

LABELLING REVIEW RECOMMENDATION 40

Analysis of primary food products that do not require country of origin labelling

1 Introduction

In 2009, the COAG Legislative and Governance Forum on Food Regulation (then the Australian and New Zealand Ministerial Council for Food Regulation) agreed to a comprehensive independent review of food labelling law and policy. An expert panel, chaired by Dr Neal Blewett, AC, undertook the review and the panel's final report, *Labelling Logic: Review of Food Labelling Law and Policy (2011)* (Labelling Logic) was publicly released in January 2011.

In Labelling Logic, the review panel recommended: *That Australia's existing mandatory country-of-origin labelling requirements for food be maintained and be extended to cover all primary food products for retail sale* (recommendation 40).

In the government response to recommendation 40¹, it was noted that at the time (December 2011), Food Standards Australia New Zealand (FSANZ) was assessing a proposal that would (if agreed) largely implement this recommendation by extending country of origin labelling requirements to unpackaged beef, veal, lamb, hogget, mutton and chicken. FSANZ was asked to continue its existing process for the proposal and to develop a further proposal to extend country of origin labelling to all other primary food products. It should be noted that most packaged primary food products currently require country of origin labelling.

Following consideration of Proposal P1011 – Country of Origin Labelling – Unpackaged Meat Products, the FSANZ Board approved draft variations to Standard 1.2.11 – Country of Origin Labelling of the *Australia New Zealand Food Standards Code* (the Code) to extend country of origin labelling requirements to unpackaged beef, veal, lamb, hogget, mutton and chicken sold in Australia. The new requirements came into effect in July 2013.

With regard to other primary food products, FSANZ has:

- undertaken an analysis to identify the remaining primary food products that do not require country of origin labelling and would be affected if recommendation 40 were to be fully implemented
- contacted key representatives of some meat industry groups to seek information about the volume of identified primary food products for retail sale
- sought information from the Department of Agriculture to determine the extent of importation into Australia of the identified primary food products.

¹ The government response can be found on the [Labelling Review website](#)

The main primary food products not currently subject to mandatory country of origin labelling were found to be meat and meat products from minor species (e.g. buffalo, deer, goat, rabbit, horse, crocodile, kangaroo, turkey, duck), eggs (from any avian species) and seaweed, when displayed for retail sale in Australia in an unpackaged state. A complete list of identified primary foods is provided in section 2 below.

Information sourced from industry representatives of some of the meat types not currently requiring country of origin labelling indicates the retail sale volume that would be affected by implementation of recommendation 40 is likely to be minimal when compared to the volume of unpackaged primary food products that already require country of origin labelling, such as beef, lamb and pork. Specific information about the volume and sales of certain meats is in section 3 below.

The Department of Agriculture has also provided information indicating that, as a consequence of import restrictions, most, if not all products likely to be affected by this recommendation are produced in Australia (see section 3 below for further information).

On the basis of this analysis, FSANZ is recommending that a proposal not be prepared to extend country of origin labelling to the remaining primary food products for retail sale in Australia.

2 Primary food products not currently requiring country of origin labelling

The unpackaged primary food products for retail sale in Australia that have been identified as not requiring country of origin labelling are listed in Table 1 below. These foods would be affected if country of origin labelling were to become mandatory for all primary food products. This list was developed based on definitions in the Code (refer to Attachment A). The foods would only be affected when displayed for retail sale in Australia, in an unpackaged state. Packaged foods are already covered by Standard 1.2.11 – Country of Origin Labelling (unless exempted elsewhere in the Code).

Foods sold to the public by restaurants, canteens, schools, caterers or self-catering institutions, prisons, hospitals or other similar institutions (nursing homes, hospices etc listed in the Table to clause 8 of Standard 1.2.1 – Application of Labelling and Other Information Requirements) are exempt from country of origin labelling (clause 1 of Standard 1.2.11). Extension of mandatory country of origin labelling to foods sold by restaurants and other exempt organisations has not been considered in this analysis.

