager, Sales

And just like that its June! We are six months into the year and have been inundated with beekeepers sending us samples, keeping our lab busier than ever.

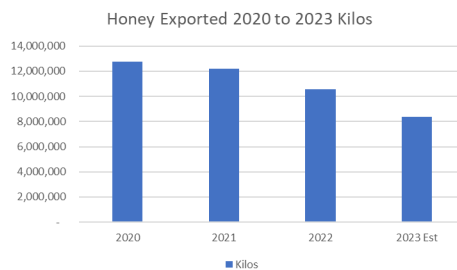
Don't get me wrong, we are very grateful for the opportunity to receive samples for analysis. By all account's it has been a good season in the South Island with very good lines of honey being produced, particularly Clover and Vipers Bugloss.

Market conditions have changed from our March update, with good levels of honey available for purchase and declining export volume and value sales. The reason for this change is significantly reduced sales activity by New Zealand honey packers and potentially increased cost of living pressure affecting demand in export markets.


We are projecting export volumes for 2023 to be approximately 8000M/T and the total export value to be approximately

\$300m. These extrapolations are based on Jan-April data so a lot can change from here. As a result, the reduction in demand and value is making it hard to price honey, rest assured we still need to purchase a large volume of honey before the end of the year.

For Airborne, our sales growth is holding up so far in 2023. A lot of our trade is through supermarkets, which are more reliable and thus our sales are more predictable. 🐝



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Egmont Honey
James Annabell
Chief Executive

It's been a terrible production season within our own hives and everyone who supplies us. That has had an impact on the non-mānuka and lower-grade mānuka honey pricing, which is good for beekeepers. We want to see beekeepers doing better, but for us in the middle it is a matter of balancing those needs of the beekeeper with the needs of the retailer, who are constantly pushing us in the other direction.

After a season of low supply it does create challenges in the market place. For instance, one of our international retailers for non-mānuka honey is putting price pressure on us because the beekeeper is only getting \$4.50 there. You follow that \$4.50 down the chain and ultimately they can offer it to the supermarket for cheaper than us, especially when you consider the costs of transport and export/import which we have.

For them, there is no loyalty to New Zealand honey or their own, they don't

really care about that. It is simply a commodity-type view for these retailers – it's all purely honey and they want to know what price it can be supplied for. So, we have had to take hits on margin just to protect listings.

We do still have mānuka inventory in our sheds and across the country, but a terrible season will mean there will be demand to fill the sheds back up. Our packing plant is set to be busy filling orders and we are even advertising for night shift staff to keep the orders going out the door. So, the honey drums will need to be replaced.

The domestic market is as fragmented as ever and the race to the bottom is brutal, but for Egmont we have strong export markets and so are not as reliant on local sales and pricing.

In summary, a poor production season, our demand for honey is strong and so my advice for beekeepers is to reach out and have a yarn with us to see where things are at and if their honey will suit our needs now, or for the coming season. 🐝



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Takeaways from the Beekeeper's Day Out in Canterbury



South Island beekeepers got a 'conference' of their own on May 21, when around 100 people gathered at Lincoln University to hear experts present on a range of topics in one of the lecture theatres for Apiculture New Zealand's (ApiNZ) Canterbury Hub's Beekeeper's Day Out. Out in the foyer the conversations continued too, alongside about a dozen trade displays.

While the struggles of the honey industry and plans to overcome them dominated conversations between beekeepers, and were never far from being brought up in the group discussions, there were a broad range of topics covered. Here are some of the key takeaways:

- "If you are not profitable at the start, you shouldn't be thinking about the environment at the end" said James Malcolm, managing director of Canterbury business Natural New Zealand Honey, on the topic of sustainability. "Business profitability is business sustainability". With that in mind, and the current state of the industry, he pointed out that just finding profitability is the biggest issue facing beekeepers.
- Frans Laas confirmed he and former Betta Bees employee Rob Waddell have successfully tendered to take over the Otago breeding programme. Laas gave a brief presentation on queen bee breeding with a few pearls of wisdom: "Good genetics will not overcome poor management practices", "90% of the breeding is in the feeding" and the reassurance that "Betta Bees is still here and hopefully will be for a very long time". (Look out for more on Betta Bees' new ownership and management plan in next month's *Advocate*)
- Esteemed entomologist Dr Phil Lester reported on Victoria University of Wellington's exciting work alongside global researchers Greenlight Bioscience to create a hive treatment for varroa that harnesses gene silencing to not kill mites, but disrupt their reproduction. They have been conducting small scale trials on hives in Mid Canterbury and Manawatu which deliver double-stranded RNA to honey bees via sugar syrup, which result in the targeted gene silencing. "Where are we

at?" Lester posed ... "These treatments seem to be working and in the USA they are working even better. There is real opportunity, but we will need to undergo more large-scale trials. There is a lot of work to do."

