

# **Overview and Application of Food Labelling and Information Requirements**

## **User Guide To**

**Standard 1.2.1 – *Labelling and Other Information Requirements***

**November 2011**

## Background

### Food Standards in Australia and New Zealand

The Australia New Zealand food standards system is a cooperative arrangement between Australia, New Zealand and the Australian States and Territories to develop and implement uniform food standards.

The system is governed by food legislation in State, Territory, New Zealand and the Commonwealth of Australia including the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act). The FSANZ Act establishes the mechanisms for the development of joint food regulatory measures and creates Food Standards Australia New Zealand (FSANZ) as the agency responsible for the development and maintenance of the joint *Australia New Zealand Food Standards Code* (the Code).

Although food standards are developed by FSANZ, responsibility for enforcing food standards in Australia rests with authorities in the States and Territories, the Australia Quarantine and Inspection Service and in New Zealand with the New Zealand Food Safety Authority (NZFSA).

### Responsibility of food manufacturers

The standards contained in the Code are legally binding. This user guide is not a legally binding document. If in any doubt about interpreting the standards, interested parties should seek independent legal advice.

As well as complying with food standards requirements, food businesses must also comply with other relevant legislation. In Australia, this legislation includes the *Trade Practices Act 1974*, 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*. Food Businesses should get independent legal advice if in any doubt about the application of any legislation.

#### **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*.

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## Purpose of this User Guide

The purpose of this User Guide is to provide an overview of the requirements for foods to bear a label, requirements for the provision of certain information about foods, and the exemptions for certain foods from the requirement to bear a label. Included in this User Guide are references to other FSANZ user guides that provide more detail about specific labelling and information requirements.

## Part A: Overview

### A1. Introduction

The Code includes labelling and information requirements that are relevant to all foods (Chapter 1 of the Code) as well as labelling and information requirements that apply to specific food products only (Chapter 2 of the Code). Standard 1.2.1 – Application of Labelling and Other Information Requirements sets out how the labelling requirements of the Code apply in different situations, and outlines certain exemptions from the requirement for food to bear a label.

The user guides will be further reviewed and amended as necessary. Readers are invited to contact FSANZ if they have suggestions that would improve the guide or believe that additional explanation should be included. Feedback should be sent to FSANZ at the address at the end of this user guide.

### A2. Labelling and Information Requirements for Food - Overview

The Code requires information about foods to be on a label or provided in other ways. In general terms this required information is outlined in section A4 of this User Guide. Exemptions from these labelling requirements are provided for specific food products. Many of these exemptions are given in Standard 1.2.1.

Even though a food may be exempt from bearing a label, certain information requirements may still apply and the information may need to be provided in other ways, including:

- in documentation
- in documentation accompanying the food
- on or in connection with the display of the food
- verbally or in writing upon request.

Sometimes there is more than one option for how particular information can be presented. Specific details are provided in the relevant sections of this User Guide.

### Weights and measures declarations

Weights and measures declarations are not regulated in the Code, but are regulated by Australian and New Zealand agencies responsible for trade measurement.

In Australia, the *National Trade Measurement Regulations 2009* regulate the declaration of the quantity statement on pre-packed food. These regulations are administered by the National Measurement Institute.

New Zealand weights and measures declarations are regulated in the *Weights and Measures Act 1987* and the *Weights and Measures Amendment Act 1991*, which are administered by the Ministry of Consumer Affairs.

### Advertising

Advertisements for a food must not contain any statement, information, design or representation that is prohibited by the Code from appearing on a label for that food.

#### Code reference

Clause 13 of Standard 1.1.1 – Preliminary Provisions, sets out the prohibitions for advertisements for foods.

## A3. Determining what labelling and information requirements apply, what exemptions apply, and how information can be provided

The first step is to consider how the food will be sold, specifically whether the food is *food for retail sale*, *food for catering purposes*, or an *intra company transfer*. This determines where your product fits within the food supply chain and consequently, which labelling and information requirements apply, what exemptions apply, and how the required information can be provided. Detailed information is provided within the following Parts of this User Guide, for specific food products:

- Part B - Food for retail sale, including hampers and vending machines
- Part C - Food for catering purposes
- Part D - Food not for retail sale, not for catering purposes, and not for intra company transfer
- Part E - Food in small packages

The definitions and information provided below will help you decide which Part of this User Guide to refer to.

## A3.1 Food for Retail Sale, including hampers and vending machines

*Food for retail sale* is defined in the Code as follows:

### **Code Definition**

#### **Standard 1.2.1**

**food for retail sale** means food for sale to the public and includes food prior to retail sale which is –

- (a) manufactured or otherwise prepared, or distributed, transported or stored
- (b) not intended for further processing, packaging or labelling.

This means that food for retail sale includes food at the point in which it is for sale to the public, as well as food at the time it is being prepared, or is in the distribution chain, where it is intended that no further processing, packaging or labelling prior to sale to the public will occur.

Foods for retail sale must bear a label setting out all the information prescribed in the Code, except where specifically exempt. However, despite meeting an exemption from the general labelling requirements, certain specific labelling information may still be required.

### **Code reference**

Clause 2 of Standard 1.2.1 sets out the requirement that food for retail sale must bear a label setting out all the information prescribed in the Code, and lists the exemptions from this requirement.

### **User guide reference**

For further details about food for retail sale, refer to Part B of this User Guide – *Foods for Retail Sale, including Hampers and Vending Machines*.

## A3.2 Food for Catering Purposes

*Food for catering purposes* is defined in the Code as follows:

### Code Definition

#### Standard 1.2.1

**Food for Catering Purposes** includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.

When the food is provided for sale to the public it would be *food for retail sale*.

Foods for catering purposes must bear a label setting out certain information prescribed in the Code, except where specifically exempt. Other information is also required to be provided, but for practical reasons, food businesses generally have greater flexibility in how this information is provided, for example, the information may be provided in document form rather than as a label on a package of food.

### Code Reference

Clauses 5 and 6 of Standard 1.2.1 outline the labelling and information requirements for food for catering purposes.

### User guide reference

Details about the labelling and information requirements for foods for catering purposes is included in Part C of this User Guide – *Food for catering purposes*.

## A3.3 Food provided by Prisons, Hospitals, and other Similar Institutions

*Prisons, hospitals, and other similar institutions* are referenced in the Code, i.e. within the definition of the term *package* in Standard 1.1.1 (see glossary) and in Standard 1.2.11 – Country of Origin Requirements. Facilities which are considered *other similar institutions* are given in the Table to clause 8 of Standard 1.2.1. Labelling requirements for foods provided in prisons, hospitals, and similar institutions will depend on whether the food meets the definition of ‘food for retail sale’.

## A3.4 Food for Intra Company Transfer

*Intra company transfer* is defined in the Code as follows:

### Code Definition

#### Standard 1.2.1

**Intra company transfer** means a transfer of food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.

An example of an intra company transfer is where a company has two warehouses for food storage on opposite sides of the town, and boxes of food are delivered from one of the warehouses to the other warehouse.

There are no information or labelling requirements under the Code specifically for foods for intra company transfer.

## A3.5 Food not for Retail Sale, not for catering purposes, and not for intra company transfer

*Food not for retail sale etc* is referred to in clause 3 of Standard 1.2.1. Food not for retail sale etc is food that is not *food for retail sale*, *food for catering purposes*, or *food supplied as an intra company transfer*, for example, flour supplied in bulk to a manufacturer to make bread.

### Code reference

Clause 3 of Standard 1.2.1 describes the labelling requirements for food not for retail sale, not for catering purposes and not supplied as an intra company transfer, as well as instances where exemptions to these labelling requirements apply.

### User guide reference

Refer to Part D of this User Guide – *Food not for Retail Sale, not for Catering Purposes, and not for Intra Company Transfer* for further information.

## A3.6 Food Sold in Small Packages

Small package is defined in the Code as follows:

### Code Definition

#### Standard 1.2.1

**Small package** means a package with a surface area of less than 100 cm<sup>2</sup>.

Examples of food in small packages could include small, individual confectionery items sold out of display or self-serve dispensing units, single serve cheeses and other single serve dairy products, sauces and condiments, beverage whiteners, sugars and sweeteners.

### User guide reference

Refer to Part E of this User Guide – *Application of Labelling and Information Requirements for food in small packages* for further information.

## A4. Relevant Standards

### a) General standards

The following standards in Chapter 1 of the Code contain the labelling provisions and information that must be provided for all foods where applicable, and requirements for how this information must be presented, including for foods exempt from bearing a label. There are separate user guides to assist with understanding, interpretation and application of these standards and these are also listed below. Further information about the requirements in these standards is provided in section A5 of this User Guide.

Standard	User Guide
Standard 1.1.1 – Preliminary Provisions—Application, Interpretation and General Prohibitions	Some definitions from this Standard are included in the Glossary to this User Guide.
Standard 1.1A.2 – Transitional Standard for Health Claims	See section A5.10 of this User Guide
Standard 1.1A.6 - Transitional Standard for Special Purposes Foods (including amino acid modified foods) (New Zealand only)	See section A5.11 of this User Guide
Standard 1.2.1 – Application of Labelling and Other Information Requirements	This User Guide

<b>Standard</b>	<b>User Guide</b>
Standard 1.2.2 - Food Identification Requirements	See section A5.2 of this User Guide
Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations	Mandatory Warning and Advisory Statements and Declarations
Standard 1.2.4 – Labelling of Ingredients	Ingredient labelling
Standard 1.2.5 – Date Marking of Packaged Food	Date marking
Standard 1.2.6- Directions for Use and Storage	See section A5.6 of this User Guide
Standard 1.2.8 – Nutrition Information Requirements	Nutrition labelling Nutrition claims
Standard 1.2.9 – Legibility Requirements	Legibility
Standard 1.2.10 – Characterising Ingredients and Components of Food	Percentage labelling
Standard 1.2.11- Country of Origin Requirements (Australia Only)	Country of Origin labelling
Standard 1.3.2 – Vitamins and Minerals	Nutrition claims
Standard 1.5.1 – Novel Foods	See section A5.12 of this User Guide
Standard 1.5.2 – Food Produced using Gene Technology	N/A
Standard 1.5.3 – Irradiation of Food	See section A5.14 of this User Guide

## **b) Food Product standards**

Some Food Product Standards in Chapter 2 of the Code also include specific information and labelling requirements. These standards are listed below and further information about the requirements in these standards is provided in section A6 of this User Guide. There are also separate user guides relevant to some of these standards, as outlined below.

<b>Standard</b>	<b>User Guide</b>
Standard 2.2.1 – Meat and Meat Products	Meat and Meat Products
Standard 2.2.3 – Fish and Fish	See section A6 of this User Guide.

