

Legibility Requirements for Food Labels

User guide

to

Standard 1.2.9 – Legibility Requirements

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Background

Food Standards in Australia and New Zealand

The Australian and New Zealand food standards system is governed by legislation in the states, territories, New Zealand, and the Commonwealth of Australia; including the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

The FSANZ Act sets out how food regulatory measures are developed. It created FSANZ as the agency responsible for developing and maintaining the *Australia New Zealand Food Standards Code* (the Code).

Responsibility for enforcing the Code in Australia rests with authorities in the states and territories and the Commonwealth Department of Agriculture for imported food; and with the Ministry for Primary Industries in New Zealand.

Responsibility of food businesses

This User Guide is not a legally binding document. It is designed to assist interested parties understand provisions in the Code.

This User Guide reflects the views of FSANZ. However, the User Guide cannot be relied upon as stating the law. FSANZ is not responsible for enforcement of the Code or for providing advice on food compliance issues. In Australia, state or territory government agencies are responsible for enforcing and interpreting the Code. In New Zealand this is the responsibility of the Ministry for Primary Industries, public health units or local governments. Legal requirements may also change, for example, as government regulations are made or changed and as courts determine cases on food law in Australia and New Zealand.

Food businesses should obtain legal advice to ensure they are aware of developments in the law and any implications of such developments.

As well as complying with food standards requirements, food businesses must also continue to comply with other legislation.

In Australia, this legislation includes the *Competition and Consumer Act 2010*; the *Imported Food Control Act 1992*; and state and territory fair trading Acts and food Acts.

In New Zealand, this legislation includes the *Food Act 1981* and *Fair Trading Act 1986*.

Disclaimer

FSANZ disclaims any liability for any loss or injury directly or indirectly sustained by any person as a result of any reliance upon (including reading or using) this guide. Any person relying on this guide should seek independent legal advice in relation to any queries they may have regarding obligations imposed under the standards in the *Australia New Zealand Food Standards Code*.

Purpose of the User Guide

The purpose of this User Guide is to provide an overview for food businesses and other users of the Code, on the requirements of Standard 1.2.9 – Legibility Requirements. It also seeks to assist food businesses to make the information that must be included on a food label as easy to read as possible.

1. What are the requirements of Standard 1.2.9?

Standard 1.2.9 requires that every word, statement, expression or design that is required to be on a food label (required information) must be written or set out:

- legibly
- prominently, so as to provide a distinct contrast to the background
- in English.

This otherwise non-prescriptive approach to legibility requirements allows flexibility in how a label is presented, as long as the required information is clear and readily accessible to the consumer.

Standard 1.2.9 applies to both packaged and unpackaged foods. The definition of 'label' in Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions includes information that is 'on or attached to or used in connection with or accompanying any food or package'. This means that where certain required information is provided in connection with the display of the food (but not necessarily on a label attached to the food) the requirements of Standard 1.2.9 would apply. An example of this situation is where information in relation to unpackaged foods must be provided.

Additional legibility requirements apply to warning statements – see section 3 – *Additional requirements* below.

1.1 What makes required information legible?

Design and printing issues

In order to be legible, required information on food labels should be:

Indelible – Printing should be such that it cannot be removed or erased under normal conditions or use or storage. Printing that fades, runs, or is rubbed off is not legible or prominent.

Distinct – Decorations and embellishments such as logos should not interfere with the legibility of the words on the label. Avoid text printed on complex or pictorial or otherwise multicoloured backgrounds as it is unlikely to be adequately legible.

Easy to read – Statements in sentence or title case are usually easier to read than statements in upper case or in mixed case.

Example

This is Title Case.

This is sentence case.

thIS IS mIXeD CasE.

THIS IS UPPER CASE

In most cases, type size is not prescribed in the Standard. However, where a warning statement is included on the label, the type size of the warning statement must not be smaller than the minimum size prescribed – see section 3 – *Additional requirements* below.

Many consumers, including the elderly, find larger type easier to read. Given the ageing population, a larger type size may be more appropriate.

1.2 What makes required information prominent?

In order to be prominent, required information should stand out so consumers can notice it easily.

To make sure the required information on food labels is prominent, the following should be considered:

- the position on the label
- how to make it noticeable.

The position on the label

The position of required information contained, written, or set out in a label is generally not prescribed in the Code. However, there are some foods where the position of required information is specified e.g. fermented comminuted manufactured meat. Where the position of required information is not prescribed, food businesses may wish to consider placing certain required information in close proximity to related information.

Example

Place the 'alcohol by volume' statement near the standard drinks information on an alcoholic beverage label, or place the ingredient list near any required warning or advisory statement or declaration on a food label.

Code reference

Standard 2.2.1 – Meat and Meat Products requires that if a trade name is included on the label of fermented comminuted processed meat or fermented comminuted manufactured meat, certain prescribed wording must be provided in association with the trade name.

Other legislation may also impose conditions on the positioning or placement of certain information.

Example

Trade measurement legislation in some states and territories in Australia currently prescribes the positioning of some information on a food label.