- Christchurch Hobbyist Bee Club president Jo Winter and vice president Lindsay Moir provided an overview of the club and happily reported that they are "back in full force" post-covid and member interest never waned.
- Josh Komen gave an emotional and inspiring presentation regarding his harrowing 10-year battle with acute myeloid leukemia. In a room full of beekeepers grappling with the mental challenges of trying to survive through a huge downturn in their industry, Komen's words helped put challenges in perspective as he advised "hold on to hope and look for opportunities – good things come to those who wait".
- Time saver... Trees for Bees botanist Linda Newstrom-Lloyd unveiled what could be a very useful online tool, 'The Bee Plant Finder'. After 14 years of yeoman's work for the industry, Trees for Bees has developed a catalogue of 222 listed plant species valuable to bees. Now, the online finder tool allows users to filter a wide range of plant features to easily generate a list of appropriate species for their needs and conditions.
- ApiNZ policy analyst Phil Edmonds tipped that the industry body was not far away from unveiling the findings of their Honey Industry Strategy, which began in April 2022. Edmonds stated that the strategy is required to help obtain further funding for apiculture from Government. "Government want to hear one voice and a consensual voice, so that their funds are well spent."
- The American foulbrood (AFB) Management Agency's Clifton King delivered a presentation designed to cut through to beekeepers. The national compliance manager stated that beekeepers shouldn't be having conversations about who was a "good guy or bad guy" but instead "should be talking about who is eliminating AFB as per their DECA (Disease Elimination Conformity Agreement) and who isn't". He encouraged DECA holders to re-familiarise themselves with their agreement, fully meet their obligations and thus strive to attain elimination of AFB.
- Southern operations manager for the Agency, Marco Gonzalez gave a lively update on efforts across Canterbury to lower the incidence of AFB in several hotspots, where improvements have seemingly been made. Regarding non-compliance, "some beekeepers, we are happy when they leave the industry" he pointed out.
- Speaking of elimination, that continues to be the goal of Australian beekeepers in their varroa incursion response and New South Wales response co-ordinator Chris Anderson



Around 100 registrants made it to the Beekeeper's Day Out at Lincoln University in Canterbury, May 21.

gave a succinct update on progress. Beekeepers are required to regularly test for mites and, if found, destroy hives. Wild colonies are being poisoned using bait stations. They are extreme measures, but should varroa take hold and all-but eliminate wild honey bee colonies such as has occurred in New Zealand, then Australia would face a huge challenge to pollinate crops as, without them, there is concern that Australia simply don't have enough managed colonies to fill the gap.

- Almost all colonies in Australia don't get a brood break the NSW beekeeper said, thus varroa can build up in the winter months, adding to the challenge.
- Compensation for Australian beekeepers required to destroy hives is coming via a 80%-20% funding from central government and the apiculture industry.
- Danielle Kok of the University of Canterbury gave an update on the Active Bacteriophages for American FoulBrood Eradication (ABAtE) project, where they have progressed to making four different cocktails of phages which are now being tested for efficacy in preventing AFB infection in beehives. While they are hopeful it will be effective on most AFB in New Zealand, one pesky strain of AFB found in Otago remains without a phage to act as its foe in the cocktail mix. Funding dependent, the research will continue.
- Rae Butler of Bee Smart Breeding in Mid Canterbury spoke to her work in developing a line of varroa sensitive hygiene (VSH) bees and improve the genetics of New Zealand's bee stocks. "It is you as beekeepers who hold the key," Butler said as she

encouraged apiarists to make the trait a priority. "You hold the genetic stock to make VSH a greater reality".