<b>Standard</b>	<b>User Guide</b>
Products	
Standard 2.4.1 – Edible Oils	See section A6 of this User Guide.
Standard 2.6.1 – Fruit Juice and Vegetable Juice	See section A6 of this User Guide.
Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks	See section A6 of this User Guide.
Standard 2.6.3- Kava	See section A6 of this User Guide.
Standard 2.6.4- Formulated Caffeinated Beverages	See section A6 of this User Guide.
Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol	Alcoholic beverages
Standard 2.7.4 – Wine and Wine Product	Alcoholic beverages
Standard 2.7.5 – Spirits	Alcoholic beverages
Standard 2.8.2 – Honey	See section A6 of this User Guide.
Standard 2.9.1- Infant Formula Products	See section A6 of this User Guide.
Standard 2.9.2- Foods for Infants	See section A6 of this User Guide.
Standard 2.9.3- Formulated Meal Replacements and Formulated Supplementary Foods	See section A6 of this User Guide.
Standard 2.9.4- Formulated Supplementary Sports foods	See section A6 of this User Guide.
Standard 2.10.2 – Salt and Salt Products	See section A6 of this User Guide.

## **A5. Overview of labelling and information requirements in Chapter 1 of the Code**

### **A5.1 Standard 1.2.9 – Legibility Requirements**

This standard requires that prescribed labelling and information is in English. Information in other languages must not negate or contradict the information in English. It also sets out other requirements relating to legibility for packaged and unpackaged foods, and includes size of type requirements for warning statements. All information on a label must be written legibly and prominently such as to afford a distinct contrast to the background. The position of information contained, written, or set out on a label is generally not prescribed.

### Other user guides

For further information about legibility, see the FSANZ User Guide *Legibility Requirements for Food Labels*.

## A5.2. Standard 1.2.2 – Food Identification Requirements

### Prescribed name

There are a number of names of food that are prescribed in the Code. These are prescribed in applicable Standards in Chapter 2 of the Code. These are as follows:

- Standard 2.2.1 includes various prescribed names for fermented comminuted processed meat (see clause 8) and fermented comminuted manufactured meat (see clause 9), e.g. *fermented manufactured meat – not heat treated*
- *honey* (see Standard 2.8.2)
- *Infant Formula* and *Follow-on Formula* (see clause 12 of Standard 2.9.1)
- *formulated meal replacement*, *formulated supplementary food*, and *formulated supplementary food for young children* (see Standard 2.9.3)
- *formulated supplementary sports food* (see Standard 2.9.4)

If there is a prescribed name for a food in the Code, the prescribed name must be used.

### Name or description of the food

If there is no prescribed name for a food, a name or description of the food sufficient to indicate the true nature of the food must be used.

A separate name or description indicating the true nature of the food may be necessary if the food is labelled with a customary name or name that is a registered trademark, and where the name chosen by the manufacturer does not indicate the true nature of the food to the consumer.

#### Example

The name *Dingle Bar* does not indicate the nature of the food to the consumer, therefore, the manufacturer must also include a description of the food on the label that indicates the true nature of the food (such as *layers of wafer biscuit and caramel covered in milk chocolate*).

As a guide, the name or description should be specific enough to differentiate the food from other foods.

### **Code reference**

Clause 1 of Standard 1.2.2 specifies how a food must be named.

### **Lot identification**

Lot identification is needed to assist in the rare event of a food recall. The lot identification indicates in a clearly identifiable form, the 'lot' a food comes from as well as the premises where the food was packed or prepared. A date mark and the supplier's address may be sufficient to satisfy the requirements of lot identification but this would need to be considered for each food on a case by case basis.

There are some specific exemptions from lot identification. These exemptions are for food in small packages (but only when the bulk packages and bulk container in which the food is stored or displayed for sale includes lot identification) and individual portions of ice cream or ice confection.

### **Code reference**

Clause 2 of Standard 1.2.2 specifies that a package of food must be labelled with a lot identification.

Clause 2 of Standard 1.1.1 includes definitions for *lot identification* and *lot* (see Glossary of this User Guide).

### **Name and business address of supplier**

Suppliers must put their name and Australian or New Zealand business address on the label on a package of food to assist in the rare event of a food recall. This makes the identification and notification process easier.

A business address means the location of the premises from which a business is being operated; for example the street number, the street name, the town or suburb, and, in Australia, the State or Territory. A post office box address is not sufficient.

### **Code reference**

Clause 3 of Standard 1.2.2 specifies labelling and information requirements for the name and business address details of the supplier.

Clause 2 of Standard 1.1.1 includes definitions for *business address* and *supplier* (see Glossary of this User Guide).

### A5.3 Standard 1.2.3 - Mandatory warning and advisory statements and declarations

Information must be provided about certain foods and substances, if present in a food, in the form of mandatory declarations, warning statements or advisory statements.

#### Code reference

Standard 1.1.1 identifies where warning statements are prescribed in the Code.

Standard 1.2.3 identifies further required declarations and statements.

#### Other user guides

For guidance on the use and application of warning statements, advisory statements and declarations, see the FSANZ User Guide on *Mandatory Warning & Advisory Statements and Declarations*.

### A5.4 Standard 1.2.4 – Labelling of Ingredients

Unless specifically exempt, the label on a package of food must list all the ingredients used in the preparation, manufacture or handling of the food, including the ingredients of compound ingredients. There are specific requirements for how this information must be presented.

#### Code reference

Standard 1.2.4 identifies the requirements for ingredient listing.

Clause 2 of Standard 1.2.4 lists exemptions from ingredient labelling.

#### Other user guides

For guidance on the requirements on the labelling of ingredients see the FSANZ User Guide on *Ingredient Labelling of Foods*.

### A5.5 Standard 1.2.5 - Date marking of Food

A date-mark must be provided where required. A date mark will be in the form of a *best-before* date or a *use-by* date, although bread with a shelf life of less than seven days may have a baked-on date or baked-for date instead of a best before date. A *use-by* date is required when, for health or safety reasons, a food should not be consumed after a certain date.

There are prescribed forms for declaring date marks on the label of food and alternative date marking systems must not be used.

Where applicable, a statement is required of any specific storage conditions to ensure the food will keep for the specified period indicated in the 'use-by' date or 'best-before' date.

#### **Code reference**

Standard 1.2.5 prescribes a date marking system for food and the form in which foods must be date marked.

Clause 1 of Standard 1.2.5 includes definitions of *use-by date*, *best-before date*, *baked-for date* and *baked-on date*.

#### **Other user guides**

For specific guidance on using and applying date marks, see the FSANZ User Guide on *Date Marking of Food*.

### **A5.6 Standard 1.2.6 - Directions for use and storage**

Directions for use and/or storage are mandatory where the food is of a nature that warrants directions about the use or storage of the food for reasons of health or safety, for example, *keep refrigerated* or *cook thoroughly*.

The requirements for directions for use or storage as outlined in Standard 1.2.6 operate in addition to the requirement under Standard 1.2.5 for a statement of the conditions of storage, as outlined above.

Certain food product standards in Chapter 2 of the Code prescribe additional specific requirements for directions for use or storage, for example, in clause 3 of Standard 2.2.3 – Fish and Fish Products, there is a labelling requirement for cooking instructions for raw fish that has been formed or joined to resemble a cut or fillet of fish using a binding system without applying heat.

#### **Code reference**

Standard 1.2.6 regulates labelling requirements for directions for use and storage.

### **A5.7 Standard 1.2.8 - Nutrition information requirements**

Subject to specific exemptions, a label on a package of food must display a nutrition information panel setting out the average energy, protein, total fat, saturated fat, carbohydrate, total sugars and sodium content of the food on a per serving and per unit

quantity (100 g or 100 ml) basis. A nutrition information panel must be in the prescribed format and must include the number of servings of the food in the package as well as the average quantity of the food in a serving.

There are additional nutrition labelling requirements that apply if you make a specific nutrition claim. Conditions for certain claims are prescribed in Standard 1.2.8, e.g. *low sodium*, *gluten free*, *lactose free*, and claims about certain fatty acids.

Conditions for claims in relation to the presence of a vitamin or mineral in a general purpose food are included in Standard 1.3.2 – Vitamins and Minerals. Examples of claims in relation to the presence of vitamins and minerals include *source of vitamin C* and *good source of calcium*. Standard 1.3.2 includes the compositional conditions the food must meet, as well as specific labelling conditions that apply if a claim about the presence of a vitamin or mineral is made.

There are also conditions for making claims about the presence of a vitamin or mineral and other nutrients in special purpose foods, in the Code in Part 2.9 – Special Purpose Foods.

#### **Code reference**

Standard 1.2.8 includes compositional and labelling conditions for certain claims

Standard 1.3.2 –includes conditions for claims about the presence of a vitamin or mineral in relation to a food (other than Special Purpose Foods).

Standard 2.9.2 includes conditions for claims about vitamins, minerals, and protein in relation to infant foods.

Standard 2.9.3 includes conditions for claims about vitamins and minerals in relation to formulated meal replacements and formulated supplementary foods.

Standard 2.9.4 includes conditions for vitamin and mineral claims, high carbohydrate supplements, protein energy supplements, and energy supplements in relation to formulated supplementary sports foods.

#### **Other user guides**

For further information in relation to nutrition information requirements, see the FSANZ User Guide on *Nutrition Information Requirements for Foods*

For further information in relation to nutrition claims, see the FSANZ User Guide on *Nutrition Claims*.

## A5.8 Standard 1.2.10 – Characterising Ingredients and Components of Food (Percentage labelling)

This Standard sets out the specific requirements for the declaration of the proportion of characterising ingredients or characterising components in foods. It includes the methods to use to calculate the proportion of characterising ingredients and characterising components, and ways in which the proportion can be declared.

### Code reference

Standard 1.2.10 sets out the requirements for percentage labelling.

### Other user guides

For guidance on labelling characterising ingredients and components of food see the FSANZ User Guide on *Percentage Labelling of Foods*

## A5.9 Standard 1.2.11 - Country of origin labelling (Australia only)

Standard 1.2.11 sets out the requirements for country of origin labelling of packaged foods and certain unpackaged foods. This Standard does not apply in New Zealand.

### Code reference

Standard 1.2.11 describes the requirements for country of origin labelling (Australia only)

### Other user guides

For guidance on the specific country of origin labelling requirements for packaged and unpackaged food, see the FSANZ User Guide on the *Country of Origin Labelling of Food*.

## A5.10 Health claims and related claims

Transitional arrangements are in place to allow the use of a health claim in relation to the presence of folate in certain foods which meet the eligibility criteria. In these cases, the permitted claim and the manner in which it can be displayed on the label are prescribed.

Some claims and references to certain words are specifically prohibited under Standard 1.1A.2, for example, a statement that the food is a slimming food, and use of the word 'health' as a part of or in conjunction with the name of the food.

