

Percentage Labelling of Food

User Guide

To

Standard 1.2.10 – Characterising Ingredients and Components of Food

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Background

Food Standards in Australia and New Zealand

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

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

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

Responsibility of food businesses

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

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

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

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

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

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

Disclaimer

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

Purpose of this User Guide

The purpose of this User Guide is to provide an overview of Standard 1.2.10 – Characterising Ingredients and Components of Food.

The User Guide also provides an overview on the identification of the ingredients and components in food products that may be defined as ‘characterising’ and, therefore, on the determination of the proportion of those ingredients or components that need to be declared. You will also find worked examples for a range of common foods.

1. Terms in this User Guide

1.1 What is percentage labelling?

The labelling of the proportion of characterising ingredients and components is often referred to as 'percentage labelling'.

'Percentage labelling' means stating on a food label the proportion of a characterising ingredient or component contained in that food. This expression is used throughout this guide to describe the declaration of the proportion of characterising ingredients or characterising components in food.

Percentage labelling is designed to help consumers make informed choices about the foods they buy by allowing them to compare how much of a characterising ingredient or component is present in similar products.

Code reference

The labelling of the proportion of characterising ingredients and components of food is regulated by Standard 1.2.10.

Standard 1.2.10 requires that percentage labelling information for characterising ingredients and characterising components be provided, unless the food does not contain a characterising ingredient or component, or unless the food is specifically exempt from this requirement (refer to section 2.4 – *Foods that are specifically exempt from percentage labelling*).

1.2 What is a characterising ingredient or characterising component?

A **characterising ingredient or characterising component** is an ingredient or component that is:

- mentioned in the name of a food
- usually associated with the name of a food by the consumer
- emphasised on the label of a food in words, pictures or graphics.

There are situations where ingredients are not regarded as 'characterising' – these are discussed under section 3.4 – *Ingredients that do not require percentage labelling*.

Examples of characterising components

Milk fat is a component of many ingredients derived from milk. Such ingredients include milk, milk powder, cream, butter, butter oil etc. Milk fat forms only a part of each of these ingredients.

Cocoa solids are components of chocolate, contained in many ingredients derived from cocoa beans. Such ingredients include cocoa mass, cocoa, cocoa butter, cocoa liquor etc. Cocoa solids form only a part of each of these ingredients.

Milk solids are derived from milk and include milk fat, milk powder, lactose, milk protein, casein, whey protein, etc

2. Application of percentage labelling requirements to different foods

When percentage labelling is required, and how it must be provided, depends on the purpose of the food, i.e., whether or not the food is designated for retail sale or for catering purposes, and whether any exemptions apply from the requirement for the food to bear a label.

Code Definition

Standard 1.2.1 - Application of Labelling and other Information Requirements

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 catering purposes

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

2.1 Food for retail sale

You must provide percentage labelling information on the label of food for retail sale unless any of the exemptions under subclause 2(1) of Standard 1.2.1 or subclause 2(4) of Standard 1.2.10 (as specified in the following section) apply. However, if the food is unpackaged, or made and packaged on the premises from which it is sold and none of the exemptions under subclause 2(4) of Standard 1.2.10 apply to that food, then the relevant percentage labelling information must be either displayed on or in connection with the display of the food, or provided to the purchaser if requested (see subclause 2(3) of Standard 1.2.10).

2.2 Food for catering purposes

Foods for catering purposes are exempt from the requirement to provide percentage labelling information under subclause 2(4) of Standard 1.2.10. However, if specifically requested by the purchaser or relevant authority, the food for catering purposes must be accompanied by enough information for the purchaser to comply with the compositional and labelling requirements of the Code (in accordance with subclause 6(4) of Standard 1.2.1). This information can be provided in documentation accompanying the food rather than on the label on the food.

2.3 Food not for retail sale etc

Specific requirements apply to foods other than foods for retail sale, for catering purposes or supplied as an intra company transfer. Where a purchaser or relevant authority requests, these foods must be accompanied by sufficient information to enable the purchaser to comply with the labelling and composition requirements in the Code. Where requested, this information must be in writing (see clause 4 of Standard 1.2.1).

Code reference

Standard 1.2.1 sets out the application of labelling and information requirements.

Also refer to section 5 – *Where are proportions of characterising ingredients and components required to be declared?*

2.4 Foods that are specifically exempt from percentage labelling

Some foods are exempt from percentage labelling requirements because they are either specifically exempt in subclause 2(4) of Standard 1.2.10, or because they do not have a characterising ingredient or component (refer to Attachment 1 for details).

