

4. RESULTS & DISCUSSION

The results of the assessments of labels collected in Australia and New Zealand in 2006 are presented in this section of the report, in order of label element. The report also presents a comparison of results from this survey with the data from the assessment of labels collected in 2005 (i.e. the first label monitoring survey in Phase 2).

4.1 Assessment of labels collected in 2006

4.1.1 Overall consistency of labels collected from Australia and New Zealand by food category

The survey comprised the assessment of 1311 labels: 727 labels collected from Australia and 584 labels collected from New Zealand. A total of 827 labels (63%) were consistent for all label elements (excluding labels that had only minor formatting or moderate inconsistencies in the nutrition information panel (NIP) as their only area of inconsistency). If minor formatting and moderate inconsistencies were included, 184 (14%) were consistent for all label elements (Table 3). It should be noted that if any one of the 12 label elements was deemed inconsistent, the label was assessed as inconsistent overall.

There were large differences (of up to 312 labels) in the total number of food labels assessed in each food category, as a result of the agreed product sampling plan of two percent of the total SKUs for any given food category. For food categories containing smaller numbers of labels (e.g. Eggs and egg products), results expressed as percentages may not always be particularly meaningful. Notwithstanding this, the food categories with the highest proportion of consistency were Fruit and vegetables (33%, 61 labels), Non-alcoholic beverages (29%, 31 labels), Foods intended for particular dietary use (26%, 5 labels) and Eggs and egg products (22%, 2 labels).

Ninety-eight percent of the 88 labels assessed in the Dairy food category were inconsistent for at least one label element. This is also true for 98% of the 66 labels assessed in the Cereal and cereal products food category. In the Ice cream and edible ices food category, 95% of the 22 labels assessed were inconsistent with at least one label element.

Table 3. Overall consistency of labels collected from Australia and New Zealand in 2006, by food category

Food category	Total number of labels assessed	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	88	2	(2)	86	(98)
2. Edible oils and oil emulsions	17	1	(6)	16	(94)
3. Ice cream and edible ices	22	1	(5)	21	(95)
4. Fruit and vegetables	185	61	(33)	124	(67)
5. Confectionery	78	10	(13)	68	(87)
6. Cereals and cereal products	66	1	(2)	65	(98)
7. Bread and bakery products	201	15	(7)	186	(93)
8. Meat and meat products	110	18	(16)	92	(84)
9. Fish and fish products	72	7	(10)	65	(90)
10. Eggs and egg products	9	2	(22)	7	(78)
11. Sugars, honey and related products	15	3	(20)	12	(80)
12. Foods intended for particular dietary use	19	5	(26)	14	(74)
13. Non alcoholic beverages	108	31	(29)	77	(71)
14. Mixed foods	321	27	(8)	294	(92)
Overall results	1311	184	(14)*	1127	(86)

* Includes labels that had minor formatting, moderate and significant inconsistencies in the NIP.

4.1.2 Comparison of overall consistency of labels collected from Australia and New Zealand by food category between 2005 and 2006

The assessment of labels collected in 2005 resulted in 63% of labels assessed as consistent for all label elements (excluding labels that had only minor formatting or moderate inconsistencies in the NIP as their only area of inconsistency). This figure remains unchanged in 2006. If minor formatting and moderate inconsistencies in the NIP were included, a similar proportion of labels collected in 2006 were assessed as consistent with labelling provisions compared with 2005 (14% and 16% consistent, respectively) (Table 4).

For one food category in 2005 (Sugars, honey and related products), 100% of the labels were assessed as inconsistent for one or more label element. No single food category from the 2006 labels was found to be 100% inconsistent for one or more labelling elements.

The relatively small numbers of labels collected in certain food categories makes it difficult to draw any conclusions regarding changes in the level of consistency between 2005 and 2006. For food categories with larger numbers of labels, those with notably lower levels of consistency between 2005 and 2006 included Cereals and cereal products (17% and 2% consistent, respectively) and Bread and bakery products (15% and 7% consistent,

respectively). Food categories with higher levels of consistency with labelling provisions between 2005 and 2006 were:

- Fruit and vegetables (24% and 33% consistent, respectively)
- Confectionery (12% and 13% consistent, respectively)
- Non alcoholic beverages (24% and 29% consistent, respectively).

Table 4. Comparison of overall consistency of labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	92	9	88	2
2. Edible oils and oil emulsions	20	5	17	6
3. Ice cream and edible ices	24	25	22	5
4. Fruit and vegetables	231	24	185	33
5. Confectionery	83	12	78	13
6. Cereals and cereal products	95	17	66	2
7. Bread and bakery products	195	15	201	7
8. Meat and meat products	106	20	110	16
9. Fish and fish products	68	13	72	10
10. Eggs and egg products	8	13	9	22
11. Sugars, honey and related products	14	0	15	20
12. Foods intended for particular dietary use	23	30	19	26
13. Non alcoholic beverages	121	24	108	29
14. Mixed foods	319	11	321	8
Overall results	1399	16*	1311	14*

* Includes labels that had no minor formatting, moderate or significant inconsistencies in the NIP.

4.1.3 Overall consistency of labels collected from Australia and New Zealand by label element

Table 5 shows the number of labels assessed as inconsistent, by label element, as a percentage of the 1127 labels that were assessed as inconsistent with the labelling provisions.

The label element primarily responsible for inconsistency was the NIP (96% of all inconsistent labels, 1087 labels assessed for this element were inconsistent). The degree of severity of these inconsistencies was assessed, with each label rated at its most severe level of inconsistency. Two-hundred and nineteen labels assessed as inconsistent were assessed as having significant omissions and inconsistencies. One-hundred and three labels were assessed as having moderate inconsistencies. The vast majority of labels (765 labels)

assessed as inconsistent were assessed as having only minor formatting inconsistencies. The results of these additional assessments are presented in Section 4.2.15.

Ingredient declaration labelling had a relatively high proportion of inconsistencies with 22% of inconsistent labels (249 labels) being inconsistent for this label element.

All of the 39 labels assessed for Mandatory warning and advisory statements were consistent with labelling requirements.

Table 5. Overall label inconsistencies of labels collected from Australia and New Zealand in 2006, by label element

Label element assessed	Number of labels assessed	Number of labels assessed as inconsistent	Percentage of inconsistent labels out of total assessed as inconsistent*
1. Legibility	1311	2	Less than 1
2. Product identification	1311	40	4
3. Mandatory warning /advisory statements	39	0	0
4. Allergen labelling	924	12	1
5. Ingredient declaration	1221	249	22
6. Date marking	1198	15	1
7. Directions for use and storage	1094	16	1
8. Nutrition information panels:	1194	1087	96
Minor formatting inconsistencies**		765	
Moderate inconsistencies**		103	
Significant omissions & inconsistencies**		219	
9. Percent characterising ingredients	727	24	2
10. Altered label***	1311	-	-
11. Product specific labelling	18	3	Less than 1
12. Country of Origin****	727	34	3
13. False, misleading and deceptive representations	1311	3	Less than 1

*Total number of labels assessed as inconsistent=1127. This includes labels that had minor formatting, moderate and significant inconsistencies in the NIP. Labels may be inconsistent for more than one label element.

** As their most severe level of inconsistency.

*** There were no altered labels identified amongst the 1311 labels collected in 2006.

**** Only labels collected in Australia were assessed for this label element.

4.1.4 Comparison of overall consistency of labels collected by label element between 2005 and 2006

The NIP contributed to the greatest proportion of inconsistencies on labels assessed as inconsistent in both 2005 and 2006 (94% and 96% inconsistent, respectively) (Table 6). In both 2005 and 2006 the most common reason for a label to be assessed as inconsistent was minor formatting or moderate inconsistencies in the NIP.

Considering the total number of inconsistent labels, the proportion of Ingredient declaration labelling assessed as inconsistent was notably higher in 2006 compared with 2005 (22% and 9% inconsistent, respectively).

Inconsistencies for both Date marking and Directions for use and storage, as a proportion of labels assessed as inconsistent, were notably lower in 2006 than in 2005 (1% and 12% inconsistent, respectively and 1% and 16% inconsistent, respectively).

For all other label elements, the proportion of inconsistent labels assessed in 2006 was comparable to 2005.