### Code reference

Standard 1.1A.2 – Transitional Standard for Health Claims describes the requirements for health claims in relation to folate and includes prohibitions on certain representations or claims, including references to certain words or statements.

### A5.11 Special purpose foods (including amino acid modified foods) (New Zealand only)

*Amino acid modified food* and *special purpose food* are defined in Standard 1.1A.6 - Transitional Standard for Special Purpose Foods (Including Amino Acid Modified Foods). The Standard also outlines the labelling requirements for these foods, which apply only to food produced in or imported into New Zealand. The Standard is a transitional standard and it is anticipated that it will be repealed upon the development of standards for foods for special medical purposes and food type dietary supplements.

#### Code reference

Standard 1.1A.6 – Transitional Standard for Special Purpose Foods (Including Amino Acid Modified Foods) defines these foods and describes their labelling requirements

### A5.12 Novel foods

A *novel food* is defined in Standard 1.5.1 – Novel Foods. Novel foods that have been approved to be sold for retail sale as food, or for use as a food ingredient are also listed in that Standard. For some approved novel foods, there are conditions of use, including some labelling requirements. For example, for  $\alpha$ -cyclodextrin, the name *alpha cyclodextrin* or  *$\alpha$ -cyclodextrin* must be used when declaring the ingredient in the ingredient list.

#### Code reference

Standard 1.5.1 defines *novel foods* and describes the conditions of use for approved novel foods, including labelling requirements.

### A5.13 Genetically modified foods

Food, food ingredients and processing aids must be labelled with the words *genetically modified* if they contain novel DNA and/or novel protein derived from an approved genetically modified (GM) food. The statement *genetically modified* must be used in conjunction with the name of the food or in association with the specific ingredient in the ingredient list. If a food for retail sale is unpackaged, then the information that otherwise would have been on the package must be displayed on or in connection with the display of the food at the point of retail sale.

#### Code reference

Standard 1.5.2- Food Produced Using Gene Technology includes a definition of *genetically modified food* and describes in detail the labelling requirements and exemptions from these, for genetically modified foods.

## A5.14 Irradiated foods

There are labelling requirements in relation to foods which have been irradiated. Specifically, the label on a package of irradiated food must include a statement to the effect that the irradiated food has been treated with ionising radiation. There are similar requirements for foods that contain an irradiated food as an ingredient or component. There are also specific labelling requirements for irradiated foods that are sold other than for retail sale.

### Code Reference

Standard 1.5.3 – Irradiation of Food includes a definition of *irradiation* and prescribes the labelling requirements for irradiated foods.

## A6. Labelling requirements for specific food products

In some cases, the Food Product Standards in Chapter 2 of the Code require that you provide specific information on the labels of certain classes or types of foods, in addition to the information outlined above. You should consult the Food Product Standards to check for any additional labelling requirements for individual foods.

The following are some examples of the labelling required for certain commodities.

Standard	Requirement
Standard 2.2.1 – Meat and Meat Products	Declaration of offal; fat declarations in relation to minced meat; labelling of formed or joined meat; prescribed names and the labelling of fermented comminuted meat products.
Standard 2.2.3 – Fish and Fish Products	Labelling of formed or joined fish.
Standard 2.4.1 – Edible Oils	A declaration of any process used to alter the fatty acid composition of any specifically named edible oil.
Standard 2.6.1 – Fruit Juice and Vegetable Juice	Labelling of juice blends.
Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks	Labelling of electrolyte drinks and electrolyte drink bases; prohibition on labelling or presenting non-alcoholic beverages as alcoholic beverages.
Standard 2.6.3 – Kava	Warning statement for kava.
Standard 2.6.4 - Formulated Caffeinated Beverages	Compositional declarations in association with the nutrition information panel; advisory statements.
Standard 2.7.1 – Labelling of	Alcohol by volume statements; standard drink

Standard	Requirement
Alcoholic Beverages and Food Containing Alcohol	labelling; representations about 'low alcohol', 'non-intoxicating' and 'non-alcoholic'.
Standard 2.7.4 – Wine and Wine Product	There are no labelling requirements under this Standard, but other relevant legislation that should be considered is listed in this Standard.
Standard 2.7.5 – Spirits	Geographical indication conditions applying to spirits.
Standard 2.8.2 – Honey	Prescribed name for honey.
Standard 2.9.1 – Infant Formula Products	Specific labelling requirements, including prohibitions on representations, claims, directions for use and storage; and warning and advisory statements.
Standard 2.9.2 – Foods for Infants	Claims, directions for use and storage; and warning and advisory statements.
Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods	Claims about vitamins and minerals; advisory statements in relation to use, and prescribed names.
Standard 2.9.4 – Formulated Supplementary Sports Foods	Advisory statements in relation to use; warning statement, and prescribed name.
Standard 2.10.2 – Salt and Salt Products	Labelling of reduced sodium salt mixtures and salt substitutes.
Standard 2.10.3 – Chewing Gum	Conditions for claims about calcium in relation to chewing gum, and labelling requirements where a calcium claim is made.

## A7.Representations about food

All representations about food are subject to a wider regulatory context that should be considered. Food businesses need to ensure that any representations are not false, misleading or deceptive or likely to mislead or deceive consumers about a food.

Food legislation in Australia and New Zealand include provisions relating to representations about food. These include:

*Food Act 1981* (New Zealand)

Subsection 10(1)

*No person shall sell any food or appliance—*

- (a) That bears or has attached to it, or is contained in a package that bears or has attached to it, any false or misleading statement, word, brand, picture, label, or mark purporting to indicate the nature, suitability, quantity, quality, strength, purity, composition, weight, origin, age, effects, or proportion of the food or appliance, or of the food or appliance contained in the package, as the case may require, or of any ingredient or nutrient or other constituent of the food or any component of the appliance; or*
- (b) That has been packaged, processed, or treated in a manner that is false or misleading in relation to any of the matters mentioned in paragraph (a) of this subsection.*

Food Acts of Australian States and Territories:

*A person must not, for the purpose of effecting or promoting the sale of any food in the course of carrying on a food business, cause the food to be advertised, packaged or labelled in a way that falsely describes the food.*

*A person must not, in the course of carrying on a food business, sell food that is packaged or labelled in a way that falsely describes the food.*

*A person must not, in the course of carrying on a food business, supply food by way of sale if the food is not of the nature or substance demanded by the purchaser.*

*Food that is falsely described includes food to which any one or more of the following paragraphs applies:*

*(a) the food is represented as being of a particular nature or substance for which there is a prescribed standard under the Food Standards Code and the food does not comply with that prescribed standard,*

*(b) the food is represented as being of a particular nature or substance and it contains, or is mixed or diluted with, any substance in a quantity or proportion that significantly diminishes its food value or nutritive properties as compared with food of the represented nature or substance,*

*(c) the food is represented as being of a particular nature or substance and it contains, or is mixed or diluted with, any substance of lower commercial value than food of the represented nature or substance,*

*(d) the food is represented as being of a particular nature or substance and a constituent of the food has been wholly or partly removed so that its properties are diminished as compared with food of the represented nature or substance,*

*(e) any word, statement, device or design used in the packaging or labelling of the food, or in an advertisement for the food, would create a false impression as to the nature or substance of the food, or the commercial value of the food, in the mind of a reasonable person,*

*(f) the food is not of the nature or substance represented by the manner in which it is packaged, labelled or offered for sale.*

The Australian Competition and Consumer Commission (ACCC) has produced a Food Labelling Guide.

## **A8. Frequently asked questions**

### **What type size and type style must I use on labels?**

You can choose any type style or type size provided that the information you display is in English and is legible and prominent such as to afford a distinct contrast to the background. Further requirements apply to specific warning statements, and country of origin statements.

#### **Other user guides**

For information, see FSANZ User Guide on *Legibility Requirements for Food Labels*.

### **Which labelling requirements apply to imported foods?**

Labelling and information requirements in the Code apply to food imported into Australia or New Zealand. Consequently, the requirements included in the Code and summarised in this User Guide apply to imported foods for sale in Australia or New Zealand.

### **Who approves food labels?**

It is the responsibility of food businesses to ensure that food labelling complies with requirements in the Code. FSANZ does not provide approval of food labels. Food businesses should seek independent legal advice if they are concerned about matters of compliance.

### **Is it permissible to alter a label?**

Clause 11 of Standard 1.1.1 allows you to alter a label where a new label is placed over an incorrect one. However, this is provided that the new label is not able to be removed so that the incorrect information is visible and that the specific permission of the authority responsible for the enforcement of the Code is obtained.

## Part B – Food for Retail Sale, including Hampers and Vending Machines

### B1. What is food for retail sale?

Food for retail sale is defined in the Code.

#### Code Definition

##### Standard 1.2.1

**food for retail sale** means food for sale to the public and includes food prior to retail sale which is –

- (a) manufactured or otherwise prepared, or distributed, transported or stored; and
- (b) not intended for further processing, packaging or labelling.

Food for retail sale includes food at the point in which it is for sale to the public. Food for retail sale also includes food at the time it is manufactured or otherwise prepared or distributed, where it is intended that no further processing, packaging or labelling will occur prior to sale to the public. Therefore, the responsibility of labelling food for retail sale lies with the relevant food businesses in the food supply chain, including the manufacturer or importer of the food or the retailer.

### B2. Information and labelling requirements for food for retail sale

In most circumstances, food for retail sale is required to bear a label setting out all the information prescribed in the Code. This includes the information from Chapter 1 of the Code, such as the name of the food, a date mark, and an ingredient list.

In addition to the general information and labelling requirements for food for retail sale contained in Chapter 1 of the Code, other information is prescribed in the Code for specific food products – these requirements are contained within the standards in Chapter 2 of the Code.

#### Other User Guides

For further general information on the labelling requirements that apply to food for retail sale see Part A of this User Guide.

Many of the labelling requirements are also discussed specifically in user guides that cover individual standards of the Code. These are listed in Part A of this User Guide.

## B3. Exemptions from labelling, and information requirements that apply to food for retail sale

### B3.1 Exemptions from labelling requirements

Subclause 2(1) of Standard 1.2.1 lists specific foods (for retail sale) that do not need to bear a label setting out all the information prescribed in the Code. These foods are listed in Table 1 below.

Despite not being required to bear a label, there are information requirements that must nonetheless be complied with for these foods. The specific information requirements and options for how the information can be provided are detailed below in section B3.2 and Table 2.