- Karin Kos of ApiNZ provided an invite to attend the national beekeeping conference in Rotorua June 29-30. While travel costs might make that a trip too far for many of those who were in attendance, the Canterbury Hub of the industry body should be commended for making sure a successful Day Out was provided closer to home for the beekeepers of the Mainland. 🐝

BEEKEEPERS' DECA ELIMINATION PRACTICES AND THE PRESENCE OF AFB

	AFB absent from beehives	AFB present in beehives
Implements DECA elimination practices	Stars	Eliminators
Does not implement DECA elimination practices	Lucky	Propagators

AFB Management Agency national manager Clifton King presented this image as part of his presentation at Lincoln, highlighting where the various efforts and attitudes of beekeepers to AFB sit from the Agency's perspective.

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Extended Content Labels – Is Your Honey Label Doing All it Can to Stand Out from the Rest?

Kiwi honey producers face competitive market places, both within New Zealand and abroad, and so Kiwi Labels is doing all they can to help honey brands stand out by telling – and thus selling – their stories. For the Christchurch company, innovation is a constant and their latest development means extra space to display industry standards and regulations on label, as well as extend branding.

Extended Content Label (ECL) Systems are becoming increasingly common in many industries, including food & beverage, house & garden, agriculture, automotive, and health & beauty. That includes honey, says Kiwi Labels general manager Regan Fox.

“ECLs are often referred to as ‘Booklet’ or ‘Multi-page’ labels and they provide a versatile solution to many marketing challenges,” Fox says of the technology which is solving problems for honey brands.

“An ECL is a label that unfolds and pops out. They can be used to create additional space for detailed product descriptions, promotions or simply provides a solution to comply with industry standards and regulations.”

Such innovation is nothing new for Kiwi Labels, who have been in business since 1976 and who pride themselves on using that experience, knowledge and skills of their Christchurch-based team and factory to overcome challenges for their customers.

“We have label options for every solution and environment, but ECL in particular provides the perfect label for your product packaging, whilst not compromising your brand or existing label size. Additional layers or pages can be applied behind a cover label to allow extra space to suit your marketing needs,” the GM says.

Additional benefits of an ECL system include increased transparency for

customers and a better understanding of the product’s purpose – attributes that can add serious value to a honey brand. For existing brands, adding ECL to their labelling can be done with few hassles, and so Fox is keen to have the discussion with honey packers and marketers about how Kiwi Labels can improve their products.

“Creating and implementing an ECL system requires minimal planning. Our innovative team of label experts can provide design templates or customise an ECL solution to suit your product.”

While ECLs might be the latest innovation from Kiwi Labels, it is just one of many ways they are helping their clients. They take pride in assisting not



Extended Content Labels are in use across many industries already and with honey's need to display a range of complex information, they provide a versatile solution to several marketing challenges.

only label supply, but also in capital expenditure decisions, plant design and process control solutions, adding value to each and every label. Some innovations, such as security features, are also specifically tailored to the honey industry.

Support for the honey industry doesn't just come from their labeling adaptations though, with the Christchurch company regular supporters of the New Zealand Honey Awards, and Apiculture New Zealand's national conference for beekeepers, as well as Apiarist's Advocate's free source of beekeeping media.

"The New Zealand honey industry is currently a smaller scale in comparison to many others around the world, but we must strive to be mighty and Kiwi Labels is doing all we can to help make that a reality for many honey brands," Fox says, adding, "Right now, ECLs are an effective way to do that and so we want to hear from more honey brands to discuss how we can help them display more detailed product information and additional data". ■

PHOTOS

Top right:

Come and have a chat – Kiwi Labels are a regular sponsor and attendee of Apiculture New Zealand's national conference and they invite anyone with a honey brand to come and sound them out at this year's event, June 29-30 in Rotorua, to discuss improving their labelling. Photo: ApiNZ

Bottom right: Kiwi Labels have long sponsored the New Zealand Honey Awards, with South Island manager Kevin Powell seen here, left, awarding the supreme honey award to Jarved Allan of The Mānuka Collective in 2021.



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Putting New Zealand's AFB 'on the Map'



A study into the genomic makeup of American foulbrood (AFB) in New Zealand has not only unveiled some findings that are at odds with previous research, but put in place world-leading data that could help limit the spread of the honey bee disease.