Table 6. Comparison of overall inconsistencies of labels collected in 2005 and 2006, by label element

Label element assessed	Percentage of inconsistent labels out of total assessed as inconsistent*	
	2005	2006
1. Legibility	2	Less than 1
2. Product name/identification	3	4
3. Mandatory warning/advisory statements	Less than 1	0
4. Allergen labelling	2	1
5. Ingredient declaration	9	22
6. Date marking	12	1
7. Directions for use and storage	16	1
8. Nutrition information panel	94	96
9. Percent characterising ingredients	8	2
10. Altered label	Less than 1	-
11. Product specific labelling	Less than 1	Less than 1
12. Country of Origin	Less than 1	3
13. False, misleading and deceptive representations	1	Less than 1

* Total number of labels assessed as inconsistent in 2005=1171, in 2006=1127.

4.1.5 Overall consistency of labels collected from Australia and New Zealand by import status

Table 7 shows the overall level of label consistency based on import status, as determined by information on country of manufacture.

A greater proportion of imported products were consistent (18%, 69 labels) with labelling provisions than local products (12%, 115 labels).

Table 7. Overall consistency of labels collected from Australia and New Zealand in 2006, by import status

Imported status	Total number of labels assessed for import status	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
Imported	389	69	(18)	320	(82)
Local	922	115	(12)	807	(88)
Total	1311	184	(14)	1127	(86)*

* Includes labels that had minor formatting, moderate and significant inconsistencies in the NIP.

4.1.6 Comparison of overall consistency of labels collected from Australia and New Zealand by import status between 2005 and 2006

The consistency status of labels collected in 2005 and 2006 according to the import status is provided in Table 8. In the 2005 survey, more non-imported labels than imported labels were consistent with all label elements (20% and 13%, respectively). In contrast, in 2006, the reverse was indicated with more imported labels than non-imported labels consistent with all label elements (18% and 12%, respectively).

Table 8. Comparison of overall consistency of labels collected in 2005 and 2006, by import status

Imported status	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
Imported	719	13	389	18
Local	680	20	922	12
Total	1399	16*	1311	14*

* Includes labels that had no minor formatting, moderate or significant inconsistencies in the NIP.

4.2 Assessment of key label elements on labels collected in 2006

4.2.1 Assessment of Legibility of labels collected in 2006

In assessing food labels for legibility, each label element was assessed separately. If any one label element was deemed not legible, the overall label was inconsistent for legibility. Of the 1311 labels assessed for legibility, only two labels were illegible. One label was in the food category Meat and meat products, the other in Fish and fish products. Both labels were determined to be illegible for the label elements Ingredient declaration and NIP. In both cases the reason for illegibility was that a sticker with importer details had been placed over a portion of the label obscuring both the Ingredient declaration and the NIP.

4.2.2 Comparison of Legibility of labels collected in 2005 and 2006

The assessment of labels collected in 2005 for legibility resulted in 99% of all labels assessed as consistent with the labelling provisions. The same assessment made on labels collected in 2006 found close to 100% of labels to be consistent with the legibility provisions in the Code.

In 2005, a total of 20 labels were assessed as illegible, compared with a total of two labels in 2006. Label elements assessed in 2005 were all found to be legible for:

- Mandatory warning and advisory statements
- Allergen labelling
- Percent characterising ingredients
- Product specific labelling.

For all other label elements assessed in 2005 there was at least one label that was considered illegible for that particular element. Date marking and the NIP were the two elements that were most likely to be assessed as illegible in 2005 (nine and eight labels respectively). The primary reasons for Date marking being assessed as illegible in 2005 were partial removal or smudging of the date mark from the label. In 2005 the NIP was assessed as illegible due to the following reasons:

- Insufficient contrast from background
- Not in English
- Over-labelling with price information
- Label seam obscuring information.

The 2005 results differ from those of 2006 where Ingredient declaration and NIP were the only label elements to be assessed as not legible. For the two illegible labels, each of these label elements were considered illegible because a sticker containing importer information had been placed over a portion of the label obscuring the label element.

Assessments on labels collected in 2003 were carried out using the same methodology as assessments on labels collected in 2005 and 2006 for Legibility, allowing for a comparison of results between the 2003, 2005 and 2006 surveys. The survey conducted in 2003 found 91% of labels to be consistent with legibility labelling provisions. Label elements found to be illegible included the product name, ingredient declaration, date mark, directions for use and storage and the NIP.

4.2.3 Assessment of Product identification requirements on labels collected in 2006

Product identification requirements comprise the product name/description, lot identification and name and address of the supplier. Each label was assessed as to whether the product identification was consistent with the labelling provisions for this element (Table 9). Ninety-seven percent of product identifications (1271 labels) were assessed as consistent. All product identifications on labels in the food categories Dairy, Edible oils and oil emulsions, Ice cream and edible ices, and Fish and fish products were consistent with the labelling provisions for this element.

The number of labels that were inconsistent for each of the three components of this label element was as follows:

- Name/description of food (1 out of 40 labels that were inconsistent)
- Lot identification (20 out of 40)
- Name and address of supplier (23 out of 40).

Reasons for inconsistencies in product identification requirements on labels collected in 2006 were as follows:

- Appropriate description absent (1 out of 40 labels that were inconsistent)
- Supplier address absent or incomplete (13 out of 40 labels)
- PO Box address only provided (3 out of 40 labels)
- Importer address absent (7 out of 40 labels)
- Lot marking absent (20 out of 40 labels)
- Prescribed name (e.g. formulated supplementary food) incorrect (1 out of 40 labels).

Some labels were inconsistent for more than one component of the Product identification requirements.

Table 9. Consistency status of Product identification for labels collected in 2006, by food category

Food category	Total number of labels assessed for Product identification	Consistency status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	88	88	(100)	0	(0)
2. Edible oils and oil emulsions	17	17	(100)	0	(0)
3. Ice cream and edible ices	22	22	(100)	0	(0)
4. Fruit and vegetables	185	174	(94)	11	(6)
5. Confectionery	78	73	(94)	5	(6)
6. Cereals and cereal products	66	64	(97)	2	(3)
7. Bread and bakery products	201	199	(99)	2	(1)
8. Meat and meat products	110	106	(96)	4	(4)
9. Fish and fish products	72	72	(100)	0	(0)
10. Eggs and egg products	9	7	(78)	2	(22)
11. Sugars, honey and related products	15	13	(87)	2	(13)
12. Foods intended for particular dietary use	19	18	(95)	1	(5)
13. Non alcoholic beverages	108	102	(94)	6	(6)
14. Mixed foods	321	316	(98)	5	(2)
Overall results	1311	1271	(97)	40	(3)

4.2.4 Comparison of Product identification labelling on labels collected in 2005 and 2006

The overall results for consistency with labelling provisions for Product identification requirements were very similar between 2005 and 2006 (98% and 97% consistent, respectively). However, within each food category there were slight variations in consistency in the results from the two years (Table 10).

Of the labels collected in 2005 that were assessed as inconsistent with Product identification provisions, a higher proportion were deemed inconsistent because of an inadequate name/description of the food compared with 2006 (48%, 16 labels and 3%, 1 label respectively). Absence of lot identification information amongst inconsistent labels was found to be proportionately lower in 2005 than in 2006 (9%, 3 labels and 50%, 20 labels respectively). Incomplete or absent information on the name and address of the supplier was found to be proportionately similar amongst labels assessed as inconsistent for Product identification in 2005 and 2006 (63%, 21 labels, and 58%, 23 labels respectively).

Table 10. Comparison of consistency status of Product Identification for labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	92	99	88	100
2. Edible oils and oil emulsions	20	95	17	100
3. Ice cream and edible ices	24	100	22	100
4. Fruit and vegetables	231	96	185	94
5. Confectionery	83	99	78	94
6. Cereals and cereal products	95	99	66	97
7. Bread and bakery products	195	98	201	99
8. Meat and meat products	106	97	110	96
9. Fish and fish products	68	99	72	100
10. Eggs and egg products	8	100	9	78
11. Sugars, honey and related products	14	93	15	87
12. Foods intended for particular dietary use	23	96	19	95
13. Non alcoholic beverages	121	98	108	94
14. Mixed foods	319	97	321	98
Overall results	1399	98	1311	97

4.2.5 Assessment of Mandatory warnings and advisory statements on labels collected in 2006

Three percent of all labels (39 labels) had Mandatory warning and advisory statements and were assessed for this label element. All of these labels were consistent with the labelling provisions.