**Table 1: Foods for retail sale that are exempt from the general requirement to bear a label (under subclause 2(1) of Standard 1.2.1)**

Exempt food	Reference in the Code	Notes and examples
Food other than in a package.	Standard 1.2.1 Subclause 2(1)(a)  <i>Package</i> is defined in Standard 1.1.1	The following may be examples of <i>food other than in a package</i> : <ul style="list-style-type: none"> <li>• fruits or vegetables</li> <li>• hampers (although this exemption applies only to the outside of the hamper itself, it does not apply to food sold within the hamper). Hampers have specific requirements – refer to section B4 of this User Guide.</li> <li>• vending machines. Vending machines have specific requirements – refer to section B5 of this User Guide.</li> </ul> <p>Food is not considered to be in a package if it is served on a covered plate within prisons, hospitals or other similar institutions listed in the Table to clause 8 of Standard 1.2.1 (refer to definition of <i>package</i> in Standard 1.1.1).</p>
Food in an <i>inner package</i> not designed	Standard 1.2.1 paragraph 2(1)(b)	An <i>inner package</i> could, for example, include a package or packages of food contained within an outer pack, e.g. cellophane wrapped cracker biscuits.

Exempt food	Reference in the Code	Notes and examples
<p>for individual sale. Although, <i>individual portion packs</i> in a container or wrapper with a surface area of 30cm<sup>2</sup> or greater must bear a label containing information in accordance with clauses 3 and 4 of Standard 1.2.3</p>		<p>An <i>individual portion pack</i> could, for example, include single serve packages that would normally be removed from the outer package and consumed separately as an individual serve e.g. muesli bars, fruit bars, cheese sticks and single serve chocolates.</p> <p>The label of individual portion packs that have a surface area of 30 cm<sup>2</sup> or greater are required to bear a label with mandatory warning statements and declarations listed under clause 3 of Standard 1.2.3, in addition to the mandatory declarations required under clause 4 of Standard 1.2.3 if they contain the foods or substances listed in these clauses. For example, statements or declarations for packs of food containing royal jelly, gluten or peanuts.</p>
<p>Food made and packaged on the premises from which it is sold.</p>	<p>Standard 1.2.1 paragraph 2(1)(c)</p>	<p>This exemption may apply where food is made and packaged (e.g. weighed, dispensed, counted, or measured into a pack by the customer or retailer) on the same premises at which the retail sale takes place. Examples are pre-packaged filled rolls, sandwiches, bagels made, packaged and sold from a sandwich bar, and foods made, packaged and sold in a bakery, delicatessen, butchery or take away food outlet.</p> <p>This exemption may <u>not</u> apply where food items that are made and packaged at a site are then transported to another site for retail sale where no further preparation occurs, for example, a bakery that transports bread for retail sale to satellite bakeries. These items may need to comply with all the relevant labelling requirements, or there may be other labelling exemptions that are applicable.</p>
<p>Food packaged in the presence of the purchaser.</p>	<p>Standard 1.2.1 paragraph 2(1)(d)</p>	<p>Examples of this may include food packaged in the presence of the purchaser from a bulk food bin, a delicatessen, or a self-serve salad bar.</p>

Exempt food	Reference in the Code	Notes and examples
Whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables.	Standard 1.2.1 paragraph 2(1)(e)  <i>Fruit and vegetables</i> is defined in Standard 2.3.1 – Fruit and Vegetables (see Glossary to this User Guide)	This exemption may include: <ul style="list-style-type: none"> <li>• bulk packs of fruit or vegetables sold in a mesh bag</li> <li>• whole or cut fruit or vegetables sold in clear plastic packaging, such as ready-to-eat vegetables, and fruit salads.</li> </ul>
Food delivered packaged and ready for consumption at the express order of the purchaser.	Standard 1.2.1 paragraph 2(1)(f)	This would include food: <ol style="list-style-type: none"> <li>1) delivered packaged;</li> <li>2) ready to consume (e.g. without further preparation or cooking); and</li> <li>3) at the express order of the purchaser (e.g. where a consumer has ordered pizza to be delivered).</li> </ol> <p>This exemption does not apply to food sold from a vending machine (subclause 2(3) of Standard 1.2.1). Vending machines have specific requirements – refer to section B5 of this User Guide.</p>
Food sold at fund raising events.	Standard 1.2.1 paragraph 2(1)(g)  <i>Fund raising events</i> <sup>1</sup> is defined in Standard 1.1.1	This exemption may apply where food is sold at an event <i>and</i> the funds raised at the event are solely for community or charitable purposes and not for personal gain.
The food is packaged and displayed in an assisted service display cabinet.	Standard 1.2.1 paragraph 2(1)(h)  <i>Assisted service display</i>	This exemption could include situations where a food business purchases packaged food, or unpackaged or bulk quantities of food, and packages the food into smaller portions, and then displays the packaged food in a cabinet for service to consumers. Examples may include:

<sup>1</sup> Fundraising organisers would also need to ensure that they are compliant with local, State, Territory and New Zealand legislation when conducting a fund raising event as specific requirements may apply.

Exempt food	Reference in the Code	Notes and examples
	<i>cabinet</i> is defined in Standard 1.2.1	<ul style="list-style-type: none"> <li>a whole cake purchased by a cafe, cut into portions, wrapped in clear plastic food wrap and displayed in a cabinet, where the cafe operator will provide the food to the customer on request</li> <li>doughnuts, slices, sandwiches, rolls and other similar items that are purchased by the food business and displayed packaged, in a cabinet, where the food business operator will provide the food to the customer on request.</li> </ul> <p>The exemption is not intended to include foods such as covered meat trays displayed in a refrigerated cabinet where food can be self-selected by the customer without assistance, for example: in a supermarket setting where there is no assisted service.</p>

### B3.2 Information and labelling requirements for foods for retail sale exempt from bearing a label

Table 2 below details the information that is required for food for retail sale that is exempt from bearing a label in accordance with subclause 2(1) of Standard 1.2.1. The table also includes how food businesses must provide this information. Each requirement will not necessarily apply to every food product that is exempt from bearing a label, i.e. many relate only to specific foods, or in specific instances.

**Table 2: Information requirements that must be met for foods for retail sale that are exempt from bearing a label under subclause 2(1) of Standard 1.2.1.**

Requirement	Code Reference	Provision of Information	Further information
Specific information regarding the name of the food must be provided.	Subclause 1(2) of Standard 1.2.2	Displayed on or in connection with the display of the food, or, provided to the purchaser upon request.	Part A of this User Guide
Mandatory advisory statements that apply to specific foods as listed in the Table to subclause 2(2) must be provided.	Subclause 2(2) of Standard 1.2.3	Displayed on or in connection with the display of the food or provided to the purchaser upon request.	FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i> .
Advisory statement in	Subclause 5(2)		

Requirement	Code Reference	Provision of Information	Further information
relation to foods containing polyols or polydextrose - where a food contains any of the substances referred to in subclause 5(1) of Standard 1.2.3 above the amounts specified. The advisory statement must be provided to the effect that excess consumption of the food may have a laxative effect.	of Standard 1.2.3	In the case of food dispensed from vending machines, the information must be displayed on or in connection with the food.	For vending machines – see section B5 of this User Guide.
Prescribed warning statements must be provided as described, where a relevant food (as listed in the Table to clause 3 of Standard 1.2.3) is not required to bear a label.	Subclause 3(2) of Standard 1.2.3	<p>Displayed on or in connection with the display of the food.</p> <p>Or, for food dispensed from a vending machine, the statement must be displayed on or in connection with the food.</p>	<p>FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i>.</p> <p>For vending machines, see section B5 of this User Guide.</p>
The presence of the specific substances listed in the Table to clause 4 of Standard 1.2.3 must be declared.	Subclause 4(2) of Standard 1.2.3		<p>FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i></p> <p>For vending machines, see section B5 of this User Guide.</p>
<p>Directions for use or storage must be provided where the food is of a nature as to warrant such directions for reasons of health or safety (clause 2).</p> <p>In addition, specific</p>	Standard 1.2.6	<p>Unpackaged food must be either labelled with or accompanied by the required information.</p> <p>For packaged food</p>	Part A of this User Guide

Requirement	Code Reference	Provision of Information	Further information
statements around use or storage must be provided in the case of the specific foods listed in the Table to clause 3 of Standard 1.2.6.		this information must be provided on the label.	
<p>Nutrition information requirements in relation to nutrition claims - where a nutrition claim is made in relation to a food that is not required to bear a label, the nutrition information prescribed in clause 5 of Standard 1.2.8 must be provided.</p> <p>However, if the nutrition claim is made for food in a small package, the required nutrition information must nonetheless be provided on the label.</p>	Subclauses 4(2) and 4(3) of Standard 1.2.8	<p>Declared in a nutrition information panel or in connection with the display of the food, or provided to the purchaser on request.</p> <p>In the case of small packages for which nutrition claims are made, this information must be included on the label.</p>	<p>FSANZ's User Guide <i>Nutrition Information Requirements</i>.</p> <p>Part E of this User Guide</p>
<p>For unpackaged foods, and foods that are made and packaged on the premises from which they are sold, the percentage of characterising ingredients and characterising components in those foods (calculated in accordance with Standard 1.2.10) must be declared.</p> <p>Subclause 2(4) provides a number of exemptions to subclause 2(3) of Standard 1.2.10.</p>	Subclause 2(3) and 2(4) of Standard 1.2.10	Displayed on or in connection with the display of the food, or provided to the purchaser on request.	FSANZ's User Guide <i>Percentage labelling of food</i> .
Country of origin information (for Australia only) must be provided for specific foods listed in accordance with the Table to subclause 2(2).	Subclauses 2(2) and 2(3) of Standard 1.2.11	Displayed on a label on or in connection with the display of the food.	FSANZ's User Guide to Standard 1.2.11 – <i>Country of Origin Labelling of Food</i> .