Until the Ministry for Primary Industries (MPI) research was published recently, only about 300 genomes of the AFB causing bacteria *Paenibacillus larvae* were known worldwide. However, the New Zealand study, which relied upon AFB samples collected by inspectors from the national Management Agency between November 2019 and January 2022, has now added a further 164 genomes to the global database.

"New Zealand has added greatly to the international known sequence data," points out Richard Hall, an MPI scientist and one of the study's authors.

"The genomes we've identified have similarities to international types of AFB already in the database, but they are different. We have really blown apart the international sequence database. There are now nearly 500 AFB genomes in the world and we have just deposited 164 of those. That's more than what is known in all of Asia, just coming from New Zealand."

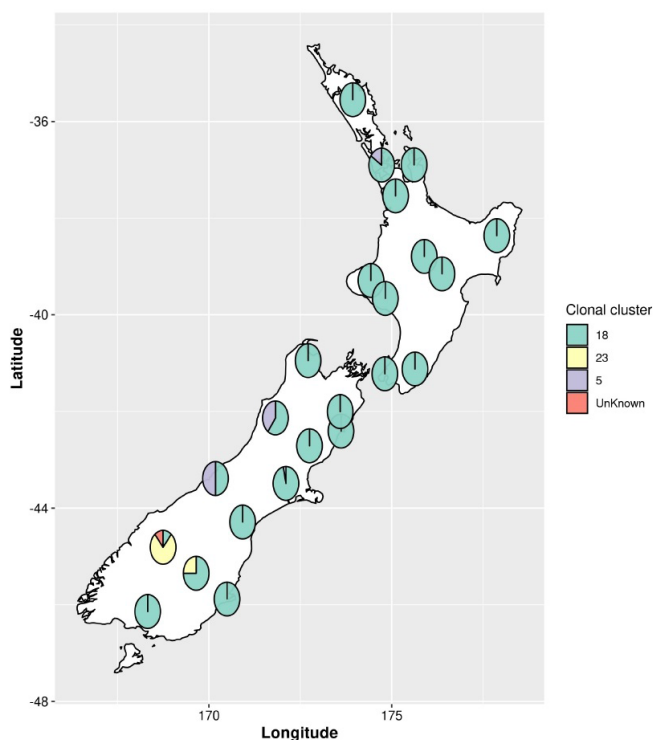
What does it mean for the knowledge of AFB in New Zealand though? While two previous studies have concluded that both

major genogroups of AFB known globally, ERIC I and ERIC II are present in New Zealand, MPI's study revealed three sequence types only, all of which belonged to the ERIC I group.

With samples taken from 22 'sub-regions' on New Zealand, spanning much of the North and South islands, the presence of one ERIC type is a departure from conventional wisdom.

"As far as a beekeeper is concerned, ERIC is a genomic thing, because ERIC I and II both produce a ropey mass," Hall explains.

"AFB is AFB, but there are a lot of technical reasons why ERIC types are interesting. ERIC I is more virulent at the colony level, but ERIC II is more virulent at the larval level. The ERIC II strain sees larvae killed just days after infection. Ninety percent of larvae killed by ERIC II AFB occur before cell-capping, and about



The geographic distribution of the three *Paenibacillus larvae* sequence types, ST18, ST5 and ST3, found during genomic analysis conducted by MPI.



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10 percent go on to be capped first and thus form a ropery mass if inspected. So, both ERIC types can be lethal to pupae and degrade pupae, but there are differences."

Drilling down further, the three sequence types mapped in the study were ST18, which accounted for more than 90% of cases and spanned large areas of the country; ST5 which was interestingly located in the geographically diverse regions of the West Coast, Canterbury and Auckland; then ST23 which was found only in Otago.

The study concluded that hive movements by beekeepers are likely to be the reason for large distances between ST5 cases, and that there could be cases in other regions which were not sampled for the study. On the other hand, the research also showed that AFB cases in close proximity to one another often share related genotypes, likely due to the natural behaviours of honey bees to rob out colonies weakened by AFB.