Various packaged foods are also exempt from country of origin labelling (clause 2 of Standard 1.2.1). These are foods:

- in an inner package not designed for retail sale
- made and packaged on the premises from which they are sold
- delivered packaged, and ready for consumption, at the express order of the purchaser
- sold at a fundraising event
- packaged and displayed in an assisted service display cabinet.

These exemptions apply consistently across the food supply, including to primary food products already subject to mandatory country of origin labelling, e.g. beef, and therefore

have not been included in this analysis.

Primary food products that were considered unlikely to be displayed for retail sale in an unpackaged state were also not included in the analysis, for example, honey.

Table 1: Unpackaged primary food products not requiring country of origin labelling

Primary food product¹ displayed for retail sale unpackaged, in Australia
Meat from the following animals (farmed or wild), the whole or part of the carcass:
<ul style="list-style-type: none"> • Buffalo • Camel • Deer • Goat • Hare • Rabbit • Horse • Kangaroo • Possum • Wallaby • Crocodile • Turkey • Duck • Squab (pigeon) • Geese • Pheasant • Quail • Guinea fowl • Muttonbirds • Other avian species, including ostrich, emu (excluding chicken) • Donkey
Offal from pig, cattle, sheep
Eggs (from any avian species)
Seaweed including algae

¹ Based on the definition of *primary production* in Standard 3.1.1, primary food products in the context of recommendation 40 are considered to be the direct result of the growing, cultivation, picking, harvesting, collection or catching of food. The food is still a primary food product if it has been treated (e.g. washed), cut, filleted, sliced, minced or diced, but ceases to be a primary food product once it has undergone further processing or manufacturing. For consistency with the approach for mandatory country of origin labelling in the Code, the above primary food products that have been pickled, cured, dried, smoked, marinated, cooked, frozen or preserved by other means, have been considered in this analysis.

3 Australian market for meat from minor meat species

3.1 Levels of imports

Information provided by the Department of Agriculture indicates that the majority of products likely to be affected by recommendation 40 will be produced in Australia. This is a consequence of import restrictions requiring canning for most imported meats (mandatory country of origin labelling already applies to the packaged food). Information from the Department of Agriculture suggests the exception to this will be for the following foods:

- commercially prepared dried/jerky from turkey meat
- offal from pig, cattle, sheep

- whole boiled eggs from New Zealand
- spray dried egg white/albumin
- whole spray dried egg or egg yolk from Canada, Denmark, USA, Belgium and the Netherlands
- seaweed.

FSANZ considers that apart from offal, it is unlikely that any of these foods would be displayed for retail sale in an unpackaged state and therefore are not likely to be affected by implementation of recommendation 40.

3.2 Volume of product and sale information

The following information was obtained via personal communication with industry representatives. Further information obtained for P1014 - Primary Production & Processing Standard for Meat & Meat Products is available at Attachment 1 of Supporting Document 5 at the following link: [Proposal P1014 - Primary Production & Processing Standard for Meat & Meat Products](#).

In summary, industry representatives have indicated that a higher proportion of meat from the following species is exported or sold to restaurants and other catering establishments compared to that for retail sale to the consumer (food sold by restaurants and other catering establishments does not require country of origin labelling). Of that for retail sale to the consumer, only a proportion of meat is sold in an unpackaged state (and hence relevant to recommendation 40).

Buffalo

The Australian buffalo meat industry is a very small industry. It is estimated that less than 200 beasts are processed across Australia annually for domestic consumption. Some of this meat is manufactured into smallgoods and some sold by restaurants. There may be some meat sold from farmers markets. It is unknown how much, if any, is sold unpackaged directly to consumers.

Camel

Available information suggests all camel meat produced in Australia is exported.

Deer

There are approximately 150 deer farmers in Australia. The Australian on-farm deer population in 2002 was estimated at 200 000. However, it has reduced to approximately 50 000 animals as a result of the prolonged drought and farmers exiting the industry when prices were low.

The Australian deer industry is approximately 5% of the size of the New Zealand industry and in 2012-13 a total of 242 274 kg was processed in Australian abattoirs. Figures for wild deer not processed in an abattoir are unknown.