Requirement	Code Reference	Provision of Information	Further information
Subclause 2(3) requires food businesses to comply with specific legibility requirements where food is displayed for retail sale other than in a package.			FSANZ's User Guide to Standard 1.2.9 - <i>Legibility Requirements for Food Labels</i>
<p>Declaration in relation to food produced using gene technology - the statement: <i>genetically modified</i> must be provided for genetically modified food that is displayed for retail sale other than in a package.</p> <p>An exemption from the requirement above applies for food produced using gene technology where the food is intended for immediate consumption and is prepared and sold from food premises and vending vehicles, including restaurants, take-away outlets, caterers or self-catering institutions.</p>	<p>Subclause 4(3) of Standard 1.5.2</p> <p>Subclause 4(4) of Standard 1.5.2</p>	Displayed on or in connection with the display of the food.	Standard 1.5.2 defines <i>genetically modified food</i> and <i>food produced using gene technology</i>
Declaration of irradiation of food - a statement is required to the effect that the irradiated food has been treated with ionising radiation, or that it contains an ingredient or component that has been treated with ionising radiation, as the case may be.	Clause 6 of Standard 1.5.3	Displayed on or in connection with the display of the food.	Example statements are given in Standard 1.5.3
Declaration in relation to the presence of offal in food.	Clause 4 of Standard 2.2.1	Must be declared to the purchaser (e.g. verbally or in writing).	<p>Standard 2.2.1 defines <i>offal</i>.</p> <p>FSANZ's User Guide <i>Meat and meat products</i></p>
Declaration in relation to	Clause 5 of	Displayed on or in	FSANZ's User

<b>Requirement</b>	<b>Code Reference</b>	<b>Provision of Information</b>	<b>Further information</b>
mandatory fat content of minced meat.	Standard 2.2.1	connection with the display of the food, or provided to the purchaser on request.	<i>Guide Meat and meat products</i>
Declaration in relation to raw meat joined or formed into the semblance of a cut of meat using a binding system without the application of heat.	Clause 6 of Standard 2.2.1	Must be provided to the purchaser (e.g. verbally or in writing).	FSANZ's User Guide <i>Meat and meat products</i> .
Declaration in relation to the prescribed name of unpackaged fermented comminuted manufactured meat and fermented comminuted processed meat products.  The words 'not heat treated' may be omitted from the prescribed name for these products when the food is offered for sale other than in a package.	Clause 10 of Standard 2.2.1	Displayed in connection with the food.	Clauses 8 and 9 of Standard 2.2.1 set out prescribed names for fermented comminuted manufactured meat and fermented comminuted processed meat products.  FSANZ's User Guide <i>Meat and Meat Products</i>
Declaration in relation to raw fish that has been formed or joined in the semblance of a cut or fillet of fish using a binding system without the application of heat.	Clause 3 of Standard 2.2.3	Must be provided to the purchaser (this could be verbally or in writing).	<i>Fish</i> is defined in Standard 2.2.3.
For kava other than in a package - the name and business address in Australia or New Zealand of the supplier of the food, and the prescribed statements in subclause 3(1) are required.	Subclause 3(2) of Standard 2.6.3	Displayed on or in connection with the display of the food.	Standard 2.6.3
For formulated caffeinated beverages not required to bear a label in accordance with clause 2 of Standard	Subclause 3(5) of Standard 2.6.4	Displayed on or in connection with the display of the food, or provided	<i>Formulated caffeinated beverage</i> is defined in

Requirement	Code Reference	Provision of Information	Further information
1.2.1, provision is made for how the advisory statements for formulated caffeinated beverages detailed in subclauses 3(3) and 3(4) of Standard 2.6.4 must be provided.		to the purchaser on request.	Standard 2.6.4.  Subclauses 3(3) and 3(4) of Standard 2.6.4 detail the advisory statements required for formulated caffeinated beverages.
A number of labelling statements and other information is required on the label of a package of a formulated supplementary sports food.  A statement is required on the label of a formulated supplementary sports food which contains added phenylalanine: 'Phenylketonurics: Contains phenylalanine'.	Subclauses 3(1), 3(2), 3(3) and 3(4) of Standard 2.9.4	Must be provided on the label on the package.	<i>Formulated supplementary sports food</i> is defined in Standard 2.9.4.

## B4. Hampers

### B4.1 What is a hamper?

Hampers are defined in the Code.

#### **Code Definition** **Standard 1.1.1**

**Hamper** means a decorative basket, box or receptacle containing any number of separately identifiable food items.  
(A hamper may also contain non-food items such as decorative cloths, glasses and dishes.)

The term *hamper* is not intended to capture a broad range of other packaged foods such as snack packs, meal packs, cheese boards or bulk packs that are not packaged in a decorative manner.

Food for sale to the public within a hamper is likely to be *food for retail sale* (see definition of *food for retail sale* in the glossary).

## B4.2 Information and Labelling Requirements for Hampers

Hampers sold as food for retail sale have specific labelling requirements, set out in subclause 2(4) of Standard 1.2.1, and subclause 3(3) of Standard 1.2.2. These are outlined below.

### B4.2.1 On the outside of a hamper

A *hamper* is specifically excluded from the definition of a *package* (see the definition of *package* in the glossary). The outside of a hamper is therefore exempt from the requirement to bear a label carrying all the information prescribed in the Code (paragraph 2(1)(a) of Standard 1.2.1).

#### **Name and business address of the supplier**

However, the name and business address of the supplier of the hamper (or of the food within the hamper) must be displayed on the outside of the hamper (subclause 3(3) of Standard 1.2.2). In the case of a food business that purchases items from another business and uses them to prepare a hamper, the food business preparing the hamper should provide their details on the outside of the hamper.

#### **Code definitions**

Standard 1.1.1

**Supplier** means the packer, manufacturer, vendor or importer of the food in question.

**Business address** means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

### B4.2.2 Food items within the hamper

Some foods for retail sale are exempt from the requirement to bear a label carrying all the information prescribed in the Code, under subclause 2(1) of Standard 1.2.1. However, the exemptions from bearing a label provided in this subclause do not apply

to the food contained within hampers (see paragraph 2(4)(a) of Standard 1.2.1). Each packaged food item within a hamper must bear a label providing all the information prescribed in the Code (paragraph 2(4)(b) of Standard 1.2.1).

Unpackaged food items within a hamper must be accompanied with documentation setting out the information prescribed in the Code (paragraph 2(4)(c) of Standard 1.2.1), for example, a pamphlet could be included within the hamper.

Where an item in a hamper is a small package (as defined in Standard 1.1.1, see Glossary to this User Guide), the item may only need to be labelled with the information required for small packages (see Part E of this User Guide).

### **B4.2.3 Date marking in relation to hampers**

A date mark is usually required to be included on the label of a packaged food (clause 2 of Standard 1.2.5). However, this requirement does not apply to the outside of a hamper, as *hamper* is specifically excluded from the definition of *package* and date marking is not required on food that is other than in a package.

Despite this, food must not be sold past its use-by date (clause 3 of Standard 1.2.5), and any relevant date marking of items contained within a hamper should be considered. Where a food business packs a hamper for a food retailer, and the date marks on individual foods within the hamper are not visible from outside the hamper, date marking information for the foods within the hamper could be provided to or may be sought by, the retailer.

## **B5. Vending machines**

### **B5.1 What is a vending machine?**

The term vending machine is not defined in the Code. Examples of vending machines may include: coin or token operated machines and appliances such as machines containing snacks or soft drinks in shopping malls, or hot coffee or chocolate or ice confectionery machines at petrol service stations. Bulk self-serve food containers which dispense foods such as nuts or chocolates in supermarkets may not be considered vending machines.

Some States, Territories, and New Zealand, have additional legal requirements around vending machines and food businesses should check details with the relevant jurisdiction.

### **B5.2 Information and Labelling Requirements for vending machines**

#### **B5.2.1 On the outside of a vending machine**

Under the Code, a vending machine is specifically excluded from the definition of a *package* (see definition of *package* in glossary). The vending machine itself is therefore

exempt from the requirement to bear a label carrying all the information prescribed in the Code (paragraph 2(1)(a) of Standard 1.2.1). However, there are specific labelling requirements for vending machines.

### **Name and business address of the supplier**

The name and business address in Australia or New Zealand of the supplier of the food must be clearly displayed either in or on the vending machine in a prominent place (subclause 3(2) of Standard 1.2.2). These details assist in the event of a food recall.

#### **Code definitions**

##### **Standard 1.1.1**

**Supplier** means the packer, manufacturer, vendor or importer of the food in question.

**Business address** means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

### **B5.2.2 For food sold from vending machines**

Individual food items sold from a vending machine must comply with any labelling or information requirements in the Code. Each item needs to be separately considered as to whether it does, or does not, meet a specific exemption from the requirement to bear a label, for example those in subclause 2(1) of Standard 1.2.1.

There are circumstances where a food within a vending machine cannot be labelled at the time at which the vending machine is stocked, for example, hot drinks such as hot chocolate, coffee and tea dispensed from a vending machine where the purchaser chooses the addition of milk or sugar. In this circumstance it may not be practical to label the packaging e.g. paper cup, at the time of stocking the vending machine as it is not possible to determine what ingredients the purchaser will choose. In this situation, food businesses should consider whether any of the exemptions from the requirement to bear a label for food for retail sale apply, including:

- *paragraph 2(1)(a) Standard 1.2.1 - the food is other than in a package*
- *paragraph 2(1)(c) Standard 1.2.1 - the food is made and packaged on the premises from which it is sold*
- *paragraph 2(1)(d) Standard 1.2.1 - the food is packaged in the presence of the purchaser*

In the instance where the food item dispensed from a vending machine does meet an exemption from bearing a label, there are information requirements that may need to be met, such as those in subclause 2(2) of Standard 1.2.1 (refer to section B3.2 above for detail). In the case of vending machines there are specific requirements for how some of this information must be provided; this is described below.

Food businesses should note that the following exemption: *the food is delivered packaged, and ready for consumption, at the express order of the purchaser*; under paragraph 2(1)(f) of Standard 1.2.1 does not apply to food sold from vending machines (see subclause 2(3) Standard 1.2.1).

### **B5.2.3 Information requirements for food sold from vending machines that is exempt from bearing a label**

Where food sold from a vending machine is exempt from the requirement to bear a label, there are some specific requirements as to what information must be provided about the presence of certain substances and how this information must be provided; specifically:

- mandatory advisory statements and declarations (clause 2 of Standard 1.2.3);
- mandatory warning statements and declarations (clause 3 of Standard 1.2.3);
- mandatory declaration of certain substances in food (clause 4 of Standard 1.2.3);
- advisory statements in relation to polyols or polydextrose (clause 5 of Standard 1.2.3).

The relevant information must be *displayed on or in connection with food dispensed from a vending machine*. For example, the information could be presented on the outside of the vending machine, or in a poster, leaflet or brochure displayed in association with the food.

Information other than that described above, that is required for food sold from a vending machine that is exempt from bearing a label as provided in subclause 2(2) of Standard 1.2.1, can be provided in the same way as for other foods for retail sale. For example, the information can be displayed on or in connection with the display of the food (see section B3.2 and Table 2 above).

## **B6. Examples**

### **Example 1 – Food for retail sale**

*A local café chain is selling prepackaged sandwiches from a self-serve buffet in one of its outlets. The sandwiches are sold packaged in clear plastic containers and are made from bread, mayonnaise, anchovies and salad. They are prepared in a central kitchen and distributed to three outlets. (The food does not contain food that has been produced with gene technology or irradiated.)*

#### **Step 1**

The food is for sale to the public and therefore is considered 'food for retail sale'.

## Step 2

On the assumption that the food does not meet any of the general exemptions in clause 2 of Standard 1.2.1, it must be labelled with all the information prescribed in the Code.