The following foods are specifically exempt from percentage labelling requirements:

- single ingredient foods
- food packaged in the presence of the purchaser, e.g. salad sold from a deli service case
- food for catering purposes, e.g. food supplied to restaurants and hospitals
- food delivered packaged and ready for immediate consumption at the express order of the purchaser, e.g. home delivered pizza
- prepared filled rolls, sandwiches, bagels and similar products
- food sold at fund raising events, e.g. cake stalls, school fêtes
- alcoholic beverages defined in Standards 2.7.2 to 2.7.5 of the Code
- beverages containing no less than 0.5% alcohol by volume that are not standardised in Standards 2.7.2 to Standard 2.7.5 of the Code
- food standardised in Standard 2.9.1 – Infant Formula Products
- food in small packages with a surface area of less than 100 cm²
- cured and/or dried meat flesh in whole cuts or pieces¹, e.g. leg and shoulder ham, prosciutto, pickled pork, corned beef, pumped mutton and lamb.

Food for special medical purposes is also exempt from percentage labelling requirements.

Code reference

Subclause 2(4) of Standard 1.2.10 lists foods exempt from percentage labelling.

Paragraph 3(1)(d) of Standard 2.9.5 – Food for Special Medical Purposes exempts food for special medical purpose from percentage labelling.

Please note: ‘cured and/or dried meat flesh in whole cuts or pieces’ is defined in Standard 2.2.1 – Meat and Meat Products. This definition requires a minimum of 160 g/kg of meat protein on a fat-free basis. Meat and meat products complying with this definition are exempt from percentage labelling requirements. You may supply other meat products that are cured and/or dried as whole cuts or pieces. However if they have less than 160 g/kg of meat protein on a fat-free basis then they may not be exempt from percentage labelling requirements.

3. When is an ingredient or component ‘characterising’?

As a food business, you must decide which of the ingredients and components in your product characterise the food according to the definitions in Standard 1.2.10. There are three situations where ingredients and components are considered ‘characterising’:

- The ingredient, category of ingredients, or component, is mentioned in the name of the food.
- The ingredient, category of ingredients or component, is usually associated with the name of the food by the consumer.
- The ingredient, category of ingredients, or component, is emphasised on the label of a food in words, pictures, or graphics.

For information about ingredients for which you do not need to provide percentage labelling information, refer to section 3.4 – *Ingredients that do not require percentage labelling*. For information on foods that are exempt from percentage labelling refer to section 2.4 – *Foods that are specifically exempt from percentage labelling*. You can also look at Attachment 1 for examples of foods that do not have characterising ingredients or components.

The three situations where ingredients and components are considered ‘characterising’ are described in detail below.

3.1 The ingredient or component is mentioned in the name of a food

Characterising ingredient

In the simplest cases, an ingredient mentioned in the name of the food is the characterising ingredient and you should declare the proportion of it. Examples include ‘strawberry’ in a product called ‘Strawberry Yoghurt’, and ‘cherry’ in ‘Cherry Pie’. In these examples, the characterising ingredient appears in the name of the food.

Example: A product called ‘Vegetables in Sweet and Sour Sauce’

In this case, the characterising ingredients would be the vegetables (a category of ingredients) because the word ‘vegetables’ is mentioned in the name of the food. As none of the exemptions are likely to apply, you should declare the proportion of the total amount of vegetables in the product. However, you may also choose to declare the proportions of the individual vegetables in the product.

Characterising component

In a similar way, if the name of a component is mentioned in the name of a food, you should declare the proportion of that component.

3.2 The ingredient or component is usually associated with the name of a food by the consumer

Characterising ingredient

This is most likely to apply when you include a customary name on a product.

Example

'Chilli con Carne', 'Spring Rolls', 'Pesto' and 'Supreme Pizza' are customary names – these names do not mention specific ingredients, but consumers may have expectations about the key ingredients in these foods.

As a guide for deciding which ingredients might be associated with a food identified by a customary name, it is helpful to consider what an ingredient-based description of the food would be, or how you would describe the food without using the customary name. (Note that under Standard 1.2.2 – Food Identification Requirements, a prescribed name or a name or description sufficient to indicate the true nature of the food must be included on the label on a package of food.)

Example

Ingredient-based descriptions for the foods listed above might be:

Chilli con Carne: Chilli flavoured minced beef with kidney beans

Spring Rolls: Vegetables and a small amount of meat in a deep-fried light pastry

Minestrone Soup: A broth containing pasta, beans, and vegetables

Supreme Pizza: Meat, cheese and vegetables on a bread dough base

Considering the ingredients mentioned in the description of a food will help you decide which ingredients will need percentage labelling. Based on the descriptions in the examples above, it may be appropriate to declare the proportion of the following ingredients:

- beef and beans in **chilli con carne**
- vegetables in **spring rolls**
- vegetables and pasta in **minestrone soup**
- meat in the **supreme pizza** topping.