4.2.6 Comparison of Mandatory warnings and advisory statements on labels collected in 2005 and 2006

Three percent of all labels in both 2005 (42 labels) and 2006 (39 labels) were assessed as requiring a Mandatory warning and advisory statement. Unlike 2006, where all labels were found to be consistent, one label was assessed as inconsistent in 2005. The label assessed as inconsistent in 2005 was an artificial sweetener in the food category Sugars, honey and related products, which contained a polyol. It was inconsistent with the requirements that an advisory statement be provided relating to polyols and polydextrose to the effect that excess consumption of the product may have a laxative effect.

4.2.7 Assessment of Allergen labelling on labels collected in 2006

Allergen labelling was assessed for consistency on a total of 924 labels. Ninety-nine percent (912 labels) were assessed as consistent with the provisions for this label element (Table 11).

The food category with the highest proportion of inconsistent allergen labelling was Bread and bakery products (4%, 7 labels), followed by Cereal and cereal products (2%, 1 label) and Mixed foods (1%, 4 labels). In every case, allergen labelling inconsistencies were due to a lack of qualification of ingredients, for example ‘flour’ was not qualified with the cereal type. Allergen labelling was consistent on all labels in the remaining 11 food categories.

Ingredients, without qualification, where the ingredient was possibly derived from a non-allergenic source, for example ‘vegetable oil’ or ‘cereal binder’ in sausage meat, were assessed as consistent with the allergen labelling provisions.

Table 11. Consistency status of Allergen labelling for labels collected in 2006, by food category

Food category	Total number of labels assessed for Allergen labelling	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	88	88	(100)	0	(0)
2. Edible oils and oil emulsions	9	9	(100)	0	(0)
3. Ice cream and edible ices	21	21	(100)	0	(0)
4. Fruit and vegetables	42	42	(100)	0	(0)
5. Confectionery	65	65	(100)	0	(0)
6. Cereals and cereal products	58	57	(98)	1	(2)
7. Bread and bakery products	197	190	(96)	7	(4)
8. Meat and meat products	60	60	(100)	0	(0)
9. Fish and fish products	72	72	(100)	0	(0)
10. Eggs and egg products	9	9	(100)	0	(0)
11. Sugars, honey and related products	1	1	(100)	0	(0)
12. Foods intended for particular dietary use	16	16	(100)	0	(0)
13. Non alcoholic beverages	5	5	(100)	0	(0)
14. Mixed foods	281	277	(99)	4	(1)
Overall results	924	912	(99)	12	(1)

To gain further information about the use of allergen labelling, only those 912 labels assessed as having consistent allergen labelling were further assessed for placement and prominence of the declaration (Table 12). There are no labelling provisions in the Code in relation to placement or prominence of allergen information. In a number of cases, a declaration was provided in more than one place on the label. The majority of labels with consistent allergen labelling (96%, 873 labels) declared the presence of an allergen in the ingredient list. Thirty-one percent of consistent labels (282 labels) featured a declaration of the presence or possible

presence of an allergen elsewhere on the packet. This included using the name of the allergen in the name of the food, such as ‘Homogenised milk’, as well as summary statements and precautionary statements elsewhere on the label, such as ‘Contains gluten-containing cereals, almonds, soy and sulphites’ as indicated in bold type and ‘Packed on equipment that also packs products containing other nuts’.

Fifty-two percent of consistent labels (470 labels) with allergen labelling used bold font in the allergen declaration.

Table 12. Placement and prominence of Allergen labelling on labels collected in 2006, by food category

Food category	Total number of labels with allergen labelling assessed as consistent	Placement and prominence of Allergen Labelling*		
		List of ingredients	Else-where	Bold
1. Dairy	88	85	18	22
2. Edible oils and oil emulsions	9	8	2	2
3. Ice cream and edible ices	21	21	5	16
4. Fruit and vegetables	42	39	10	20
5. Confectionery	65	63	20	40
6. Cereals and cereal products	57	57	17	26
7. Bread and bakery products	190	188	79	136
8. Meat and meat products	60	56	8	20
9. Fish and fish products	72	71	24	34
10. Eggs and egg products	9	1	8	8
11. Sugars, honey and related products	1	1	0	0
12. Foods intended for particular dietary use	16	16	2	8
13. Non alcoholic beverages	5	5	2	2
14. Mixed foods	277	262	87	136
Overall results	912	873	282	470

* Some labels may have allergen labelling in more than one place.

Table 13 shows the types of substances declared as being present or possibly present on those labels assessed as having consistent allergen labelling anywhere on the label. The allergens predominantly declared were soybean (21% of labels, 189 labels out of a total of 912 labels with allergen labelling assessed as consistent), gluten-containing cereal (20%, 186 labels) and milk (18%, 160 labels). A further 130 labels (14%) declared the presence or possible presence of peanuts. No labels declared the presence of royal jelly.

Table 13. Type of allergen declared anywhere on labels collected in 2006*

Type of allergen declared	Total number of labels declaring presence or possible presence of allergen**	Percentage of labels declaring presence or possible presence of allergen***
Soybean	189	21
Gluten containing cereal	186	20
Milk	160	18
Peanut	130	14
Egg	126	14
Tree nuts (including the generic term 'nuts')	109	12
Sesame	90	10
Fish	46	5
Sulphite (greater than 10mg/kg)	30	3
Crustacea	17	2
Bee Pollen	1	Less than 1
Propolis	1	Less than 1
Royal Jelly	0	0
Total	1085	

* Total number of labels=912 labels assessed as having consistent allergen labelling anywhere on the label.

** Some labels may declare the presence or possible presence of more than one allergen.

*** Percentage calculated from the total number of labels with allergen labelling assessed as consistent i.e. 912 labels.

4.2.8 Comparison of Allergen labelling on labels collected in 2005 and 2006

There was a similar proportion of labels consistent with the allergen labelling provisions in 2005 and 2006 (97% and 99% respectively) (Table 14). Notwithstanding the relatively small number of food labels collected in this category, the food category with the lowest proportion of consistent allergen labelling in 2005 was Edible oils and oil emulsions (83%, 10 labels). This food category was 100% consistent with the allergen labelling provisions for the labels collected in 2006.

The food category Bread and bakery products had a lower proportion of consistent labels in both 2005 and 2006, compared with the other food categories (94%, 184 labels and 96%, 190 labels respectively). In both years the reason for inconsistency in this food group was failure to specify the type of flour used when flour was declared as an ingredient.

Table 14. Comparison of consistency status of Allergen labelling for labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	92	99	88	100
2. Edible oils and oil emulsions	12	83	9	100
3. Ice cream and edible ices	23	100	21	100
4. Fruit and vegetables	59	98	42	100
5. Confectionery	79	100	65	100
6. Cereals and cereal products	86	99	58	98
7. Bread and bakery products	195	94	197	96
8. Meat and meat products	59	98	60	100
9. Fish and fish products	65	98	72	100
10. Eggs and egg products	8	100	9	100
11. Sugars, honey and related products	3	100	1	100
12. Foods intended for particular dietary use	16	100	16	100
13. Non alcoholic beverages	10	100	5	100
14. Mixed foods	283	97	281	99
Overall results	990	97	924	99

The total number of labels recorded as declaring the presence or possible presence of particular allergens in 2006 anywhere on the label was less than in 2005 (1085 labels and 1950 labels respectively, where some labels may declare the presence or possible presence of more than one allergen) (Table 15). Likewise, the proportion of labels that declare the presence or possible presence of each particular allergen anywhere on the label is, in most cases, lower in 2006 than in 2005.

Table 15. Comparison of type of allergens declared anywhere on labels collected in 2005 and 2006*

Type of allergen declared	Percentage of labels declaring presence or possible presence of allergen in 2005**	Percentage of labels declaring presence or possible presence of allergen in 2006**
Soybean	33	21
Gluten containing cereal	45	20
Milk	37	18
Peanut	15	14
Egg	14	14
Tree nuts (including the generic term 'nuts')	21	12
Sesame	15	10
Fish	17	5
Sulphite (greater than 10mg/kg)	3	3
Crustacea	3	2
Bee Pollen	0	Less than 1
Propolis	0	Less than 1
Royal Jelly	Less than 1	0

* Total number of labels assessed as having consistent allergen labelling anywhere on the label in 2005=963 and 2006=912. The total number of labels declaring the presence or possible presence of one or more allergens in 2005=1950 and 2006=1085.