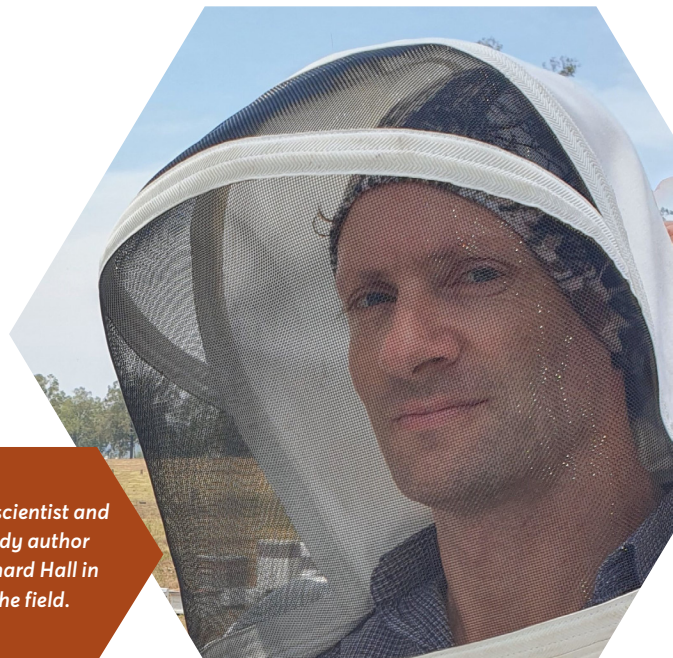
Building a baseline of data on the makeup of AFB in New Zealand could prove valuable to national elimination efforts and localised outbreaks. As for efforts so far, the paper reasons why only three sequence types of *P. larvae* were observed and only ERIC I.

"AFB elimination strategy over the past 24 years has impacted the population structure of *P. larvae*. It is likely that the natural evolution and spread of *P. larvae* strains has been disrupted. While some strains have survived, others could have become extinct," it states.

Outside of the study's own findings, Hall sees wider value to MPI's project.

"Importantly, this provides a collection of AFB isolates that can be shared with other researchers," he says, adding "when combined with the Honey Bee Collection – gathered during previous MPI research and which we have permission to make available – there are great resources available for those researchers who wish to apply to access them." 🐝

MPI scientist and study author Richard Hall in the field.



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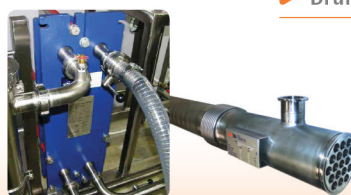


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Get *Apiarist's Advocate* in Print Magazine this Month – Order Now



BY PATRICK DAWKINS – EDITOR

It's that time again, six months has flow by and we are in the processes of laying out our printed "best of" from the last six months of *Apiarist's Advocate* content. Have you got your order in? It's simple (www.apiaristsadvocate.com/pr) and your way to keep a snapshot of our industry and support our independent reporting.

I must say, some of the stories from the past six month made sombre reading when I laid them out on the pages. Since January we have detailed the exodus of beekeepers from a struggling honey industry, the destruction of Cyclone Gabrielle, flooding in Auckland, ongoing battles over compliance costs and barriers to business imposed by government departments, and the struggles mānuka honey faces in the wake of false-positive adulteration claims and the losing efforts to gain a trademark.



What better way to spend some time over winter than in front of the fire taking in the best of *Apiarist's Advocate* from the first half of 2023?

Of course there is a fair mix of good news stories in there too, including profiles of hard working and innovative beekeepers.

Most of us will be getting a little more time to sit back and relax this time of year, compared to what can be a helter-skelter beekeeping season. So, I invite you to do that with our brand of beekeeping media, while gaining a publication to put on the shelf for later reference when you are done.