It is important to consider carefully whether these descriptions and declarations would accurately reflect a consumer's expectations, eg:

- you may decide that other ingredients also characterise the foods and therefore include percentage labelling for them; or
- you may simply choose to percentage label more than one ingredient because you want consumers to know more about what's in your food.

Characterising component

Some examples of when a component of food is usually associated with the name of the food by the consumer are listed below.

Milk fat in ice cream

The quantity of milk fat in ice cream plays an important role in determining the quality of ice cream, along with other factors such as total solids and the degree of aeration. The **proportion of milk fat** is likely to influence a customer's choice when deciding whether to buy the ice cream.

Milk fat in ice cream is likely to come from several ingredients including cream, whole milk and/or whole milk powder. You should declare the **total proportion of milk fat** in the ice cream because it provides more relevant information to consumers than if you declared the proportion of all the separate ingredients that contain milk fat.

Milk fat in cream

Different cream products have a wide range of milk fat content. The fat in cream is the component consumers usually associate with the name of the food, and may influence their decision to choose one particular product over another. You should label cream with the **proportion of milk fat**.

Cocoa solids in chocolate

The quantity of cocoa solids in chocolate plays an important role in determining the quality of the chocolate because in some products, fats and oils and/or food additives may replace part of the cocoa solids. Informing consumers about the cocoa solids content of chocolate enables them to make a more informed choice about what they are buying. Cocoa solids in chocolate are the component consumers usually associate with the name of the food. Cocoa solids in chocolate are likely to come from several ingredients including cocoa mass, cocoa, and cocoa butter. Declaring the proportion of the characterising component (cocoa solids) is likely to provide consumers with more information than declaring the proportion of the separate ingredients containing the cocoa solids.

3.3 The ingredient or component is emphasised on the label of a food in words, pictures or graphics

Characterising component

If you emphasise a component of a food on the label in words, pictures or graphics, the emphasised component is a characterising component for which a declaration of the proportion may be required.

Characterising ingredient

Often manufacturers emphasise a particular ingredient using words, pictures or graphics. If you do this, the emphasised ingredient is a characterising ingredient for which a declaration of the proportion may be required (note that there are situations where ingredients are not regarded as 'characterising' – these are discussed under section 3.4 – *Ingredients that do not require percentage labelling*).

Example: 'improved flavour – with real fruit'

If the label on a rice cream dessert states *improved flavour – with real fruit*, the fruit content is being emphasised and therefore you may need to declare the percentage of fruit.

Example: 'extra cheese'

If the label on a frozen pizza emphasises that it has 'extra cheese', then you may need to declare the percentage of cheese.

Example: a graphic of a beehive and a jar of honey

If the label on a package of biscuits includes a picture of a beehive and a jar of honey, you may need to declare the percentage of honey in the biscuit.

Code reference

The definitions of characterising ingredient and characterising component are in clause 1 of Standard 1.2.10.

When is an ingredient shown on the label not an 'emphasised' ingredient?

Complying with other labelling requirements in the Code does not of itself constitute 'emphasis' of the ingredient for the purposes of the definition of characterising ingredient or characterising component. For example, if you label a product with a mandatory warning or advisory statement or declaration in accordance with Standard 1.2.3, the statement alone does not trigger a percentage labelling requirement for that particular ingredient.

Example

Providing an allergen labelling declaration in accordance with Standard 1.2.3 by noting that your product contains 'peanuts' would not trigger a percentage labelling requirement for peanuts.

Code reference

Subclause 1(2) in Standard 1.2.10 states that compliance with other labelling requirements elsewhere in the Code does not of itself constitute emphasis for the purposes of the definition of characterising ingredient or characterising component.

Similarly, providing a minimal description of a food in addition to a trade name in order to indicate the true nature of the food would not of itself constitute 'emphasis' of the ingredient. The Code requires that you include a name or description of the food sufficient to indicate the true nature of the food on the label unless a prescribed name applies (Standard 1.2.2 – Food Identification Requirements). Sometimes selling a food under a trade name may not be sufficient to indicate the food's true nature. Accordingly, you may need to label the food with a description of the food, in addition to the trade name.

Fulfilling the minimum requirements for describing the food's true nature is not, in itself, considered emphasis for the purposes of the definitions of characterising ingredient and characterising component. In addition, a characterising ingredient does not include an ingredient or category of ingredients which, while mentioned in the name of the food, is not such as to govern the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from similar foods. However, if the description goes further than the minimum requirements, and places emphasis on a particular ingredient, then that ingredient should be percentage labelled.

Example 1 – A prepared meal sold under the trade name of **Instant Meal®**

Instant Meal® is not sufficient to indicate the true nature of the food. To fulfil the requirements of the Code, this product must also bear a description sufficient to indicate the food's true nature.