## Step 3

After checking through the individual labelling standards in the Code for specific exemptions, it is determined that the sandwiches must be labelled with:

1. A name or a description of the food (subclause 1(1) of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. Name and business address of the supplier (clause 3 of Standard 1.2.2)
4. Mandatory declarations (e.g. egg, fish, dairy, wheat) (Standard 1.2.3)
5. Ingredient listing (Standard 1.2.4)
6. Date marking (Standard 1.2.5)
7. Directions for use and storage (where for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (subclause 2(1) of Standard 1.2.6)

and it is determined that the sandwiches are exempt from being labelled with:

1. Nutrition information panel (under subclause 3(m) of Standard 1.2.8)
2. Percentage labelling (characterising ingredients or components) (under subclause 2(4) of Standard 1.2.10)
3. Country of origin (under subclause 1(3) of Standard 1.2.11)

NB. There would be further labelling and information requirements for particular foods in the Code that are not relevant in this particular example.

## Example 2 – Food for retail sale exempt from the general requirement to bear a label

*A delicatessen buys cheese in bulk from a supplier. The delicatessen then cuts the cheese into smaller pieces, packages them in clear wrap and displays them in a refrigerated display cabinet to sell to their customers. Only the employees can access the cabinet.*

### Step 1

The food is for sale to the public and is therefore considered a 'food for retail sale'.

### Step 2

The cheese is packaged and displayed in an 'assisted service display cabinet' and is therefore exempt from general labelling requirements (paragraph 2(1)(h) of Standard 1.2.1), but certain information must still be provided (subclause 2(2) of Standard 1.2.1).

### Step 3

After checking through the standards listed in subclause 2(2) of Standard 1.2.1, it is determined that the following information must be provided on or in connection with the display of the food or provided to the customer if requested:

1. A name or a description of the food sufficient to indicate the true nature of the food (clause 1 of Standard 1.2.2)
2. Mandatory declaration of certain substances, i.e. contains milk and milk products (clause 4 of Standard 1.2.3).

The following information must be provided on the label of the package of food:

3. Directions for use and storage where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (Standard 1.2.6)

The package of cheese is exempt from providing the following information:

1. Nutrition information panel (unless a nutrition claim is made) (subclauses 4(2) and 4(3) of Standard 1.2.8)
2. Percentage labelling, because subclause 2(3) of Standard 1.2.10 does not apply to the cheese when packaged and displayed in an assisted service display cabinet.
3. Country of Origin labelling, because subclauses 2(2) and 2(3) of Standard 1.2.11 do not apply to cheese.

Mandatory warning and advisory statements and declarations (clauses 2, 3 and 5 of Standard 1.2.3) are not required as there are no food components in this product that require such declarations.

There are further labelling and information requirements for some foods that are exempt from the requirement to bear a label (paragraphs 2(2)h-n of Standard 1.2.1) that are not relevant in this particular example.

### Example 3 – food for retail sale sold at a fundraising event

*A volunteer prepares home-made shortbread biscuits, made from butter, plain flour, rice flour and sugar, to be sold at a school fete. They are wrapped in clear cellophane. All proceeds from the fete go to the school in an effort to raise funds for their new school library.*

### Step 1

The food is for sale to the public and is therefore ‘food for retail sale’.

## Step 2

The shortbread biscuits are to be sold at a fundraising event, and as such are exempt from the general labelling requirements of the Code (paragraph 2(1)(g) of Standard 1.2.1), but certain information must still be provided (subclause 2(2) of Standard 1.2.1).

## Step 3

After checking through the standards listed in subclause 2(2) of Standard 1.2.1, it is determined that the following information must be provided on or in connection with the display of the food or provided to the purchaser if requested (this information could be provided on a label on the package):

1. A name or description of the food (subclause 1(2) of Standard 1.2.2)

The following information must be declared on or in connection with the display of the shortbread biscuits or declared on request:

2. Declaration of wheat and milk product (butter) (clause 4 of Standard 1.2.3)

There are further labelling and information requirements for some foods that are exempt from the requirement to bear a label (subclause 2(2) of Standard 1.2.1) that are not relevant in this particular example, for example, directions for use and storage (Standard 1.2.6). The shortbread biscuits are specifically exempt from providing the following information:

3. Percentage labelling (characterising ingredients and components) (under paragraph 2(4)(e) of Standard 1.2.10)

## Example 4 - hampers sold as food for retail sale

*A hamper containing packaged and unpackaged foods is sold to a shop to sell to the public. It is not intended that the shop carry out any further processing, packaging or labelling of the hamper. The shop sells the hamper to the public in the form in which they receive it.*

### Step 1

The hamper is for sale to the public. Prior to retail sale the hamper is not intended for further processing, packaging or labelling by the shop and is therefore considered 'food for retail sale' at the time it is sold to the shop. Labelling is the responsibility of the supplier of the hamper rather than the retailer.

### Step 2

The food is sold within a hamper. A hamper is excluded from the definition of a package and therefore the outside of the hamper does not have to bear a label. However, the name and business address of the supplier must be included on the outside of the hamper (subclause 3(3) of Standard 1.2.2).

### Step 3

Individual food items inside the hamper must meet the same requirements as if they were sold separately. All the relevant labelling information in the Code must be provided for both packaged and unpackaged items. The information must be placed on a label on the packaged items. However, unpackaged items must be accompanied by documentation setting out all the information prescribed in the Code. Such documentation can be placed on either the outside or inside of the hamper. The information required is as follows:

1. A name or a description of the food sufficient to indicate the true nature of the food (clause 1 of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. Name and business address in Australia or New Zealand of the supplier (clause 3 of Standard 1.2.2)
4. Any mandatory warning and advisory statements and declarations (Standard 1.2.3)
5. Ingredient list (Standard 1.2.4)
6. Date marking (Standard 1.2.5)
7. Directions for use or storage where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (Standard 1.2.6)
8. Nutrition information requirements. (Standard 1.2.8)
9. Percentage labelling (characterising ingredient/s and component/s) (Standard 1.2.10)
10. Country of origin (Australia Only) (Standard 1.2.11)
11. Any information required in Food Product Standards in Chapter 2 of the Code (see section B3 above for a list of these)

Legibility Requirements (Standard 1.2.9) must be adhered to.

Check through the individual standards listed above for exemptions that may apply specifically to the individual foods within the hamper.

### Example 5 – vending machines selling food for retail sale

*A chocolate bar (of size dimension less than 100cm<sup>2</sup>) for sale to the public from a vending machine.*

#### Step 1

The food is for sale to the public and is therefore a 'food for retail sale'.

#### Step 2

The chocolate bar is sold from a vending machine, and does not meet any of the exemptions in subclause 2(1) of Standard 1.2.1, and is therefore subject to the labelling

requirements in the Code, but is a small package, so some exemptions specific to small packages will apply.

### **Step 3**

After checking through the individual standards for exemptions that may apply, it is determined that the chocolate bar must be labelled with the following information:

1. Prescribed name or, where no name is prescribed, a name or a description of the food sufficient to indicate the true nature of the food (clause 1 of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. Name and business address in Australia or New Zealand of the supplier (clause 3 of Standard 1.2.2)
4. Any mandatory warning and advisory statements and declarations (Standard 1.2.3)
5. Directions for use or storage where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (Standard 1.2.6)
6. Country of origin (Australia Only) (Standard 1.2.11)

Legibility Requirements must be adhered to (Standard 1.2.9).

However, as the chocolate bar is considered a 'small package', the following labelling exemptions apply:

1. Ingredient labelling (subclause 2(c) of Standard 1.2.4)
2. Date marking, except where the food should not be consumed after a certain date because of health and safety reasons (paragraph 2(1)(d)(ii) of Standard 1.2.5)
3. Nutrition information, unless a nutrition claim is made (subclause 3(j) of Standard 1.2.8)
4. Percentage labelling (characterising ingredient and component labelling) (paragraph 2(4)(f) of Standard 1.2.10).

In addition, the name and business address in Australia or New Zealand of the supplier of the food in the vending machine must be clearly displayed in a prominent place on or in the vending machine (subclause 3(2) of Standard 1.2.2).

## Part C –Foods for Catering Purposes

### C1. What is food for catering purposes?

Food for catering purposes is defined for the purposes of Part 1.2 of the Code as follows:

#### Code Definition

##### Standard 1.2.1

**Food for Catering Purposes** includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.

When food is provided for sale to the public it would be *food for retail sale*.

### C2. How to provide information required for foods for catering purposes

The methods by which information about food for catering purposes may be provided include:

- on a label on the package of food
- in documentation
- in documentation accompanying the food.

Standard 1.2.1 sets out how the information that is required for food for catering purposes can be, or must be, provided. Some information must be provided in a specific way, such as on the label, whereas there are options for how other information can be provided, such as on the label or in documentation, or in documentation accompanying the food.

The methods appropriate for specific required information are detailed in the following sections.

### C3. Labelling of food for catering purposes

#### C3.1 Labelling requirements

Unless exempt (see section C3.2 below), a food for catering purposes must bear a label setting out the following information (subclause 5(1) Standard 1.2.1):

1. **Name of the food** – prescribed name or, where no name is prescribed, a name or a description of the food sufficient to indicate the true nature of the food (Standard 1.2.2)
2. **Lot identification** –(Standard 1.2.2)
3. **Name and business address of the supplier in Australia or New Zealand** – (Standard 1.2.2). For food for catering purposes, this information may alternatively be provided in documentation accompanying the food, rather than on the label (subclause 6(2) of Standard 1.2.1).
4. **Mandatory warning and advisory statements and declarations** – if applicable (Standard 1.2.3).
5. **Date marking** – if applicable (Standard 1.2.5)
6. **Directions for use and storage** – if applicable (Standard 1.2.6)
7. **Country of origin** – must be stated for packaged foods and certain unpackaged foods in Australia (Standard 1.2.11). The requirement does not apply in New Zealand.
8. **Information for food produced using gene technology** – where relevant (Standard 1.5.2).
9. **Information for irradiated food** – where relevant (Standard 1.5.3)

Provision of additional information will also be required for some foods for catering purposes, however this information is not required to be provided on the label of the food – see section C4 below.

#### **Other user guides**

The above information requirements are discussed in general terms in Part A of this User Guide.

Many of the above labelling elements are also discussed in specific terms in user guides that cover individual standards in the Code.

### **C3.2 Exemptions from labelling requirements**

The foods for catering purposes listed in Table 3 below are exempt from bearing a label setting out all the information prescribed under subclause 5(1) of Standard 1.2.1 (as listed in section C3.1 above). For these foods, required information (that in subclause 5(1) Standard 1.2.1) must be provided ‘in documentation accompanying the foods’.