** Percentage calculated from the total number of labels with allergen labelling assessed as consistent. Some labels may declare the presence or possible presence of more than one allergen.

4.2.9 Assessment of Ingredient declarations on labels collected in 2006

A number of exemptions apply to the ingredient labelling provisions so that 93% of the total label collection (1221 labels) was assessed for consistency against these provisions (Table 16).

Of those labels assessed for this label element, 80% (972 labels) were consistent. Only one label was assessed in the food category Eggs and egg products; this was found to be consistent with provisions for Ingredient declarations. Excluding Eggs and egg products, the food categories with the highest proportion of labels consistent for this label element were Edible oils and oil emulsions (93%, 14 labels), Cereals and cereal products (89%, 58 labels) and Foods intended for particular dietary use (89%, 17 labels).

The food categories with the highest proportion of inconsistent labels for this element were Meat and meat products (45%, 42 labels), Ice cream and edible ices (41%, 9 labels) and Non alcoholic beverages (27%, 25 labels).

The reasons for inconsistent ingredient labelling can be grouped as follows:

- Additive class name absent or incorrect (96%, 240 out of 249 labels that were inconsistent)
- List of ingredients required but not provided (2%, 5 out of 249 labels)
- Compound ingredients not declared (less than 1%, 1 out of 249 labels)
- Inadequate ingredient description (less than 1%, 1 out of 249 labels)
- List of ingredients obscured by importer sticker (less than 1%, 2 out of 249 labels).

Table 16. Consistency status of Ingredient labelling for labels collected in 2006, by food category

Food category	Total number of labels assessed for Ingredient labelling	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	86	70	(81)	16	(19)
2. Edible oils and oil emulsions	15	14	(93)	1	(7)
3. Ice cream and edible ices	22	13	(59)	9	(41)
4. Fruit and vegetables	145	126	(87)	19	(13)
5. Confectionery	77	66	(86)	11	(14)
6. Cereals and cereal products	65	58	(89)	7	(11)
7. Bread and bakery products	201	170	(85)	31	(15)
8. Meat and meat products	94	52	(55)	42	(45)
9. Fish and fish products	70	61	(87)	9	(13)
10. Eggs and egg products	1	1	(100)	0	(0)
11. Sugars, honey and related products	12	10	(83)	2	(17)
12. Foods intended for particular dietary use	19	17	(89)	2	(11)
13. Non alcoholic beverages	93	68	(73)	25	(27)
14. Mixed foods	321	246	(77)	75	(23)
Overall results	1221	972	(80)	249	(20)

4.2.10 Comparison of Ingredient declarations on labels collected in 2005 and 2006

Of those labels assessed for consistency with labelling provisions for Ingredient declarations, a higher proportion was found to be consistent in 2005 (92%, 1168 labels) than in 2006 (80%, 972 labels). Inconsistencies were reported in all food categories in both 2005 and 2006 (excluding Eggs and egg products, as no labels in this food category were assessed in 2005, and only one label was assessed in 2006, and this was assessed as consistent) (Table 17).

The food category Meat and meat products reported the lowest proportion of consistent labels in both 2005 and 2006 (80% and 55% respectively). The food category Ice cream and edible ices reported the second lowest proportion of consistent labels for this label element in 2006

(59%, 13 labels). However, this food category reported a comparatively higher proportion of consistent labels in 2005 (96%, 23 labels). Likewise, both the food categories Non alcoholic beverages and Mixed foods reported low proportions of consistent labels in 2006 (73%, 68 labels and 77%, 246 labels respectively) but comparatively higher proportions of consistent labels in 2005 (94%, 98 labels and 94%, 297 labels respectively).

Excluding the food category Eggs and egg products, the highest proportion of consistent labels in 2005 was reported in the Cereals and cereal products food category (98%, 88 labels). In 2006, although the highest proportion of consistent labels was reported in the Edible oils and oil emulsions food category (93%, 14 labels), the Cereals and cereal products food category also had a relatively high proportion of consistent labels (89%, 58 labels).

In both 2005 and 2006 the primary reason for a label being assessed as inconsistent with the labelling provisions for ingredient declarations was the absence or incorrect use of an additive class name in the ingredient list.

Table 17. Comparison of consistency status of Ingredient declarations for labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	84	95	86	81
2. Edible oils and oil emulsions	17	88	15	93
3. Ice cream and edible ices	24	96	22	59
4. Fruit and vegetables	169	91	145	87
5. Confectionery	81	93	77	86
6. Cereals and cereal products	90	98	65	89
7. Bread and bakery products	193	90	201	85
8. Meat and meat products	93	80	94	55
9. Fish and fish products	68	91	70	87
10. Eggs and egg products	0	-	1	100
11. Sugars, honey and related products	11	91	12	83
12. Foods intended for particular dietary use	23	87	19	89
13. Non alcoholic beverages	104	94	93	73
14. Mixed foods	316	94	321	77
Overall results	1273	92	1221	80

4.2.11 Assessment of Date marking on labels collected in 2006

As some labels are exempt from date marking (where the best-before date is two years or more, or small packages where the food does not need to be consumed before a certain date because of health and safety reasons) date marking was assessed on a total of 1198 labels (Table 18). Of these, 99% (1183 labels) provided date marking that was consistent with the requirements of the labelling provisions for this label element.

Seven food categories were 100% consistent with date marking provisions in the Code, these were:

- Dairy (88 labels)
- Edible oils and oil emulsions (16 labels)
- Fruit and vegetables (131 labels)
- Bread and bakery products (197 labels)
- Eggs and egg products (9 labels)
- Sugars, honey and related products (9 labels)
- Foods intended for particular dietary use (19 labels).

All remaining food categories reported relatively high proportions of consistency with date marking labelling provisions ranging from 95% consistent (Ice cream and edible ices, 20 labels) to 99% consistent (Confectionery, 70 labels and Mixed foods, 300 labels).

An absence of date marking was the reason that all of the 15 inconsistent labels (1% of total labels assessed for date marking) were assessed as such.

Table 18. Consistency status of Date marking for labels collected in 2006, by food category

Food category	Total number of labels assessed for Date marking	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	88	88	(100)	0	(0)
2. Edible oils and oil emulsions	16	16	(100)	0	(0)
3. Ice cream and edible ices	21	20	(95)	1	(5)
4. Fruit and vegetables	131	131	(100)	0	(0)
5. Confectionery	71	70	(99)	1	(1)
6. Cereals and cereal products	62	60	(97)	2	(3)
7. Bread and bakery products	197	197	(100)	0	(0)
8. Meat and meat products	107	103	(96)	4	(4)
9. Fish and fish products	59	58	(98)	1	(2)
10. Eggs and egg products	9	9	(100)	0	(0)
11. Sugars, honey and related products	9	9	(100)	0	(0)
12. Foods intended for particular dietary use	19	19	(100)	0	(0)
13. Non alcoholic beverages	105	103	(98)	2	(2)
14. Mixed foods	304	300	(99)	4	(1)
Overall results	1198	1183	(99)	15	(1)

4.2.12 Comparison of Date marking on labels collected in 2005 and 2006

The assessment of labels in 2005 resulted in 90% of all labels assessed for date marking being consistent with labelling provisions for this element. Assessment of labels collected in 2006 resulted in 99% of labels assessed for this label element being consistent.

In 2005, the food categories with the highest proportion of labels assessed as consistent with date marking provisions were Dairy (98%, 88 labels) followed by Confectionery (96%, 80 labels) and Edible oils and oil emulsions (95%, 18 labels). In 2006, seven food categories had 100% consistency for this labelling element: Dairy; Edible oils and oil emulsions; Fruit and vegetables; Bread and bakery products; Eggs and egg products; Sugars, honey and related products; and Foods intended for particular dietary use (Table 19).

In 2005, reasons for inconsistency varied between the absence of date marking; incorrect format or inappropriate use of the date marking statement; and the date marking being illegible. In 2006 the sole reason for inconsistency was the absence of date marking.