Two ways of describing the food could be:

Instant Meal® - mango chicken with vegetables and wild rice mix

OR

Instant Meal® - extra chicken strips with mango sauce, complemented with wild rice and vegetables

The first description is a minimal one that clearly indicates the true nature of the food but without particularly emphasising any ingredient. This description does not constitute emphasis and may not *of itself* trigger the requirements for percentage labelling. Any pictures and graphics present on the label of a food (not described in the example) must also be considered in determining whether percentage labelling is required.

The second description of this meal contains an adjective that enhances the description of the chicken. The enhanced description may trigger the requirement to declare the percentages of the (extra) chicken. Once again, emphasis on the label of food, including for example any pictures and graphics, must also be considered in determining whether percentage labelling is triggered.

Example 2 – A confectionery bar sold under the trade name of **Bongo Bar®**

Bongo Bar® is not sufficient to indicate the true nature of the food. To fulfil the requirements of the Code, this food must also have on its label a description sufficient to indicate its true nature.

Two ways of describing the food could be:

Bongo Bar® -layers of wafer biscuit and caramel covered in milk chocolate

OR

Bongo Bar® -layers of wafer biscuit with caramel covered in smooth delicious milk chocolate.

The first description is a minimal one that clearly indicates the true nature of the food but without particularly emphasising any ingredient. This description does not constitute emphasis and would not *of itself* trigger the requirements for percentage labelling. Any pictures and graphics present on the food packaging (not described in the example) must also be considered in determining whether percentage labelling is required.

The second description contains adjectives that enhance the description of one of the three ingredients mentioned - chocolate. The enhanced description may trigger the requirement to declare the percentages of the smooth delicious milk chocolate contained in the product. Once again, any pictures and graphics, must also be considered in determining whether percentage labelling is triggered.

In some cases, you may not need percentage labelling of an ingredient on the label because there is no special emphasis of that ingredient.

Examples of ingredients which may not be considered to be emphasised are when:

- the pictorial representation is of the whole food as offered for sale
- the pictorial representation is in the form of a serving suggestion
- the pictorial representation shows all of the major ingredients without emphasising any particular ingredient
- the pictorial representation describes the agricultural origin of certain ingredients without emphasising the quantity of those ingredients (such as a picture of a sheaf of wheat on the label of a loaf of bread).

However, you need to take care in all of these cases when deciding whether or not an ingredient is emphasised (triggering the requirement for percentage labelling), particularly when you use a pictorial or graphic. You need to make decisions regarding percentage labelling in these situations on a case-by-case basis, taking into consideration any emphasis created by the pictures, graphics and wording on the label.

3.4 Ingredients that do not require percentage labelling

Some ingredients or foods are specifically excluded from the definition of characterising ingredient, and therefore do not require percentage labelling. Ingredients not regarded as characterising ingredients are:

- an ingredient or a category of ingredients used in small quantities for flavouring
- an ingredient that is the sole ingredient of a food
- a category of ingredients that comprises the whole of the food
- an ingredient or category of ingredients which, while appearing in the name of the food, is unlikely to affect the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from other foods.

Details about ingredients not regarded as characterising ingredients are provided below.

An ingredient or category of ingredient used in small quantities for the purposes of a flavouring

When you use an ingredient only in small quantities for the purposes of flavouring, you need not provide percentage labelling of that ingredient. This applies even when the ingredient appears in the name of the food.

Example: Instant Vanilla Pudding

The word 'vanilla' appears in the name of the food but it is used in a small quantity for the purpose of flavouring. The definition of characterising ingredients excludes ingredients used in small quantities for the purposes of flavouring, and therefore there may be no need to declare the percentage of vanilla.

Other examples include lemon flavouring in lemonade, herbs and spices such as curry powder in curried egg; chocolate, vanilla and strawberry flavouring used in small quantities for the purpose of flavouring Neapolitan ice cream.

Ingredient that is the sole ingredient of a food

In some cases, the food at the point of sale contains only one ingredient. These ingredients are exempt from being percentage labelled. Examples include packages of orange juice, frozen peas or sultanas.

Category of ingredients that comprises the whole of the food

Where a category of ingredients comprises the whole food, that category of ingredients does not require percentage labelling.

Examples

- fruit in a fresh fruit salad (which has no other ingredients)
- vegetables in frozen mixed vegetables
- dried fruit in mixed dried fruit, with no other ingredients including preservatives.

An exception would be if you made one of the ingredients more prominent and emphasised it on the label with words, pictures or other means e.g. 'Mixed dried fruit with lots of apricots'. You would then need to declare the percentage of the emphasised ingredient, i.e. apricots.

Ingredient or category of ingredients which, while mentioned in the name of the food, is not such as to govern the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from similar foods

There are two tests for this to apply. The first test is that the ingredient, or category of ingredients, must be mentioned in the name of the food. The second test is that the quantity of the named ingredient or category of ingredients in that food does not characterise the food or distinguish the food from other similar comparable foods. As a result, the amount of the ingredient or category of ingredients is unlikely to influence consumer choice and therefore percentage labelling is not required.