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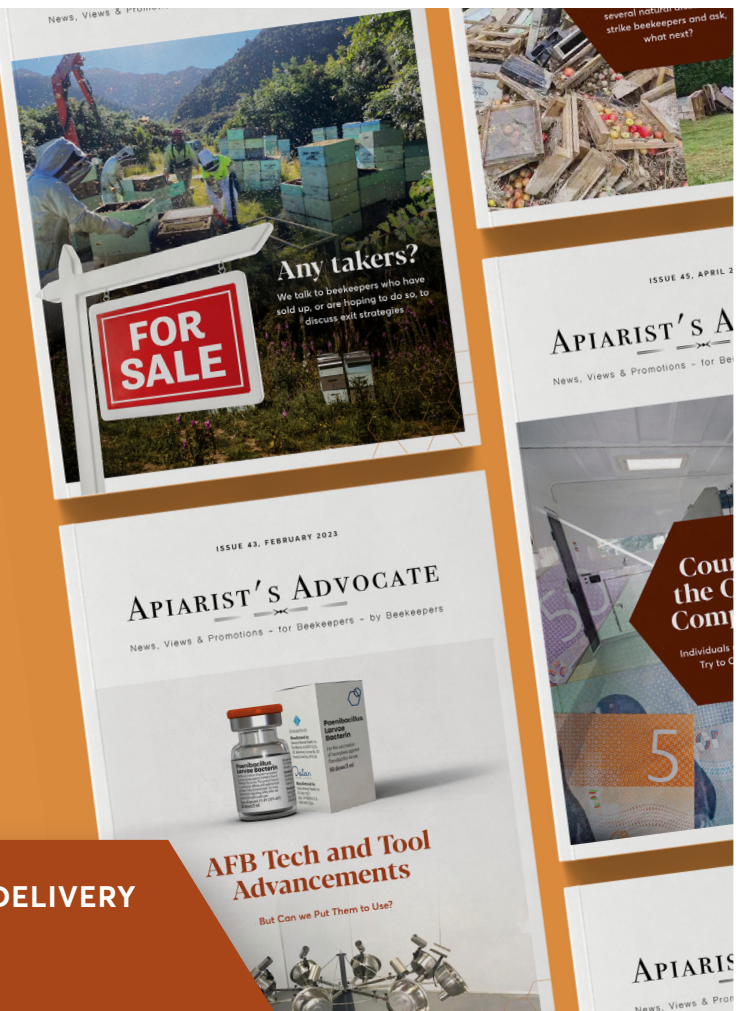
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Elec-trickery and the Bee



As beekeepers, we manage those forces that influence our honey bees to provide the optimal environment for the insects to survive and thrive in. But what of those forces that are all around us and we cannot manage? Science writer Dave Black explores one of them, electromagnetics, and explains an emerging field of study which, almost certainly, has a profound influence on how bees behave.

BY DAVE BLACK

I'd like to begin with a disclaimer. I bailed out of physics as soon as I was 18. It wasn't that it didn't interest me, although it was a bit... theoretical. Trouble was, physicists spoke a language I don't - maths.

So here goes.

At the moment the world and everything we know about is thought of in terms of four fundamental interactions, or 'forces' between matter. Two are a matter of everyday experience, gravity and electromagnetic force, and two, the weak force and the strong force, operate at a subatomic scale and only really bother physicists.

If we think about things as I do, at a chemical or biological scale, it's the electromagnetic force that we understand, the movements of charged electrons (particles with mass) and mass-less photons that convey energy. We think about photosynthesis, or the chemical processes that use nectar to power flight, the friction that keeps your woodware whole, and so on, all phenomena that represent electromagnetic interactions, but these things only hint at just how central electromagnetic forces are.

THE EMERGING FIELD OF 'ELECTRIC ECOLOGY'

In a *huge paper* (32 pages) published as Open Access by the Cambridge Philosophical Society just last year Sam England and Daniel Robert review the emerging field of study known as 'electric ecology'. There have been clues about how important



Lightning – an obvious demonstration of the changing of the earth's electrical circuit. But there are more subtle interactions of the electric field that influence all aspects of ecology, including bee behaviour, and it is a growing field of study.

this perspective could be. Sarah Corbet, known for her work with bumble bees, suggested in 1982 that electric charge could be significantly important for pollination; there have even been attempts to 'charge' pollen to make artificial pollination more effective, but here too we are still thinking about a sub-set of entries in an enormous encyclopedia.