Assessments on labels collected in 2003 were carried out using the same methodology as assessments on labels collected in 2005 and 2006 for date marking, allowing for a comparison of results among the 2003, 2005 and 2006 surveys. In 2003, 80% of labels assessed against labelling provisions for date marking were assessed as consistent. Reasons for inconsistency were as for 2005.

Table 19. Comparison of consistency status of Date marking for labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	90	98	88	100
2. Edible oils and oil emulsions	19	95	16	100
3. Ice cream and edible ices	24	79	21	95
4. Fruit and vegetables	210	83	131	100
5. Confectionery	83	96	71	99
6. Cereals and cereal products	95	86	62	97
7. Bread and bakery products	195	92	197	100
8. Meat and meat products	104	91	107	96
9. Fish and fish products	64	83	59	98
10. Eggs and egg products	8	88	9	100
11. Sugars, honey and related products	12	83	9	100
12. Foods intended for particular dietary use	22	91	19	100
13. Non alcoholic beverages	119	90	105	98
14. Mixed foods	312	92	304	99
Overall results	1357	90	1198	99

4.2.13 Assessment of Directions for use and storage on labels collected in 2006

A total of 1094 labels were assessed for this label element, and the results are shown in Table 20. Of these, 99% (1078 labels) were consistent. Directions for use or storage labelling were consistent on all labels in the following food categories:

- Edible oils and oil emulsions (16 labels)
- Ice cream and edible ices (22 labels)
- Confectionery (59 labels)
- Cereals and cereal products (51 labels)
- Fish and fish products (56 labels)
- Sugars, honey and related products (12 labels)
- Foods intended for particular dietary use (15 labels)

- Non alcoholic beverages (92 labels).

The remaining food categories had levels of consistency ranging from 95% to 99%. This is with the exception of the food category Eggs and egg products. Notwithstanding the very small number of labels collected in this food category, Eggs and egg products had the highest proportion of inconsistent labels was (25%, 2 labels).

All labels that were assessed as inconsistent for this label element were inconsistent due to the absence of directions for storage when such directions were required.

Table 20. Consistency status of Directions for use and storage for labels collected in 2006, by food category

Food category	Total number of labels assessed for Directions for use and storage	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	85	83	(98)	2	(2)
2. Edible oils and oil emulsions	16	16	(100)	0	(0)
3. Ice cream and edible ices	22	22	(100)	0	(0)
4. Fruit and vegetables	128	124	(97)	4	(3)
5. Confectionery	59	59	(100)	0	(0)
6. Cereals and cereal products	51	51	(100)	0	(0)
7. Bread and bakery products	169	168	(99)	1	(1)
8. Meat and meat products	106	101	(95)	5	(5)
9. Fish and fish products	56	56	(100)	0	(0)
10. Eggs and egg products	8	6	(75)	2	(25)
11. Sugars, honey and related products	12	12	(100)	0	(0)
12. Foods intended for particular dietary use	15	15	(100)	0	(0)
13. Non alcoholic beverages	92	92	(100)	0	(0)
14. Mixed foods	275	273	(99)	2	(1)
Overall results	1094	1078	(99)	16	(1)

4.2.14 Comparison of Directions for use and storage on labels collected in 2005 and 2006

In 2005, 86% of labels (1168 labels) assessed for this label element were assessed as consistent. In 2006, 99% of labels (1078 labels) assessed for this label element were consistent.

Overall, consistency for this label element was greater in 2006 than in 2005 (Table 21). The reason for inconsistency in 2006 was exclusively the absence of directions for storage when such directions were required. In 2005, inconsistencies were also due to the absence of directions for use, when such directions were required, and either use and/or storage directions not being in English.

Table 21. Comparison of consistency status of Directions for use and storage for labels collected in 2005 and 2006, by food category

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	90	97	85	98
2. Edible oils and oil emulsions	19	84	16	100
3. Ice cream and edible ices	24	88	22	100
4. Fruit and vegetables	210	81	128	97
5. Confectionery	83	81	59	100
6. Cereals and cereal products	95	89	51	100
7. Bread and bakery products	195	82	169	99
8. Meat and meat products	104	88	106	95
9. Fish and fish products	64	80	56	100
10. Eggs and egg products	8	100	8	75
11. Sugars, honey and related products	12	92	12	100
12. Foods intended for particular dietary use	22	86	15	100
13. Non alcoholic beverages	119	87	92	100
14. Mixed foods	312	89	275	99
Overall results	1357	86	1094	99

4.2.15 Assessment of Nutrition information requirements on labels collected in 2006

Labels requiring a NIP were assessed for the consistency of this label element against the labelling provisions assuming the prescribed format for the NIP. The level of severity of the NIP inconsistency was assessed; inconsistencies could be categorised as minor formatting inconsistencies, moderate inconsistencies or significant omissions and inconsistencies, according to their potential impact on consumer understanding of the NIP information. The criteria for assessment of severity are provided in Appendix 3. Where a NIP had more than one inconsistency, it was rated against the most severe level. Of the 1194 labels assessed, and excluding labels that had only minor formatting or moderate inconsistencies, 82% of labels (975 labels) assessed under this element were consistent with the labelling provisions.

If minor formatting and moderate inconsistencies were included, 9% of labels (107 labels) assessed under this element were consistent with the labelling provisions (Table 22).

Table 22. Consistency status of Nutrition information requirements for labels collected in 2006, by food category

Food category	Total number of labels assessed against NIP provisions	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	88	4	(5)	84	(95)
2. Edible oils and oil emulsions	16	1	(6)	15	(94)
3. Ice cream and edible ices	22	1	(5)	21	(95)
4. Fruit and vegetables	127	9	(7)	118	(93)
5. Confectionery	75	8	(11)	67	(89)
6. Cereals and cereal products	66	3	(5)	63	(95)
7. Bread and bakery products	199	17	(9)	182	(91)
8. Meat and meat products	89	5	(6)	84	(94)
9. Fish and fish products	71	8	(11)	63	(89)
10. Eggs and egg products	8	1	(13)	7	(88)
11. Sugars, honey and related products	13	2	(15)	11	(85)
12. Foods intended for particular dietary use	19	5	(26)	14	(74)
13. Non alcoholic beverages	81	7	(9)	74	(91)
14. Mixed foods	320	36	(11)	284	(89)
Overall results	1194	107	(9)	1087	(91)*

* Includes labels that had minor formatting, moderate and significant inconsistencies in the NIP.

Consistency status of Nutrition information requirements by food category

The food category with the highest proportion of consistent labels was Foods intended for particular dietary use (26%, 5 labels). Notwithstanding the small number of labels assessed in the food categories Sugars, honey and related products (13 labels) and Eggs and egg products (8 labels), these two food categories had the second and third highest proportion of consistent labels (15%, 2 labels and 13%, 1 label respectively).

Ninety-five percent of the labels assessed in each of the food categories Dairy (84 labels), Ice cream and edible ices (21 labels), and Cereals and cereal products (63 labels) were inconsistent with labelling provisions for the NIP. These three food categories each equally had the highest proportion of inconsistent labels.

Consistency status of Nutrition information requirements by level of severity

As shown in Table 23, 20% of labels (219 labels) assessed as inconsistent were assessed as having significant omissions and inconsistencies as their most severe level of inconsistency. Nine percent of labels (103 labels) were assessed as having moderate inconsistencies as their most severe level of inconsistency and 70% of labels (765 labels) assessed as inconsistent had only minor formatting inconsistencies as their most severe level of inconsistency.

Table 23. Severity of inconsistency of NIP for labels collected in 2006

Severity of inconsistency	Number of labels with a NIP assessed as inconsistent	Percentage of total number of labels assessed as inconsistent with NIP provisions
Minor formatting inconsistencies	765	70
Moderate inconsistencies	103	9
Significant omissions & inconsistencies	219	20
Overall results	1087	100

Consistency status of Nutrition information requirements by label sub-element

The sources of the inconsistencies assessed on the NIPs, broken down by label sub-elements are outlined in Table 24.