Example: Rice crackers

Although 'rice' appears in the name of the food, variation in the quantity of rice in different types and brands of rice cracker is unlikely to affect a consumer's choice. Consequently, you may not need to declare the percentage of rice.

Example: Poppy seed roll

The variation in the quantity of poppy seeds on poppy seed rolls is unlikely to affect a consumer's choice. You may therefore not need to declare the percentage of poppy seeds, although they are mentioned in the name of the food.

Example: Chewing gum

Chewing gum and bubble gum are mostly just flavoured gum. The variation in the quantity of gum in different types of chewing gum and bubble gum is unlikely to affect a consumer who is deciding whether to choose one type of chewing gum or bubble gum over another. You may not need to declare the

percentage of gum on chewing gum.

Code reference

Clause 1 and subclause 2(2) of Standard 1.2.10 explain where an ingredient is considered not to be a characterising ingredient.

Ingredient not present in a food

You need not declare the proportion of an ingredient that is represented in a logo, words, pictures or graphics that is generally understood not to be present in the food. For example, cream in 'Cream Biscuits' is not an ingredient and therefore cannot be a characterising ingredient.

Ingredients containing a characterising component that is declared

When you declare the proportion of a characterising component, there isn't usually any need to make a percentage declaration in relation to the ingredients that contain that characterising component.

Example: ingredients containing cocoa solids

You should declare cocoa solids as a characterising component of chocolate, but there is no need to declare also the percentages of individual ingredients in the chocolate that contains cocoa solids. That is, you may not need to declare the percentage of cocoa, cocoa butter, cocoa liquor, cocoa mass etc. in the chocolate, because you have already declared the percentage of cocoa solids.

However, if you emphasise one or more of the ingredients that contain the characterising component on the label, or if you mention it in the name or description of the food, for example, you would also need to declare that ingredient.

Code reference

Clause 2 of Standard 1.2.10 provides an exemption from percentage labelling of ingredients that contain a characterising component, where the proportion of the component is declared in accordance with Standard 1.2.10.

3.5 Foods where you should declare the proportion of both the characterising ingredients and the components

Some foods may require a percentage labelling declaration for both characterising ingredients and components. You should carefully consider the definitions of characterising ingredient and characterising component when determining which declarations you should make.

Example: Fruit and nut milk chocolate

The fruit and nuts may be characterising ingredients (because they are mentioned in the name of the food); the cocoa solids and milk solids may be characterising components (because they are associated with the name of the food by the consumer).

You could declare the percentage in two ways:

Ingredients: Milk chocolate (sugar, cocoa fat, skim milk powder, milk fat, cocoa mass, lactose, emulsifier (476), flavour), dried fruit (raisins and sultanas) (12%*), nuts (peanuts and cashews) (8%*)

Cocoa solids 25%* Milk solids 2%*

* MINIMUM PERCENTAGES

OR

Ingredients: Milk chocolate (sugar, cocoa fat, skim milk powder, milk fat, cocoa mass, lactose, emulsifier (476), flavour), fruit (raisins and sultanas), nuts (peanuts and cashews)

Cocoa solids 25%* Milk solids 2%* Fruit 12%* Nuts 8%*

*MINIMUM PERCENTAGES

4. How is the proportion of characterising ingredients and components calculated?

4.1 Characterising ingredients

There are generally two methods for calculating the proportion of characterising ingredients.

Either:

1. **the ingoing weight of the characterising ingredient** expressed as a proportion of the total weight of all the ingoing ingredients. This method specifies that you must not include in the total ingoing weight of ingredients any added water or added volatile ingredient that is removed during processing (see Attachment 2).

or:

2. **the final weight of the characterising ingredient** expressed as a proportion of the total weight of the final food where moisture loss occurs from ingredients during processing (in addition to the moisture loss from added water or volatile ingredients) (see Attachment 2).

Code reference

Clause 3 of Standard 1.2.10 sets out the method for calculating the proportion of characterising ingredients based on their ingoing weight in the food.

Clause 4 of Standard 1.2.10 allows for calculating the proportion of characterising ingredients in the final food where moisture loss occurs from ingredients during processing (in addition to the moisture loss from added water or volatile ingredients).

Using minimum ingoing weight

Standard 1.2.10 allows you to calculate the proportion of characterising ingredients using either a minimum ingoing weight or an actual ingoing weight. Where you use a minimum ingoing weight of the characterising ingredient, you must clearly identify that the percentage is a minimum on the label.

Code reference

Clause 3(5) of Standard 1.2.10 allows for calculating the minimum proportion of characterising ingredients.