Over 70% of venison is exported. The domestic market is predominantly restaurants and speciality butchers. It is unlikely that any venison processed through abattoirs would be

displayed to consumers in an unpackaged state. It is usual for venison to be broken down into primal cuts, denuded and packed.

Rabbit

Rabbit meat is mainly sold through butcheries and restaurants. Some rabbit sold by butcheries may be displayed for retail sale unpackaged. It is estimated that 14 000 to 15 000 rabbits are processed per week. All meat produced is consumed domestically.

Crocodile

Industry advice is that all product is sold frozen and packaged.

Ostrich

Ostrich meat is predominantly exported. A very small portion at this stage is sold on the domestic market (1-2 tonnes annually is estimated). Ostrich meat is packaged and labelled when distributed for sale on the domestic market.

Emu

Up to 40 000 kg of meat is processed per year. Of this, 20-50% is sold domestically to restaurants or hotels or to wholesalers who distribute predominantly to restaurants or hotels. Less than 5% is sold directly to consumers. A small amount is sold from farmers markets, sometimes as a value added product and may be displayed unpackaged.

Kangaroo

Kangaroos are only harvested on mainland Australia and the industry is based on wild harvest. It is estimated that less than 7 000 000 kg of kangaroo meat is sold on the domestic market for human consumption per year and that less than 2% of this meat is in an unpackaged state when displayed for retail sale.

Attachment A – Definitions used in the analysis of foods not currently requiring country of origin labelling

Primary production is defined in Standard 3.1.1 – Interpretation and Application of Chapter 3 – Food Safety Standards and means *the growing, cultivation, picking, harvesting, collection or catching of food, and includes the following –*

- a) *the transportation or delivery of food on, from or between the premises on which it was grown, cultivated, picked, harvested, collected or caught;*
- b) *the packing, treating (for example, washing) or storing of food on the premises on which it was grown, cultivated, picked, harvested, collected or caught; and*
- c) *any other food production activity that is regulated by or under an Act prescribed by the regulations for the purposes of this definition.*

However, primary food production does not include –

- d) *any process involving the substantial transformation of food (for example, manufacturing or canning), regardless of whether the process is carried out on the premises in which the food was grown, cultivated, picked, harvested, collected or caught; or*
- e) *the sale or service of food directly to the public; or*
- f) *any other food production activity prescribed by the regulations under the Act for the purposes of this definition.*

Definitions in Chapter 2 and Chapter 4 of the Code were used to assist in determining the list of primary food products in Table 1 above.

In Standard 2.2.1 – Meat and Meat Products, ‘**meat**’ is defined as *the whole or part of the carcass of any buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep, slaughtered other than in a wild state. but does not include –*

- (a) *the whole or part of the carcass of any other animal unless permitted for human consumption under a law of a State, Territory or New Zealand; or*
- (b) *avian eggs, or foetuses or part of foetuses.*

With regards to (a), FSANZ consulted jurisdictions on what other animals were permitted for human consumption under a law of a State, Territory or New Zealand. FSANZ was advised that horse is permitted for sale in Western Australia, and FSANZ is aware that kangaroo, possum, wallaby and crocodile are available for human consumption in Australia.

In Standard 4.2.2 – Primary Production and Processing Standard for Poultry Meat (Australia only), ‘**poultry**’ means *chicken, turkey, duck, squab (pigeons), geese, pheasants, quail, guinea fowl, muttonbirds and other avian species (except ratites).*

‘**Game meat**’ is defined in Standard 1.6.2 – Processing Requirements and means *the whole or part of the carcass of any bird, buffalo, camel, deer, donkey, goat, hare, horse, kangaroo, rabbit, pig, possum or wallaby that has been slaughtered in the wild state, but does not include avian eggs, foetuses, parts of foetuses or pouch young.*

Standard 4.2.4 – Primary Production and Processing Standard for Dairy Products sets out a number of food safety requirements including for the primary production of milk and the processing of dairy products such as cheese. **Dairy processing** includes the manufacture of dairy products, hence cheese is not considered to be a primary food product.