Table 24. Areas of NIP inconsistency on labels collected in 2006, by label sub-element

Label sub-element	Number and percentage of inconsistencies per label sub-element*							
	Minor	(%)	Moderate	(%)	Significant	(%)	Overall results	Overall results %
1. Presence					30	(1)	30	(1)
2. Legibility					2	(<1)	2	(<1)
3. General reasons**					113	(5)	113	(5)
4. Borders	1009	(41)					1009	(41)
5. Panel heading	4	(<1)	13	(1)	19	(1)	36	(1)
6. Serving information	473	(19)	25	(1)	38	(2)	536	(22)
7. Columns			7	(<1)	5	(<1)	12	(<1)
8. Nutrients	595	(24)	6	(<1)	10	(<1)	611	(25)
9. Values			75	(3)			75	(3)
10. Units			3	(<1)			3	(<1)
11. Other	1	(<1)			35	(1)	36	(1)
Overall results	2082	(84)	129	(5)	252	(10)	2463	(100)

* Percentage of inconsistencies out of total number of NIP inconsistencies=2463. Labels may have more than inconsistency within and between NIP sub-elements.

** General reasons included incorrect measures, data presented for wrong form of food etc.

From Appendix 3 and Table 24, within each sub-element, there may be various types of NIP inconsistencies assessed at different levels of severity. For example, within the serving information sub-element, incorrect text case and alignment was assessed as a minor formatting inconsistency, while the absence of serving information was assessed as a significant omission.

Each label could be assessed as inconsistent for more than one reason, with labels having up to five inconsistencies within and between the different sub-elements of the NIP. Therefore, the following discussion provides results in terms of the number of inconsistencies recorded against each sub-element, rather than the number of labels that were assessed as inconsistent for each sub-element.

A total of 2463 NIP inconsistencies were recorded against the 1087 labels assessed as inconsistent with NIP provisions. Of these, 84% (2082 inconsistencies) were assessed as minor formatting inconsistencies, 5% (129 inconsistencies) as moderate inconsistencies and 10% (252 inconsistencies) as significant omissions and inconsistencies.

Presence of the NIP

The absence of a NIP where it was considered mandatory was assessed as a significant omission. Only one percent of all inconsistencies (30 inconsistencies) were due to the absence of a NIP.

Legibility

Inconsistencies relating to legibility of the NIP (significant inconsistency) made up less than one percent of all inconsistencies (2 inconsistencies). These are discussed in Section 4.2.1 of this report.

General elements

One-hundred and thirteen inconsistencies were due to general reasons. These represented five percent of all NIP inconsistencies and were assessed as significant. The most common reason was failure to indicate that values were averages (107 out of 113 inconsistencies).

Borders

The majority of inconsistencies were due to incorrect internal or external borders, with 41% of all NIP inconsistencies (1009 inconsistencies) relating to this sub-element. This type of inconsistency was assessed as a minor formatting inconsistency as it is less likely to impact on consumer understanding of the information presented on the label.

Panel heading

The absence of a heading on the NIP was assessed as a significant omission. One percent of NIP inconsistencies (36 inconsistencies) were inconsistent with the panel heading requirements, with 19 of these 36 inconsistencies due to the panel heading being absent.

Serving information

Serving size information was assessed as inconsistent with the labelling provisions if it was absent (significant omission), in an incorrect position (moderate inconsistency) or not aligned correctly, in the wrong text case, with incorrect punctuation or incorrect wording such as 'contains 5 servings of 200g' (minor formatting inconsistencies). Twenty-two percent of NIP inconsistencies (536 inconsistencies) related to this sub-element, 473 of these 563 inconsistencies were due to minor formatting inconsistencies.

The most common reasons for inconsistent serving size information were:

- Incorrect text case (minor formatting inconsistency) (472 out of 536 inconsistencies)
- Absence of serving information (significant omission) (38 out of 536 inconsistencies).

Columns

Columns were assessed as inconsistent with the labelling provisions if they were absent (significant omission), in an incorrect position (moderate inconsistency) or used incorrect wording (minor formatting inconsistency). Less than one percent of NIP inconsistencies (12 inconsistencies) related to this sub-element.

Nutrients

Nutrient information was assessed as inconsistent with the labelling provisions if one or more nutrients were absent (significant omission), in an incorrect position or with incorrect wording (moderate inconsistencies) or in the wrong text case or with incorrect punctuation (minor formatting inconsistencies). Twenty-five percent of NIP inconsistencies (611 inconsistencies) related to this sub-element. The most common reason was the use of incorrect text case, a minor formatting inconsistency (595 out of 611 inconsistencies). Less than one percent of inconsistencies (10 out of 611 inconsistencies) were due to one or more nutrients being absent. Some labels omitted more than one nutrient from the NIP but were counted as inconsistent for this label sub-element only once. The nutrients most commonly omitted were saturated fat (7 inconsistencies), sugars (5 inconsistencies) and sodium (1 inconsistency).

Values

For the values sub-element, 73 of the 75 inconsistencies were due to the incorrect use of symbols such as ‘<’ to describe mathematical terms (namely ‘less than’). Two labels incorrectly expressed a zero value, one of these left the space blank and the other stated ‘not measured’. Inconsistencies in the values sub-element represented only three percent of all NIP inconsistencies and were assessed as a moderate inconsistency.

Units

Units were assessed as inconsistent with the labelling provisions if the unit used was incorrect e.g. sodium quantities expressed in grams rather than milligrams (significant inconsistency), or in an incorrect position or case (moderate inconsistencies). Less than one percent of NIP inconsistencies (3 inconsistencies) related to this sub-element.

Other

One percent of inconsistencies (36 inconsistencies) were due to ‘other’ reasons, with the most common being an incorrect panel format (19 out of 36 inconsistencies). A further 13 inconsistencies were due to the NIP being provided in a USFDA format. Further details regarding the assessment of NIP inconsistencies are provided in Appendix 4.

4.2.16 Comparison of Nutrition Information requirements on labels collected in 2005 and 2006

As shown in Table 25, the spread of consistencies for Nutrition information requirements varied somewhat across food categories between 2005 and 2006. Overall, most categories had a lower proportion of consistent labels in 2006 than in 2005. The food category Foods intended for particular dietary use, had the highest proportion of consistent labels in both 2005 (35%, 8 labels) and 2006 (26%, 5 labels).

Table 25. Comparison of consistency status of Nutrition information requirements for labels collected in 2005 and 2006, by food category

Food category	Consistency Status*			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	92	9	88	5
2. Edible oils and oil emulsions	20	5	16	6
3. Ice cream and edible ices	23	26	22	5
4. Fruit and vegetables	171	13	127	7
5. Confectionery	79	11	75	11
6. Cereals and cereal products	95	20	66	5
7. Bread and bakery products	195	23	199	9
8. Meat and meat products	92	11	89	6
9. Fish and fish products	66	15	71	11
10. Eggs and egg products	8	0	8	13
11. Sugars, honey and related products	14	0	13	15
12. Foods intended for particular dietary use	23	35	19	26
13. Non alcoholic beverages	92	11	81	9
14. Mixed foods	319	14	320	11
Overall results	1289	15	1194	9

* Includes labels that had minor formatting, moderate and significant inconsistencies in the NIP.

Overall, the total number of inconsistencies (minor, moderate and significant) was very similar in 2005 and 2006 (1097 labels and 1087 labels respectively) (Table 26). In both 2005 and 2006 the majority of labels that were assessed as inconsistent for Nutrition information requirements had only minor formatting errors as their most severe level of inconsistency (76%, 831 labels and 70%, 765 labels respectively). The proportion of labels with significant omissions or inconsistencies amongst labels collected was very similar in both 2006 (20%, 219 labels) and 2005 (19%, 205 labels). Moderate inconsistencies were also proportionately similar in 2006 (9%, 103 labels) and 2005 (5%, 61 labels).

There were similar inconsistencies reported in 2006 and 2005, due to the NIP being absent (1% of NIP inconsistencies, 30 inconsistencies and 2% of NIP inconsistencies, 47 inconsistencies respectively) or illegible (<1% of NIP inconsistencies, 2 inconsistencies and <1% of inconsistencies, 8 inconsistencies respectively). Incorrect or absent NIP borders were a major reason for the NIP on a label being assessed as inconsistent in both 2005 and 2006 (51% of NIP inconsistencies, 1056 inconsistencies and 41% of NIP inconsistencies, 1009 inconsistencies respectively). There were more inconsistencies relating to general reasons, serving information, nutrients and nutrient values in 2006 compared with 2005. There were fewer inconsistencies relating to panel heading and columns in 2006 compared with 2005 (2005 data not shown).