Declaration in the Nutrition Information Panel

In certain circumstances, Standard 1.2.10 allows for declaration in the nutrition information panel to meet the requirements of percentage labelling. In this case, the amount you declare will be the average quantity of that characterising ingredient or category of ingredients present in the final food.

Example: A product called 'Fibre Biscuit'

In this example, fibre is mentioned in the name of the food and this provides a trigger for percentage labelling. According to Standard 1.2.10, a declaration in the nutrition information panel (in this case of dietary fibre) will satisfy the requirement for percentage labelling.

Code reference

Clause 4A of Standard 1.2.10 specifies that the proportion of a characterising ingredient declared in a nutrition information panel must be based on an average quantity of the characterising ingredient in the final food.

4.2 Characterising components

The method of calculating the proportion of a characterising component is similar to the second method for calculating the characterising ingredient (see Attachment 2). That is, you calculate the proportion of the characterising component using the final weight of the component over the total weight of the food.

Code reference

Subclause 6(1) of Standard 1.2.10 details how to calculate the proportion of a characterising component.

Using minimum ingoing weight

As with characterising ingredients, Standard 1.2.10 allows you to calculate and declare characterising components as minimum proportions. Where you use a minimum ingoing weight of the characterising component, you must clearly identify that the proportion is a minimum on the label.

Code reference

Subclause 6(3) of Standard 1.2.10 sets out the method for calculating minimum proportions of characterising components.

Declaration in the nutrition information panel

In certain circumstances, Standard 1.2.10 permits a declaration of characterising components in the nutrition information panel. Where you declare the proportion of a characterising component in a nutrition information panel, the amount you declare must be the average quantity of that characterising component present in the final food.

Code reference

Subclause 6(4) of Standard 1.2.10 specifies that the proportion of a characterising component declared in a nutrition information panel must be based on an average quantity of the characterising component in the final food, unless otherwise specified.

4.3 How do I calculate the proportions when my product contains concentrated or dehydrated ingredients and components?

If you use concentrated or dehydrated ingredients when making a product, and the ingredients are reconstituted or rehydrated during the manufacturing process, you may use the weight of the reconstituted or rehydrated ingredient when calculating the proportion of the characterising ingredient.

If the food itself requires reconstituting or rehydrating by the consumer before eating, you may calculate the proportion of the characterising ingredient or characterising component

based on the weight of the food after reconstitution or rehydration. If you use this provision, you should declare on the label that the percentage labelling is based on the reconstituted or rehydrated food. The basis for the percentage labelling must be clearly indicated, for example, if the percentage is based on the food when reconstituted by the consumer according to directions provided on the label, then this must be made clear as part of the percentage labelling.

Other User Guide

For further information on how to declare reconstituted or rehydrated ingredients see the FSANZ User Guide on *Ingredient Labelling of Foods*.

Code reference

Subclause 3(3) of Standard 1.2.10 allows for the calculation of the proportion of a characterising ingredient to be based on the weight of the ingredient after it has been reconstituted during the manufacture of the final food.

Subclauses 3(4) and 5(5) of Standard 1.2.10 outline the calculation and declaration of characterising ingredients based on the final food after reconstitution by the consumer.

Subclause 6(2) and 7(5) of Standard 1.2.10 outline the calculation and declaration of characterising components based on the final food after reconstitution by the consumer.

5. Where are proportions of characterising ingredients or components required to be declared?

5.1 Packaged foods

For packaged foods, you may declare the proportion of characterising ingredients or components anywhere on the label. Unless declared in the nutrition information panel, the proportions must be declared as percentages and are most commonly declared:

- in or near the ingredient list
- near the name of the food.

If you declare the percentage of a characterising ingredient in the ingredient list, the percentage must appear immediately after the name of the ingredient in the ingredient list. The percentage of a characterising ingredient may be rounded to the nearest whole number, or, if the percentage is below 5% it may be rounded to the nearest 0.5 decimal place.

Example: declaring characterising ingredients in the ingredient list

Apricots in natural juice
Ingredients: Apricot halves (60%), natural fruit juice.

Components of a food are not usually listed in the ingredient list, so the percentage labelling for a component would not normally appear in the ingredient list. Instead, you might declare the percentage of characterising components near the name of the food. The percentage of a characterising component may be rounded to the nearest whole number or, if the percentage is below 5%, it may be rounded to the nearest 0.5 decimal place.

Standard 1.2.10 allows you to declare the proportion of a characterising ingredient or characterising component as an average amount per serving and per 100 g or 100 ml in a nutrition information panel. If the proportion of a characterising ingredient or component is declared in the nutrition information panel, it is not required to be declared as a percentage. Refer to section 4 – *How is the proportion of characterising ingredients and components calculated?* for more information on declarations in a nutrition information panel.