**Table 3: Foods for catering purposes that are exempt from bearing a label setting out the labelling requirements (in accordance with subclause 5(2) of Standard 1.2.1)**

Exempt food	Reference in the Code	Notes and examples
Food not in a package.	Paragraph 5(2)(a) of Standard 1.2.1  <i>Package</i> is defined in Standard 1.1.1	The following may be examples of <i>food not in a package</i> : <ul style="list-style-type: none"> <li>• carcasses of meat</li> <li>• fruit or vegetables</li> </ul>
Whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables	Paragraph 5(2)(b) of Standard 1.2.1  <i>Fruit and vegetables</i> is defined in Standard 2.3.1 – Fruit and Vegetables (see Glossary at the end of this User Guide).	Examples of where this exemption may apply: <ul style="list-style-type: none"> <li>• bulk packs of fruit or vegetables sold in a mesh bags</li> <li>• whole or cut fruit or vegetables sold in clear plastic packaging, such as ready-to-eat vegetables, and fruit salads.</li> </ul>

Exempt food	Reference in the Code	Notes and examples
<p>An outer package where the –</p> <p>(i) label on the outer package includes the information prescribed in Standard 1.2.2; and</p> <p>(ii) food in the inner package is labelled in accordance with subclause 5(1) of Standard 1.2.1</p>	<p>Paragraph 5(2)(c) of Standard 1.2.1</p> <p><i>Package</i> is defined in Standard 1.1.1</p>	<p>Where inner packages are already labelled (as listed above), only the name of the food, lot identification and supplier details (as prescribed in Standard 1.2.2) need be provided on the outer package.</p> <p>This exemption may not apply in reverse. For example, where an outer package is labelled with the information required in subclause 5(1), it may still be necessary for the inner packages to be labelled.</p>

#### Code Reference

Subclause 6(3) of Standard 1.2.1 provides that in the case of food for catering purposes not required to bear a label, the information required for the food (set out in subclause 5(1)) must be provided in documentation accompanying the food.

### C4. Other prescribed information for food for catering purposes

In addition to the labelling requirements for food for catering purposes (as listed in subclause 5(1) of Standard 1.2.1 and outlined in section C3.1 above), other information prescribed in the Code will need to be provided for some foods for catering purposes. Subclause 6(1) of Standard 1.2.1 allows a food business to provide this information either on a label or 'in documentation' (rather than in documentation accompanying the food'). This information includes the following:

- **Ingredient information** (Standard 1.2.4)
- **Nutrition information** (Standard 1.2.8)
- **Labelling requirements that apply to specific food products** (Chapter 2 of the Code)

Some exemptions from the requirements noted above apply to certain foods. These exemptions are provided in the individual standards. For example, a nutrition information panel is not required for a herb or a spice (see clause 3 of Standard 1.2.8).

Other than for certain information that is required to be provided 'in documentation accompanying the food' (as listed in section C3 above), the Code does not prescriptively dictate how the information required to be provided 'in documentation' is actually provided.

Information about foods is regularly exchanged between businesses as part of typical business practice e.g. approved supplier arrangements. Examples of information exchange between businesses include written commercial documents that are provided either electronically (for example, by email) or in hard copy format, as well as information placed on the label. In addition, information may only need to be provided once with the sale of several batches of the same food item, and could possibly be provided to the purchaser prior to delivery, at the time of delivery or even after delivery. The information arrangements may form part of the food safety program or food control plan of the businesses concerned.

#### **Other user guides**

For further information about ingredients, refer to the FSANZ User Guide titled *Ingredient labelling of foods*.

For further information about nutrition information requirements, refer to the FSANZ User Guide titled *Nutrition Information Requirements*.

## **C5. Information requested by the purchaser or relevant authority**

The Code requires information to accompany the food if the purchaser or *relevant authority* requests this, and the information is to enable the purchaser to comply with any labelling or compositional requirements in the Code (subclause 6(4) of Standard 1.2.1). If a purchaser needs the information with every consignment in order to meet compositional, labelling or declaration requirements, then subclause 6(4) of Standard 1.2.1 provides a means by which the purchaser can request this information from the supplier.

#### **Code Definition**

##### **Standard 1.1.1**

**Relevant authority** means the authority responsible for the enforcement of this Code.

## C6. Example

### Example 6 – food for catering purposes

*A baker sells five loaves of wrapped bread to a local café, who use the bread to make sandwiches to sell to their customers at lunchtime.*

#### Step 1

The bread is supplied to a cafe where food is prepared for immediate consumption, and as such, the bread is considered a 'food for catering purposes'.

#### Step 2

The bread is delivered packaged and does not meet any of the exemptions from labelling provided in subclause 5(2) of Standard 1.2.1.

#### Step 3

After checking through the standards listed in subclause 5(1) of Standard 1.2.1, it is determined that the following information must be provided on a label on the package of bread:

1. Name of the food and lot identification (clauses 1 and 2 of Standard 1.2.2)
2. Any relevant mandatory warning statements and advisory statements and declarations. This would include the declaration of certain substances, such as wheat, in the bread (clauses 2, 3, 4 and 5 of Standard 1.2.3).
3. Date marking (clause 2 of Standard 1.2.5)
4. Directions for use and storage (Standard 1.2.6) (if applicable)
5. Country of Origin (Australia only) (subclause 2(1) of Standard 1.2.11)
6. Declaration that the food is genetically-modified or produced using gene technology (Standard 1.5.2) (if applicable)
7. Declaration that the food has been irradiated (Standard 1.5.3) (if applicable)

The following information must be provided on the label or in documentation (subclause 6(1) of Standard 1.2.1):

1. Ingredient information (Standard 1.2.4)
2. Nutrition information (Standard 1.2.8)

The name and address of the supplier must be provided on the label of the bread or in documentation accompanying the bread (subclause 6(2) of Standard 1.2.1).

Labelling requirements that apply to specific food products in Chapter 2 of the Code are not relevant in this example.

## Part D – Foods not for Retail Sale, not for Catering Purposes, and not for Intra Company Transfer

### D1. What is food not for retail sale etc?

While not specifically defined, clause 3 of Standard 1.2.1 refers to *food not for retail sale etc.* as food other than *food for retail sale*, *food for catering purposes* or food supplied as an *intra company transfer*. An example of a food not for retail sale is bulk flour supplied to a manufacturer to make bread. Definitions for these terms are included in the Glossary at the end of this User Guide.

### D2. Information and labelling requirements for food for not for retail sale etc

#### D2.1 General information and labelling requirements

Unless exempt (see section D2.2 below), food that is not food for retail sale, not food for catering purposes and not food supplied as an intra company transfer must bear a label with the information contained in Standard 1.2.2 , that is:

- the name of the food
- lot identification
- the name and business address of the *supplier* in Australia or New Zealand. However, this information is not required to be on the label on the food if it is provided in documentation that accompanies the food (subclause 3(2) of Standard 1.2.1).

In addition, the label on a package of irradiated food which is sold other than for retail sale must include:

- a statement that the food has been irradiated
- the minimum and maximum dose of the irradiation
- the identify of the facility where the food was irradiated
- the date or dates of irradiation.

#### Code definitions

##### Standard 1.1.1

**Supplier** means the packer, manufacturer, vendor or importer of the food in question.

**Business address** means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

**Lot identification** means information which indicates, in a clearly identifiable form, the -

- (a) premises where the food was packed or prepared; and
- (b) lot of the food in question.

**Lot** means a quantity of food which is prepared or packed under essentially the same conditions usually –

- (a) from a particular preparation or packing unit; and
- (b) during a particular time ordinarily not exceeding 24 hours.

### **Standard 1.5.3**

**Irradiation** means the processing of food by subjecting it to the action of ionising radiation, but does not include ionising radiation imparted to food by measuring or inspection instruments, and ‘irradiate’ and ‘irradiated’ have corresponding meanings.

### **Code reference**

Clause 3 of Standard 1.2.1 describes the labelling requirements for food not for retail sale, not for catering purposes and not supplied as an intra company transfer, as well as instances where exemptions apply.

Subclause 6(4) of Standard 1.5.3 specifies the labelling requirements for irradiated food which is sold other than for retail sale.

## **D2.2 Exemptions for food not for retail sale**

A food not for retail sale etc does not have to bear a label containing the information described in section D2.1 above if it meets certain conditions. These conditions are in paragraphs 3(1)(d)-(f) of Standard 1.2.1 and are:

- Food other than in a *package* (see Glossary to this User Guide) (paragraph 3(1)(d));
- Food in an inner package contained in an outer package where the label on the outer package includes the information prescribed in Standard 1.2.2 (paragraph 3(1)(e)); or
- Food in a *transportation outer* (see Glossary to this User Guide) where the information that would otherwise be required on the transportation outer can clearly be seen on the labels on the packages inside (paragraph 3(1)(f)).

### D3. Information that can be requested by the purchaser or relevant authority

Any further information required to enable a purchaser of a food not for retail sale etc to comply with the compositional, labelling or other declaration requirements of the Code may also be requested. The information requested must be provided in writing where this is requested by the purchaser or relevant authority.

For example, a company makes a loaf of bread for retail sale from a bread mix that they purchase from a supplier. The company needs to label the bread with information about the ingredients of the bread mix. The company can request the relevant information from the supplier of the bread mix in order to be able to comply with the ingredient labelling requirements of the Code.

#### Code reference

Subclause 4(1) of Standard 1.2.1 provides that where the purchaser or relevant authority requests, a food not for retail sale etc must be accompanied with sufficient information to enable the purchaser to comply with compositional, labelling or declaration requirements of the Code.

Subclause 4(2) of Standard 1.2.1 requires that information requested by a purchaser or relevant authority, in order to enable a purchaser to comply with the compositional, labelling or other declaration requirements of the Code, must be supplied in writing where this is requested by the purchaser or relevant authority.

### D4. Example

*A farmer is selling potatoes from his farm to a manufacturing company who will make them into potato crisps. The potatoes are packed into packing boxes.*

#### Step 1

The food is not for sale or intended to be for sale to the public, nor is it supplied to a catering establishment where it will be prepared or offered for immediate consumption, and it is not supplied as an intra company transfer. Therefore it is a food not for retail sale, not for catering purposes and not for intra company transfer, and clauses 3 and 4 of Standard 1.2.1 apply.

#### Step 2

The potatoes are in packing boxes, which therefore must be labelled with the following information (subclause 3(1) of Standard 1.2.1):

1. Name of the food (clause 1 of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)

The name and business address of the supplier (clause 3 of Standard 1.2.2) must be on the label on the packing boxes, or in documentation accompanying the food with each delivery (subclause 3(2) of Standard 1.2.1).

In addition, if requested by the manufacturing company or relevant authority, the potatoes must also be accompanied by sufficient information, in writing if requested, to enable the purchaser to comply with compositional and labelling requirements of the Code (clause 4 of Standard 1.2.1).

## Part E – Food in Small Packages

### E1. What is a small package?

*Small package* is defined in the Code as follows.