Table 26. Comparison of severity of inconsistency of NIP for labels collected in 2005 and 2006

Severity of inconsistency	Number of labels with a NIP assessed as inconsistent		Percentage of total number of labels assessed as inconsistent with NIP provisions	
	2005	2006	2005	2006
Minor formatting inconsistencies	831	765	76	70
Moderate inconsistencies	61	103	5	9
Significant omissions & inconsistencies	205	219	19	20
Overall results	1097	1087	100	100

4.2.17 Assessment of Percent characterising ingredient labelling requirements on labels collected in 2006

Of the total label collection, 55% (727 labels) were assessed as requiring or voluntarily providing Percent characterising ingredient labelling (Table 27). Of these 727 labels, 97% (703 labels) were consistent with the characterising ingredient labelling provisions, in that information on characterising ingredients present in the food was provided correctly where required. All labels assessed for this label element were assessed as consistent in the following five food categories:

- Edible oils and oil emulsions
- Ice cream and edible ices
- Confectionery
- Cereals and cereal products
- Foods intended for particular dietary use.

No labels in the food categories Eggs and egg products, and Sugars, honey and related products were assessed for this label element. All remaining food categories had a relatively high proportion of consistent labels, ranging from 92% (Fruit and vegetables) to 98% (Bread and bakery products, and Fish and fish products).

The food categories with comparatively high levels of inconsistencies, as a proportion of the total labels in that category assessed for percent characterising ingredient labelling, were Fruit and vegetables (8%, 6 labels) and Dairy (7%, 2 labels).

All inconsistencies were due to the absence of percent characterising ingredient information for ingredients emphasised in the name of the food or in the product description.

Table 27. Consistency status of Percent characterising ingredients for labels collected in 2006, by food category

Food category	Total number of labels assessed for Percent characterising ingredients	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	29	27	(93)	2	(7)
2. Edible oils and oil emulsions	8	8	(100)	0	(0)
3. Ice cream and edible ices	19	19	(100)	0	(0)
4. Fruit and vegetables	74	68	(92)	6	(8)
5. Confectionery	46	46	(100)	0	(0)
6. Cereals and cereal products	27	27	(100)	0	(0)
7. Bread and bakery products	117	115	(98)	2	(2)
8. Meat and meat products	75	71	(95)	4	(5)
9. Fish and fish products	50	49	(98)	1	(2)
10. Eggs and egg products*	0	-	-	-	-
11. Sugars, honey and related products*	0	-	-	-	-
12. Foods intended for particular dietary use	8	8	(100)	0	(0)
13. Non alcoholic beverages	40	38	(95)	2	(5)
14. Mixed foods	234	227	(97)	7	(3)
Overall results	727	703	(97)	24	(3)

* No labels were assessed for percent characterising ingredient labelling in the food categories Eggs and egg products, and Sugars, honey and related products.

4.2.18 Comparison of Percent characterising ingredients on labels collected in 2005 and 2006

Of the 807 labels that were assessed as requiring or voluntarily providing Percent characterising ingredient labelling in 2005, 89% were consistent with the labelling provisions for this label element (Table 28). In 2006, 97% of the 727 labels assessed for Percent

characterising ingredient labelling were consistent with the Code. In 2005, two food categories, Edible oils and oil emulsions and Foods intended for particular dietary use, were 100% consistent with labelling provisions, however only eight and eleven labels were assessed for these categories, respectively. These food categories were also 100% consistent in 2006, in addition to a further three categories: Ice cream and edible ices; Confectionery; and Cereals and cereal products.

All food categories assessed for this label element in 2006 were greater than 90% consistent with labelling provisions (ranging from 92% to 100% consistent). In 2005, five food categories were less than 90% consistent, these were:

- Fruit and vegetables (79% consistent, 84 labels)
- Bread and bakery products (85%, 92 labels)
- Meat and meat products (83%, 63 labels)
- Fish and fish products (89%, 49 labels)
- Sugars, honey and related products (67%, 2 labels) (noting that only three labels were assessed).

In both years, all inconsistencies were due to the absence of percent characterising ingredient information for ingredients emphasised in the name of the food or in the product description.

Assessments on labels collected in 2003 were carried out using the same methodology as assessments on labels collected in 2005 and 2006 for percent characterising ingredients allowing for a comparison of results among the 2003, 2005 and 2006 surveys. In 2003, 70% of labels assessed for percent characterising ingredients labelling provisions were consistent with the Code. In 2003, reasons for inconsistency were due to characterising ingredients given in the product name or description not being declared, and characterising ingredients given in pictures or graphics on the label not being declared.

Table 28. Comparison of consistency status of Percent characterising ingredients for labels collected in 2005 and 2006, by food category*

Food category	Consistency Status			
	2005		2006	
	Total number of labels assessed	% Consistent	Total number of labels assessed	% Consistent
1. Dairy	24	96	29	93
2. Edible oils and oil emulsions	8	100	8	100
3. Ice cream and edible ices	23	96	19	100
4. Fruit and vegetables	106	79	74	92
5. Confectionery	55	96	46	100
6. Cereals and cereal products	54	96	27	100
7. Bread and bakery products	108	85	117	98
8. Meat and meat products	76	83	75	95
9. Fish and fish products	55	89	50	98
10. Eggs and egg products*	0	-	0	-
11. Sugars, honey and related products*	3	67	0	-
12. Foods intended for particular dietary use	11	100	8	100
13. Non alcoholic beverages	50	90	40	95
14. Mixed foods	234	90	234	97
Overall results	807	89	727	97

* No labels were assessed for percent characterising ingredient labelling in the food category Eggs and egg products in 2005 and 2006 and in the food category Sugars, honey and related products in 2006.

4.2.19 Assessment of Altered labels collected in 2006

None of the 1311 labels collected in 2006 were identified as having an altered label, where a new label is placed entirely over an incorrect one.

4.2.20 Comparison of Altered labels collected in 2005 and 2006

One label out of 1399 collected in 2005 was assessed as having an altered label that was not consistent with the labelling provisions. On this label a second label with only the description 'Thai Nibbles' obscured the label information for a product labelled as 'fresh chicken pieces'. As previously discussed, no altered labels were identified amongst the 1311 labels collected in 2006.

4.2.21 Assessment of Product specific labelling on labels collected in 2006

Eighteen labels out of the 1311 collected in 2006 were identified as requiring product specific labelling. Of these 18 labels, three labels were assessed as having product specific labelling that was not consistent with the labelling provisions. These included one label in the food category Foods intended for particular dietary use. This label was assessed as not meeting the

labelling provisions of Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods, whereby a label on a package of formulated supplementary food must include a description of the role of the food as a supplement to a normal diet.

Two labels assessed in the food category Non alcoholic beverages were assessed as inconsistent with the labelling provisions of Standard 2.6.2 – Non Alcoholic Beverages and Brewed Soft Drinks. Both of these labels were for electrolyte drinks and were assessed as inconsistent as they failed to include a declaration of total carbohydrate, including each type of monosaccharide and disaccharide.

4.2.22 Comparison of Product specific labelling on labels collected in 2005 and 2006

One label out of 1399 collected in 2005 was assessed as inconsistent with the requirements for Product specific labelling (compared with three labels out of 1311 collected in 2006). The inconsistent label in 2005 was for an electrolyte drink in the food category Foods intended for particular dietary use. As with two of the three inconsistent labels in 2006, the inconsistent label in 2005 was assessed as not meeting the labelling provisions of Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks because it did not include a declaration of total carbohydrate present, including each type of monosaccharide and disaccharide.

4.2.23 Assessment of labels collected in 2006 against the new Country of Origin Labelling provisions

In Australia, Standard 1.2.11 of the Code requires that a label on a package of food must include a statement that identifies the country in which the food was made, produced, manufactured or packaged for retail sale, with provisions for food constituted from ingredients imported into a country or made from local and imported ingredients. The new Standard became law on 8 December 2005 and was phased in over a two-year period. Although labels were collected during the transition period, they were assessed against the provisions of the new Standard. These new labelling provisions do not apply to foods sold in New Zealand and therefore, although information regarding the country of origin was recorded for labels collected in New Zealand, labels collected in New Zealand were not assessed for consistency for this element.