Examples

Declaring characterising component near the name of the food

Vanilla ice cream (*with 10% milk fat*)

Declaring characterising component near the ingredient list for ice cream

Ingredients: Cream, skim milk concentrate, whey solids, sugar, water, glucose syrup, emulsifier (471), maltodextrin, vegetable gums (407a, 410, 412), flavour, colour (150).

Milk fat: 10%

Minimum percentage labelling

You may declare the percentage of characterising ingredients and/or components as either:

- the actual percentage, or
- minimum percentage.

If you declare the proportion of a characterising ingredient or component as a minimum percentage, you should indicate clearly that it is a minimum percentage, for example, by asterisking all declared minimum percentages and including an asterisked note at the end of the ingredient list stating 'minimum percentage'.

Examples

Characterising ingredient declared as a minimum percentage near the name of the food

Blueberry muffins (*Contains a minimum of 8% blueberries*)

Characterising ingredient declared as a minimum percentage in the ingredient list for blueberry muffins

Ingredients: Wheat flour, sugar, butter, egg, blueberries (*8% minimum*), water

Characterising ingredient declared as a minimum percentage near the ingredient list for blueberry muffins

Ingredients: Wheat flour, sugar, butter, egg, blueberries, water

Blueberries: 8% minimum

Note that if the proportion of the characterising ingredient or component is declared in the nutrition information panel, it must be declared as an average amount per serve and per 100 g or 100 ml, unless otherwise specified.

Code reference

Subclauses 3(5) and 6(3) of Standard 1.2.10 allow you to calculate the proportion of characterising ingredients and components using minimum weights.

Subclauses 5(3) and 7(3) of Standard 1.2.10 allow you to declare minimum percentages of characterising ingredients and components.

Subclauses 5(4) and 7(4) of Standard 1.2.10 requires that wherever you declare a minimum percentage, you must clearly indicate it is a minimum percentage.

5.2 Unpackaged food and food made on the premises from which it is sold

Unless the food is specifically exempt from percentage labelling, the percentage labelling declarations for unpackaged food or for food that is made and packaged on the premises from which it is sold, must be either:

- displayed on or in connection with the display of the food, or
- provided to the purchaser on request (verbally or in writing).

Code reference

Subclause 2(3) of Standard 1.2.10 provides the requirements for percentage labelling declarations of unpackaged food and food made and packaged on the premises from which it is sold.

As with packaged foods, there are a number of unpackaged foods and foods made and packaged on the premises from which they are sold that do not have to be percentage labelled, either because they do not have a characterising ingredient or component, or because they come under one of the specific exemptions in Standard 1.2.10. In section 2.4

– *Foods that are specifically exempt from percentage labelling*, you will find more information about foods that do not require percentage labelling.

Where can I get more information?

Food Standards Australia New Zealand

Australia

www.foodstandards.gov.au

New Zealand

www.foodstandards.govt.nz

Other user guides to the Code on the FSANZ website

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

Consumer protection legislation information

Australian Competition and Consumer Commission (ACCC)

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

Commerce Commission of New Zealand

www.comcom.govt.nz/

Trade measurement legislation information

Australia

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

New Zealand

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

Attachment 1 – Foods that do not have a characterising ingredient or component

Some foods may not have characterising ingredients or components and therefore are not expected to meet the percentage labelling requirements. These foods become evident after applying the definitions and exemptions outlined in Standard 1.2.10.

The examples below are illustrations only. There may be some cases where the general example does not hold and you do require percentage labelling.

Example: White bread

Using the definitions for a characterising ingredient listed in clause 1 of the standard, you determine that

- there are no ingredients or components mentioned in the name of the food, 'white bread'; and
- it is unlikely that a consumer would associate a particular ingredient or component with the nature of the food.

Providing you have not emphasised any ingredients or components on the label, you could consider white bread to have no characterising ingredients or components requiring percentage labelling.

Example: Products such as cakes, snacks, dessert mixes

These products are essentially mixtures of flour or other carbohydrates, oil/fat, sugar, salt, and flavourings.

You may consider that some of these products have no characterising ingredients or components requiring percentage labelling because either:

- the variation in the quantity of the ingredient might not be such as to affect a consumer's choice, i.e. the exemption under subclause 1(g) of Standard 1.2.10 applies; or
- ingredients are used in small quantities as flavouring, i.e. the exemption under subclause 1(d) of Standard 1.2.10 applies.

However, there would be some cakes, snacks and dessert mixes which require percentage labelling. For example, a product named 'Madeira Cake' would be unlikely to require percentage labelling but a product named 'Apple Cake' would because apple is mentioned in the name of the food.

Example: Seasonings and mixtures of spices and herbs, stock and stock cubes

In many cases, the exclusions under subclause 1(d) and 1(g) from the definition of characterising ingredient, discussed in the examples above, would apply. However, there would be some seasonings and mixtures of herbs and spices where these arguments do not hold and you would need percentage labelling. For example, a spice mix emphasising a particular spice in a graphic on the label, may trigger a percentage labelling requirement.