This legislation is generally available in hard copy from government bookshops, or may be downloaded from the internet (either from the relevant state/territory government website or a general legal website such as Austlii at www.austlii.edu.au).

Making required information prominent

You can make the most important information more prominent by:

- highlighting it using contrasting colours
- using borders
- using larger print size or other distinctive print
- using line spacing, type justification and text segmenting.

Example

Some manufacturers use bold face type in the ingredient list for ingredients that may cause allergies in susceptible people to make these ingredients more prominent.

Certain words or statements on food labels can be highlighted to make them more prominent, provided that doing so does not constitute misleading or deceptive conduct. If regulators were to assess whether such conduct was misleading or deceptive, they would take the entire label into consideration.

1.3 Contrast to the background

The Code requires the requisite information on a food label to be set out legibly and prominently so it is in distinct contrast to the background. However, the Code does not specifically prescribe colour contrast because there are other ways, such as embossing, to achieve a distinct contrast.

Example

A uniform colour contrasting strongly with a different coloured uniform background stands out, e.g. all black type on a yellow or beige background.

While considering presenting the required information on a label legibly and prominently so it is in distinct contrast to the background, you should remember that some people are colour-blind and cannot distinguish between certain colours. People with the most common form of colour blindness find it difficult to distinguish between red and green; others may find it difficult to distinguish blue from green.

1.4 External factors affecting legibility and prominence

Apart from the label design, there are external factors that may affect legibility and prominence. These include:

- the conditions where the food is sold
- the suitability of lighting
- the position of the food on the shelves.

All these factors may affect how easily a consumer can read food labels. They make it difficult to apply general rules about how to make labels legible in all situations.

2. What languages be used?

The Code requires all prescribed labelling information to be in English. In addition, the Code allows information to be presented in other languages on a food package label, or in association with a display of food, so long as the information does not negate or contradict the required information on the label in English.

3. Additional requirements

3.1 Warning statements generally

The words for each warning statement are prescribed and **must** be written using the text and size of type required in the Code.

For most packages, each word, statement, expression or design prescribed to be contained, written or set out in a warning statement on a label must be in a size of type of at least 3 mm in size when measured from the base to the top of the letter or numeral. Separate requirements apply to small packages (see section 3.2 – *Warning statements on small packages* below.)

You may choose the type and style of lettering of a warning statement, but you should ensure that the statement is legible and prominent such as to afford a distinct contrast to the background.

Other user guides

For further information on the requirements for warning statements, see the FSANZ User Guide on *Warning and Advisory Statements and Declarations*.

Code reference

Standard 1.1.1 defines warning statements and lists where they are found throughout the Code.

Clause 1 of Standard 1.2.9 defines 'size of type'.

3.2 Warning statements on small packages

A small package is a package with a surface area of less than 100 cm².

Because of the small size of small packages, the Code permits warning statements on the label of a small package to be written in a minimum size of type of 1.5 mm.

Code reference

Clause 2 of Standard 1.1.1 defines small packages.

Subclause 3(b) of Standard 1.2.9 specifies minimum size of type for warning statements on small packages.

3.3 Advisory statements and mandatory declarations

The Code also requires information about certain foods and substances to be provided in the form of mandatory declarations or advisory statements. The Code does not prescribe the exact wording or a minimum size of type for these statements but where mandatory declarations or advisory statements are required, they comply with the general legibility requirements of Standard 1.2.9.

Other user guides

For further information on the requirements for mandatory advisory statements and declarations, see the FSANZ User Guide on *Warning and Advisory Statements and Declarations*

Code reference

Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations sets out the provisions regarding warning and advisory statements and declarations. Provisions relating to mandatory warnings, advisory statements and declarations are also set out in other standards throughout the Code.

3.4 Country of origin labelling (Australia only)

There are type size requirements in Standard 1.2.11 – Country of Origin Labelling (applicable in Australia only) for country of origin labelling.

If a statement required under Standard 1.2.11 is provided other than on a package (e.g. on a sign adjacent to unpackaged foods) the size of type of the statement on the label in connection with the display of food must be at least 9 mm.

If the unpackaged food is in a refrigerated assisted service display cabinet, the size of type on the label in connection with the display of food must be at least 5 mm.

Code Reference

Standard 1.2.11 sets out the requirements for country of origin labelling, including type size.

Standard 1.2.1 defines an ***Assisted service display cabinet*** as an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

Where can I get more information?

Food Standards Australia New Zealand

Australia

www.foodstandards.gov.au

New Zealand

www.foodstandards.govt.nz

Other user guides to the Code on the FSANZ website

www.foodstandards.gov.au/code/userguide/Pages/default.aspx

Consumer protection legislation information

Australian Competition and Consumer Commission (ACCC)

www.accc.gov.au/content/index.phtml/itemId/142

Commerce Commission of New Zealand

www.comcom.govt.nz/

Trade measurement legislation information

Australia

www.measurement.gov.au/index.cfm?event=object.showContent&objectID=C3EB158B-BCD6-81AC-1DC5A41E29837C8C

New Zealand

www.consumeraffairs.govt.nz/measurement/businessinfo/index.html