Table 29 provides a breakdown of claimed Country of Origin of products, based on the Country of Origin statements provided on labels collected in both Australia and New

Zealand. Forty-two percent of the labels collected (549 labels) in either country originated from Australia, and 22% (288 labels) originated from New Zealand. Small numbers of labels originated from 29 different countries; these have not been listed where there were less than 10 labels per country. Some labels either did not specify the country of origin or were inadvertently not assessed for Country of Origin (10%, 137 labels). For 6% of labels (77 labels) the country of origin could not be determined due to the use of languages other than English or uncommon abbreviations. The majority of labels (66%, 51 labels) in this latter group were collected in New Zealand where CoOL provisions do not apply and, as such, these did not undergo a consistency assessment.

Table 29. Claimed Country of Origin of products collected in Australia and New Zealand in 2006

Country of Origin	Number of labels	Percentage of labels
Australia	549	42
New Zealand	288	22
Italy	33	3
China	27	2
Germany	28	2
Thailand	28	2
UK	16	1
Japan	15	1
Other (23 countries with < 10 labels each)	113	9
Unspecified/ Not assessed	137	10
Indeterminable*	77	6
Total	1311	100

* The country of origin could not be determined due to the use of languages other than English or uncommon abbreviations.

All 727 labels collected in Australia were assessed for Country of Origin statements. Country of Origin Labelling was consistent with the new labelling provisions on all labels in the food categories Edible oils and oil emulsions (9 labels), Ice cream and edible ices (12 labels) and Foods intended for particular dietary use (9 labels). As shown in Table 30, consistency with the new provisions in the remaining food categories ranged from 83% (Eggs and egg products) to 97% (both Cereals and cereal products and Mixed foods).

Table 30. Consistency status of Country of Origin labelling for labels collected in 2006, by food category

Food category	Total number of labels assessed for Country of origin labelling*	Consistency Status			
		Consistent		Inconsistent	
		Number	(%)	Number	(%)
1. Dairy	49	46	(94)	3	(6)
2. Edible oils and oil emulsions	9	9	(100)	0	(0)
3. Ice cream and edible ices	12	12	(100)	0	(0)
4. Fruit and vegetables	107	103	(96)	4	(4)
5. Confectionery	44	41	(93)	3	(7)
6. Cereals and cereal products	37	36	(97)	1	(3)
7. Bread and bakery products	109	103	(94)	6	(6)
8. Meat and meat products	53	51	(96)	2	(4)
9. Fish and fish products	41	39	(95)	2	(5)
10. Eggs and egg products	6	5	(83)	1	(17)
11. Sugars, honey and related products	9	8	(89)	1	(11)
12. Foods intended for particular dietary use	9	9	(100)	0	(0)
13. Non alcoholic beverages	58	53	(91)	5	(9)
14. Mixed foods	184	178	(97)	6	(3)
Overall results	727	693	(95)	34	(5)

An assessment of the type of Country of Origin statements on the 727 labels collected in Australia is presented in Table 31.

Thirty-three percent of all labels (237 labels) collected in Australia were assessed as having consistent 'Product of' type of statements.

Fifty percent of labels (361 labels) were assessed as having 'Made in' type of statements, 58% of these (210 labels) were assessed as having qualified 'Made in' types of statements (e.g. 'Made in Australia from local and imported ingredients') and 42% of these (151 labels) were assessed as having unqualified 'Made in' types of statements (e.g. 'Made in Australia').

Other types of Country of Origin representations were also assessed on the labels collected in Australia. These representations were found on 11% of the labels (78 labels) collected in Australia. Examples include Country of Origin implied by brand name, national flags, symbols and emblems. Some of these representations also used qualifiers.

Table 31. Type of Country of Origin representations on labels collected in Australia in 2006

Type of Country of Origin representation	Number of labels assessed for Country of Origin Labelling
Product of	237
Made in, qualified statements	210
Made in, unqualified statements	151
Other*	78
Absent or inconsistent	34
Unspecified/ Not assessed	17
Total	727

* Includes Country of Origin statements implied by brand name, national flags, symbols or emblems.

Five percent of labels (34 labels) did not carry Country of Origin information, or were assessed as having inconsistent Country of Origin statements. Table 32 shows that of the 34 labels with absent or inconsistent statements, 32 labels did not carry Country of Origin information. The two labels with statements that were inconsistent with the new provisions were assessed as such because they used inconsistent ‘Product of’ statements, as they used a qualifier in conjunction with a ‘Product of’ statement. Seventeen labels were inadvertently not assessed for their specific type of Country of Origin representations.

Table 32. Number of labels collected in Australia with Country of Origin Statements assessed as absent or inconsistent

Reason for assessment as absent or inconsistent Country of Origin	Number of labels assessed as having unspecified Country of Origin
Statement absent	32
Statement inconsistent	2
Total	34

4.2.24 Comparison of Country of Origin Labelling on labels collected in 2005 and 2006

In breaking down the claimed Country of Origin of products, based on the Country of Origin statements provided on labels, in both 2005 and 2006, similar proportions of labels collected in Australia and New Zealand claimed Australia (43%, 596 labels and 42%, 549 labels respectively) or New Zealand (28%, 393 labels and 22%, 288 labels respectively) to be the country of origin. In both 2005 and 2006 small numbers of labels originated from other countries (31 other countries in 2005 and 29 other countries in 2006). In both years, the country of origin could not be determined due to the use of languages other than English or uncommon abbreviations on some labels (4%, 62 labels in 2005 and 6%, 77 labels in 2006). In both 2005 and 2006, the majority of labels in this latter group were collected in New Zealand where CoOL provisions do not apply (2005 data not shown). As previously

mentioned, although information regarding the country of origin was recorded for labels collected in New Zealand, labels collected in New Zealand did not subsequently undergo a consistency assessment for this element.

Consistency with the new provisions according to Food category was not reported in 2005; therefore a comparison of this type cannot be made with the 2006 data.

Of the labels collected in Australia in 2005 and 2006, a similar proportion in both years carried consistent ‘Product of’ type statements (32% and 33% respectively) and slightly less in 2005 than in 2006 carried consistent ‘Made in’ type statements (44% and 50% respectively) (Table 33). Labels carrying other types of Country of Origin representations (such as Country of Origin implied by brand name, national flags, symbols and emblems) were present on a slightly smaller proportion of labels in 2006 (11%) than in 2005 (16%).

A greater proportion of labels did not carry Country of Origin information or were inconsistent with the new provisions in 2005 than in 2006 (9% and 5%, respectively).

Table 33. Comparison of type of Country of Origin representations on labels collected in Australia in 2005 and 2006

Type of Country of Origin representation	Percentage of labels assessed for Country of Origin Labelling*	
	2005	2006
Product of	32	33
Made in, qualified statements	20	29
Made in, unqualified statements	24	21
Other**	16	11
Absent or inconsistent with new provisions	9	5
Unspecified/ Not assessed	-	2
Total	100	100

* Number of labels assessed 2005=746, 2006=727.

** Includes Country of Origin claims implied by brand name, national flags, symbols or emblems.

4.2.25 Assessment of labels collected in 2006 against Trade practices legislation

All labels were assessed against trade practice requirements for truth of labelling. A total of 3 labels (less than 1%) were assessed as making false, misleading or deceptive representations, based on the information provided.

The details of these representations are as follows:

- A product name referred to an ingredient whereas the product only contained flavouring, in this case 'banana muffins' that did not contain banana.
- A product name referred to 'tropical fruit juice', whereas tropical fruits did not make up the predominant fruit-based ingredient. This particular product was made from over 90% apple juice.
- A product in the food category Mixed foods made the claim 'Dairy Free', however was also labelled with the statement 'May contain traces of nuts, soy & dairy'.

4.2.26 Comparison of labels collected in 2005 and 2006 against Trade practices legislation

In both 2005 and 2006, all labels collected were assessed against trade practice requirements for truth of labelling. Three labels in 2006 were assessed as making false, misleading or deceptive representations, which compares with 12 labels in 2005. In both years, a number of labels were assessed as inconsistent for not containing an ingredient referred to in the product name (3 labels in 2005 and 1 label in 2006), or referring to a specific type of fruit in the product name when these fruits did not make up the predominant fruit-based ingredient (2 labels in 2005 and 1 label in 2006). Other reasons for a label being assessed as misleading in 2005 that were not identified on labels in 2006 included: a product that referred to 'fresh' and 'all natural' yet contained food additives and preservatives; and a product that provided two ingredient lists, both of which were different despite referring to the same product.