Attachment 2 – Calculation of the proportion of characterising ingredients

Calculations based on ingoing weight (when there is no moisture loss from added water)

This method involves dividing the ingoing weight of the characterising ingredient (or category of characterising ingredients) by the total weight of all ingoing ingredients and multiplying by 100.

Example: Canned peas

Ingredients	Weight (kg)
Peas	88
Water	10
Salt	0.9
Sugar	1.1
<i>Total ingoing ingredients</i>	100

Calculate the percentage of the characterising ingredient (peas) as $88/100 \times 100 = 88.0\%$ where 88 kg is the ingoing weight of the peas and 100 kg is the total weight of ingoing ingredients. Rounded to the nearest whole number, the percentage of the characterising ingredient (peas) is 88%.

Calculations based on ingoing weight (when there is moisture loss from added water or volatile ingredients)

This method involves dividing the ingoing weight of the characterising ingredient (or category of characterising ingredients) by the total weight of all ingoing ingredients of the food minus the weight of any added water or volatile ingredients that are lost during the manufacturing process, and multiplying by 100. The total weight of the ingoing ingredients should be reduced by the weight of the added water and/or volatile ingredients that is lost during the manufacturing process. This method should only be used when the weight of the moisture loss during processing is the same or less than the weight of the added water and volatile ingredients.

Example: Fried fish in batter

Ingredients	Weight (g)
Fish	70
Flour	32
Water	8
<i>Total before frying</i>	110
Frying oil taken up	7
<i>Total ingoing ingredients</i>	117
Water lost from batter	-5
<i>Net total ingoing ingredients</i>	112

Calculate the percentage of the characterising ingredient (fish) as $70/112 \times 100 = 62.5\%$ where 70 g is the ingoing weight of the fish and 112 g is the total weight of ingoing ingredients of 117 g less 5 g water loss from the added water in the batter. Rounded to the nearest whole number, the percentage of the characterising ingredient (fish) is 63%.

Code reference

Clause 3 of Standard 1.2.10 sets out the method for calculation for proportion of characterising ingredient based on ingoing weight.

Calculations based on final weight of ingredient in final weight of food (where moisture loss occurs from ingredients of the food)

You also have the option of calculating the proportion of the characterising ingredient based on the final weight of the characterising ingredient in the final weight of food, instead of on the total weight of all the ingoing ingredients. You do this by taking into account the moisture loss (in addition to added water) from the characterising ingredient and from the food as a whole. You can determine values for the final weight of an ingredient by:

- direct laboratory analysis of the final food, where possible
- making an estimate based on the ingoing weight and the water content of the ingoing ingredients, where a value from direct analysis is not available (see example below).

The latter option becomes complicated in cases where there are many ingredients that contain water because you cannot make judgements on which ingredients lose water preferentially. The only exception is in the case of added water, which you must always calculate as being lost in its entirety first.

In the example below, the weight of water in each ingredient is calculated from the percentage of water in the ingredient. You can obtain values for the percentage of water in an ingredient from food composition tables or your ingredient supplier. You can also measure the amount of water in an ingredient, for example, by using a relevant AOAC method for your food.

Example: Apple cake

Ingredients	Ingoing weight	Water content	Total weight of water	Weight of water lost	Final weight
	(g)	(%)	(g)	(g)	(g)
Flour	225	14	31.5	9.1	215.9
Sugar	185	0	0.0	0.0	185.0
Butter	125	16	20.0	5.8	119.2
Eggs (2)	125	75	93.8	27.2	97.8
Apple	120	88	105.6	30.6	89.4
Milk	125	88	110.0	31.9	93.1
Total weight	905		361	105	800

In the above example:

- the final weight of the cake after baking is 800 g, ie, a total of 105 g water was lost from 361 g total water in the ingredients
- the percentage water loss for the whole cake is then $105/361 \times 100 = 29\%$. This water loss is assumed to occur equally from each ingredient that contained water
- there was 88% water in the apple, so the apple had $120 \times 88/100 = 105.6$ g water, before baking
- 29% of the water was lost from the apple during baking, i.e. $105.6 \times 0.29 = 30.6$ g water
- the final weight of apple is $120 - 30.6 = 89.4$ g being the original weight of apple minus the water lost from it.

Calculate the percentage of apple in the final cake by dividing the final weight of the apple after baking (89.4 g) by the final weight of the cake after baking (800 g): $89.4/800 \times 100 = 11.2\%$.

Rounded to the nearest whole number, the percentage of the characterising ingredient (apple) is 11%.

Code reference

Clause 4 of Standard 1.2.10 sets out the method for the calculation of the proportion of characterising ingredients based on the weight of the final food.