The entire planet behaves like a large capacitor (an object that stores electrical energy) with a gradient of electric potential difference increasing by around 100Volts for each metre we

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climb up from the earth's surface (up to about 50km when the air becomes too good a conductor to sustain a voltage difference, the beginning of the ionosphere). Any current that travels across the potential in one direction is balanced by a process (like lightning) somewhere else, creating a giant electric circuit. It's known as the Atmospheric (or Vertical) Potential Gradient. It's not uniform, and it's constantly changing. Experts look at cloud electrification, lightning, rain, aerosol charging, radioactivity, the sun and space, pollution, volcanoes, trees, and crops and buildings and power companies and even earthquakes, all sorts of things, to understand what drives change in the electric field. We live in it without so much as a second thought.

DO BEES GIVE IT A 'THOUGHT' THOUGH?

For many animals and plants, and certainly bees, this potential gradient has a profound influence on how they live. There are plausible proposals for organs and structures that are capable of detecting electromagnetic phenomena of the magnitude being measured, and behavioural changes observed as a result. Honey bees have been trained using electric charge as cue.

We know, and can measure, the generally negative charge on plants, and we know their shape produces the largest electric field strength around structures like flowers - complex 'pointy' shapes accentuate electrical potential differences. We know that plants, especially the big ones we call trees, interact to disrupt and even invert other electric fields around them. We know, and have measured, the electric charge on animals like bees moving through

their environment, and this is generally a positive charge. For these small animals it not just air resistance, gravity and friction that affect motion, but electromagnetism too.

PESTICIDE APPLICATION, POLLINATION, AND SEED DISPERSAL

People are studying the role of electrostatic charge in pesticide application, pollination, and seed dispersal. There is evidence that a change in the charge could provide a cue to reduce wasted repeat visits to 'empty' flowers by bees. There has been a study that suggests honey bees performing or attending to waggle dances are sensitive to the electric fields that surround them, and that this charged accompaniment forms part of the 'language' communicating the direction and distance of the destination. It has been proposed that electric charge improves honey bees ability to detect odours, and it is hypothesised that the charge around landmarks may be significant for how bumble bee and honey bees navigate their surroundings.

Recently (2022) it has even been suggested that, in aggregate (like honey bee or locust swarms), insects can be a, so far unrecognised, cause of electrical variability in the earth's atmosphere. Not only does the Atmospheric Potential Gradient matter to them, they matter to the Atmospheric Potential Gradient.

And I haven't even mentioned all the electromagnetic processes going on inside a bee yet. Or any maths.

Dave Black is a commercial-beekeeper-turned-hobbyist, now working in the kiwifruit industry. He is a regular science writer providing commentary on "what the books don't tell you", via his Substack Beyond Bee Books, to which you can subscribe [here](#). 🐝

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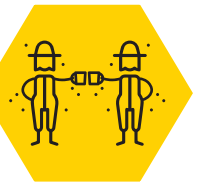


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Fostering Beekeeper Collaboration



The Tairāwhiti Hub of Apiculture New Zealand (ApiNZ) has been hard at work bringing beekeepers together since Cyclone Gabrielle made for a devastating and unique back-end of the beekeeping season. A post-cyclone BBQ get together, a zoom meeting to discuss recovery and, most recently, a field day attended by 42 beekeepers with some important topics on the agenda have all taken place.

"It was very successful and there is definitely a need for beekeepers to get together and do these sorts of things," says Hub chairman Barry Foster of the May 26 event at Eastern Institute of Technology (EIT) in Gisborne.

It's Foster by name and nature for the life member of ApiNZ, for who finding a model to foster greater collaboration within the beekeeping industry is a passion. This autumn, in the Tairāwhiti region, it's been an important undertaking too.

First Cyclone Gabrielle brought devastation to the area in February, washing away hives and many access routes to apiaries. Soon after that disaster a BBQ get together was held for beekeepers to literally and figuratively 'chew the fat'.

While the human recovery from such a devastating event was aided by that gathering, the topic of bee health and management was obviously front and centre too, with several curve balls for beekeepers to negotiate.

"The cyclone event happened and beekeepers had to pick up drowned hives and fix up other things. In the mean time they didn't get around all their hives to get strips in at the right time and, if you are too late by a few weeks, that can be critical now," Foster says.

Not surprisingly, varroa infestations became a big challenge for beekeepers across the district and so, once again, the local ApiNZ hub called a meeting – this time online via Zoom. Hub member John Mackay reported on that 'meet-up' last month.