#### Code Definition

##### Standard 1.2.1

**Small package** means a package with a surface area of less than 100 cm<sup>2</sup>.

The definition of small package refers to the *surface area* of the package of food. The surface area of a package is limited to the **external or exposed face** of the **assembled package**. The concealed surfaces of the package, such as any folded ends or closures, overlaps and the area underneath an external sealed fin, although obvious when the package is disassembled and laid flat, are not part of the surface area of the package.

Examples of food in small packages could include small, individual confectionery items sold out of self-serve dispensing units, single serve cheeses and other single serve dairy products, sauces, condiments, beverage whiteners, sugars, and sweeteners.

### E2. Specific exemptions from labelling requirements for small packages

For all food in small packages there are specific exemptions from some information and labelling requirements:

- Lot identification of food, where the bulk package and bulk container in which the food is stored or displayed for sale includes lot identification (subclause 2(b) of Standard 1.2.2)
- Ingredient labelling (subclause 2(c) of Standard 1.2.4)
- Date marking, except where the food should not be consumed after a certain date because of health or safety reasons (paragraph 2(1)(d)(ii) of Standard 1.2.5)
- Nutrition information panels, where no nutrition claim is made in relation to the food (subclause 3(j) of Standard 1.2.8), and
- Percentage labelling (characterising ingredient and component labelling) (paragraph 2(4)(f) of Standard 1.2.10)

#### Other user guides

See Part A of this User Guide for more information about these labelling requirements.

For further information about the requirements for when nutrition claims are made about

a food in a small package, refer to the FSANZ User Guide 'Nutrition claims'.

### E3. Information and Labelling Requirements

For most small packages, certain information will still need to be provided in relation to food in small packages, for example, the name of the food as required under Standard 1.2.2 and specific requirements for nutrition information when a nutrition claim is made in relation to a food in a small package (clause 8 of Standard 1.2.8).

How and when this information needs to be provided depends on the purpose of the food, that is, whether the food is designated for retail sale, catering purposes, or supplied for intra company transfer. Whether there are any general exemptions from the requirement for the food to bear a label also needs to be considered.

#### Other user guides

For further information on the application of labelling and information requirements refer to Part A of this User Guide.

### E4. Example

*A shop sells a sauce in a package with a surface area that measures 95 cm<sup>2</sup>. The packaged sauce is displayed for retail sale on a shelf for selection by consumers. The sauce does not have any special storage or preparation requirements and there is no date after which the sauce should not be consumed due to health or safety reasons. The shelf life of the sauce is one year. The sauce carries a nutrition claim indicating that it is reduced in sugar.*

#### Step 1

The food is for sale to the public and therefore is considered a 'food for retail sale'.

#### Step 2

None of the exemptions for foods for retail sale in subclause 2(1) of Standard 1.2.1 apply. The surface area of the package measures less than 100 cm<sup>2</sup> and the food is therefore in a 'small package'.

#### Step 3

After checking through the individual standards in the Code for specific exemptions, it is determined that each individual sauce package must be labelled with:

1. A name or a description of the food (subclause 1(1) of Standard 1.2.2)
2. Lot identification (as the sauce is not displayed in a bulk package which contains this information) (clause 2 of Standard 1.2.2)
3. Name and business address of the supplier (clause 3 of Standard 1.2.2)

4. Mandatory warnings, advisory statements and declarations, if applicable to the sauce (Standard 1.2.3)
5. The average quantity of sugars, energy, carbohydrate and dietary fibre per 100 ml of the sauce (clause 8 of Standard 1.2.8).
6. Country of origin labelling (Australia only) (Standard 1.2.11)

Each individual sauce package is exempt from being labelled with:

1. Statement of ingredients (subclause 2(c) of Standard 1.2.4)
2. Date marking (paragraph 2(1)(d)(ii) of Standard 1.2.5)
3. Directions for use and storage (Standard 1.2.6)
4. Nutrition information panel (subclause 3(j) of Standard 1.2.8)
5. Percentage labelling (characterising ingredient/s and component/s) (paragraph 2(4)(f) of Standard 1.2.10)

There are further labelling and information requirements for particular foods in the Code. These requirements are not relevant in this particular example.

## Where can I get more information?

**Your first call should be the FSANZ website:**

[www.foodstandards.gov.au](http://www.foodstandards.gov.au) (Australia)

or

[www.foodstandards.govt.nz](http://www.foodstandards.govt.nz) (New Zealand)

### **Other Websites**

Australian Competition and Consumer Commission (ACCC)

<http://www.accc.gov.au/content/index.phtml/itemId/142>

Commerce Commission of New Zealand <http://www.comcom.govt.nz/>

Trade measurement legislation information available here:

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

<http://www.consumeraffairs.govt.nz/measurement/businessinfo/index.html>

## Glossary

Definitions that apply to the Code as a whole are provided in Standard 1.1.1 – Preliminary Provisions—Application, Interpretation and General Prohibitions. Some of these will be relevant to the food labelling and information requirements in the Code. Definitions included in Standard 1.2.1 – Application of Labelling and Other Information Requirements are for the purposes of Part 1.2 of the Code.

### **Assisted service display cabinet**

Assisted service display cabinet is defined in Standard 1.2.1 and means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

### **Average quantity**

Average quantity is defined in Standard 1.1.1, as follows:

average quantity in relation to a substance in a food is the quantity determined from one or more of the following –

- (a) the manufacturer’s analysis of the food; or
- (b) calculation from the actual or average quantity of nutrients in the ingredients used; or
- (c) calculation from generally accepted data; which best represents the quantity of the substance that the food contains, allowing for seasonal variability and other known factors that could cause actual values to vary.

### **Business address**

Business address is defined in Standard 1.1.1 and means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

### **Fruit and vegetables**

The term *fruit and vegetables* is defined in Standard 2.3.1 – Fruit and Vegetables for the purposes of the Code, as fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

### **Food for retail sale**

Food for retail sale is defined in Standard 1.2.1 for the purposes of Part 1.2 of the Code, and means food for sale to the public and includes food prior to retail sale which is –

- (a) manufactured or otherwise prepared, or distributed, transported or stored; and
- (b) not intended for further processing, packaging or labelling.

### **Food for catering purposes**

Food for catering purposes is defined in Standard 1.2.1 for the purposes of Part 1.2 of

the Code. Food for catering purposes includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.

### **Fund raising events**

Fund raising events is defined in Standard 1.1.1 and means events that raise funds solely for community or charitable causes and not for personal financial gain.

### **Hamper**

Hamper is defined in Standard 1.1.1 and means a decorative basket, box or receptacle containing any number of separately identifiable food items.

### **Intra company transfer**

An intra company transfer is defined in Standard 1.2.1 for the purposes of Part 1.2 of the Code, and means a transfer of food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.

### **Label**

Label is defined in Standard 1.1.1 and means any tag, brand, mark or statement in writing or any representation or design or descriptive matter on or attached to or used in connection with or accompanying any food or package.

### **Lot identification**

Lot identification is defined in Standard 1.1.1 and means information which indicates, in a clearly identifiable form, the –

- (a) premises where the food was packed or prepared; and
- (b) lot of the food in question.

### **Lot**

*Lot* is referred to in the definition of *lot identification* and is defined in Standard 1.1.1. *Lot* means a quantity of food which is prepared or packed under essentially the same conditions usually –

- (a) from a particular preparation or packing unit; and
- (b) during a particular time ordinarily not exceeding 24 hours.

### **Nutrition claim**

This term is defined in Standard 1.2.8 for use in that Standard. Nutrition claim means a representation that states, suggests or implies that a food has a nutritional property whether general or specific and whether expressed affirmatively or negatively, and includes a reference to –

- (a) energy; or
- (b) salt, sodium or potassium; or

- (c) amino acids, carbohydrate, cholesterol, fat, fatty acids, fibre, protein, starch or sugars; or
- (d) vitamins or minerals; or
- (e) any other nutrient; or
- (f) a biologically active substance;

but does not include –

- (g) a reference in a statement of ingredients, a prescribed name, or any other prescribed information; or
- (h) the provision of particulars relating to a nutrient or energy that is required by clause 5; or
- (i) a reference in the commonly accepted name of a food; or
- (j) a reference to a quantitative or qualitative declaration of certain nutrients, ingredients or energy in the label where that declaration is required otherwise by the Act or this Code; or
- (k) a reference to a reduction in alcohol content.

### **Package**

Package is defined in Standard 1.1.1 and means any container or wrapper in or by which food intended for sale is wholly or partly encased, covered, enclosed, contained or packaged and, in the case of food carried or sold or intended to be carried and sold in more than one package, includes every such package, but does not include –

- (a) bulk cargo containers; or
- (b) pallet overwraps; or
- (c) crates and packages which do not obscure labels on the food; or
- (d) transportation vehicles; or
- (e) a vending machine; or
- (f) a hamper; or
- (g) food served on a covered plate, cup, tray or other food container in prisons, hospitals or other similar institutions listed in the Table to clause 8 of Standard 1.2.1.

### **Bulk cargo container**

This term is referred to in the definition of *package* and is defined in Standard 1.1.1 to mean an article of transport equipment, being a lift van, movable tank, or other similar structure –

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use; and
- (b) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
- (c) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
- (d) so designed as to be easy to fill and empty; and

- (e) having an internal volume of one cubic metre or more; and
- (f) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (g) shipping container or aircraft cargo container;

but does not include –

- (h) any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

### **Prescribed name**

Prescribed name is defined in Standard 1.1.1 and ‘means a name by which a food is defined or described in a Standard, and is declared in this Code to be a prescribed name’.

### **Relevant authority**

Relevant authority is defined in Standard 1.1.1 and ‘means the authority responsible for the enforcement of this Code’.

### **Small package**

Small package is defined in Standard 1.2.1 for the purposes of Part 1.2 of the Code and means a package with a surface area of less than 100 cm<sup>2</sup>.

### **Supplier**

Supplier is defined in Standard 1.1.1 to mean the packer, manufacturer, vendor or importer of the food in question.

### **Transportation Outer**

Transportation outer is defined in Standard 1.2.1 and means a container or wrapper which encases packaged or unpackaged foods for the purpose of transportation and distribution and which is removed before the food is used or offered for retail sale or which is not taken away by the purchaser of the food.

### **Warning statement**

Warning statement is defined in Standard 1.1.1 and ‘means a statement required to be expressed in the text as so prescribed in this Code, in –

- (a) clause 3 of Standard 1.2.3; and
- (b) clause 3 of Standard 2.6.3; and
- (c) subclauses 14(1), 14(3) and 26(1) of Standard 2.9.1; and
- (d) paragraph 5(3)(c) and subclause 6(2) of Standard 2.9.2; and
- (e) subclauses 3(3) and 3(4) of Standard 2.9.4.’