Barry Foster, chairman of ApiNZ's Tairāwhiti Hub leads a group encouraging collaboration between local beekeepers through social and educational gatherings, both online and in-person.

The success of that medium in aiding knowledge transfer on key issues, such as varroa management, will likely be used again Foster says. Sometimes you can't beat a get together in person though and the May 26 field day exceeded expectations as, despite access issues still limiting some beekeeper's ability to attend, more than 40 from Tairāwhiti and surrounding regions made it to EIT.

Varroa was once again a hot topic, with Martin Laas of Midlands Apiaries and the ApiNZ Science and Research Focus Group presenting on varroa monitoring and management, while an in-hive demonstration on mite washes and sticky boards was also given. Pollination was also a key area of discussion, with experienced beekeeper Dennis Crowley of Tauranga providing advice.

All in all, it was another successful event and Foster puts it down to four key factors. First you need champions to lead organisation and promotion, and himself, hub secretary Steve Jackson and Mackay played that role. Then an appropriate venue is required. The EIT campus was that, with club hives, audio visual technology in meeting rooms, a BBQ, and all at no charge. A topical programme must also be set and last, but not least, food and drink to get the conversations flowing.

With such a strong turnout, you can bet it won't be the last get together for East Coast beekeepers, be it in person or online – all in the name of Fostering collaboration. 🐝



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May/June: Take a Break – but Not for Long!



BY PATRICK DAWKINS, OWNER-BEEKEEPER

Last month in our new 'Inside Pyramid Apiaries' column I explained how our 400 production hives and 500 mating units in Marlborough had been tucked into bed for the winter. So, what does late autumn/early winter hold for the small-medium scale commercial beekeeper? Well, after a long season, a holiday break I hope, before varied tasks...

Luckily for us a small holiday was on the cards, but it might more appropriately be called a 'vacation' as it coincided with my American cousins coming to visit from San Francisco and thus a couple of days showing them some of the best spots in our neck of the woods. Naturally a quick check through a Pyramid hive ensured for these city slickers. I'm sure the colony would have preferred if we didn't crack the brood boxes at this time of year, but it has been unseasonably warm at the top of the South Island so there was an active queen and colony to present to our visitors on a sunny day.



Patrick and Laura Dawkins show some visitors through their Pyramid Apiaries hives, a good diversion at a slow time of year on the beekeeping calendar.

While some beekeepers incorporate the 'eco-tour' to their operations by showing tourists through hives for a fee, it is not something we will be doing anytime soon at Pyramid Apiaries. The 'Yanks' did enjoy their brief dalliance with a beehive though, so I suppose no business idea should be off the table at present!

WINTER WORK

I always head for work outside of the beekeeping business over winter, alongside publishing *Apiarist's Advocate* of course. In the current honey industry climate, it is something more and more beekeepers are being forced to do. I'm lucky I can hold out until winter, as many beekeepers are forced to work elsewhere in season as well as tend to their hives/businesses.

A few years ago, at the ApiNZ national conference in Rotorua, Laura attended a toolbox sessions on 'Getting through the tough times' while I popped my head in somewhere else. I asked her what the key lessons imparted by experienced beekeeper Dennis Crowley were. A big one was "get work outside your business to bring in a guaranteed income". Of course, it can be easier said than done for a number of reasons, but if you can make it work, it's worth trying, especially over winter.

Last month I mentioned how the thriving wine industry can be of benefit to our bees, and it is certainly of benefit, directly, to this beekeeper too, as there's plenty of work to be had to supplement the income. So, I have been helping out in various vineyards replacing broken posts, removing bird nets post-harvest and with general winter maintenance.

Of course there is some maintenance of beekeeping equipment and apiary sites within Pyramid Apiaries this time of year too, but that can wait until next month which, by the time you read this, will already be here. Which leads me to one very small bit of wisdom from my time about beekeeping – don't put off the winter maintenance work too long, as spring can fast approach. It's much easier to do it now than when spring sneaks up and grafts are going into hives, queens caged for sales, pollination contracts are being filled or hives generally tended to however you do it in your setup. That all sneaks up faster than you think! 🐝



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Patrick & Laura Dawkins – Marlborough

pyramid.apiaries@gmail.com | 027 383 7278

www.pyramidapiaries.co.nz

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Editor: Patrick Dawkins

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