

# How to Run a Healthy Business

## Labelling requirements

The following is only a guide to the requirements under labelling laws. You must check the FSANZ Food Standards Code which covers in detail the labelling laws that apply to both food for retail sale and to food for catering purposes. For exact details of the requirements please contact FSANZ or refer to the FSANZ web site [www.foodstandards.gov.au](http://www.foodstandards.gov.au) where you can access the Food Standards Code and 'User Guides'.

### How are packaging and labelling requirements checked?

Your Environmental Health Officer (EHO) will check whether you are meeting these requirements as part of the regular visits to your business.

Also on a random basis, samples of different foods are purchased to check that they meet with the labelling and packaging requirements for that food.

Under the Food Act it is an offence not to meet the labelling requirements. This can lead to Council taking legal action and fines of up to \$200,000.

### Labelling requirements

The NEW labelling requirements allow consumers to make informed choices about the food they buy. Changes such as; *allergen labelling* which is vital to those with allergies to foods and *mandatory nutrition information* which provides important nutritional information to consumers. The customer has the right to know what the ingredients are in a particular food.

The main general labelling requirements cover:

- prescribed name;
- legibility requirements;
- food recall information;
- ingredient listing;
- date marking;
- nutrition labelling;
- percentage labelling;
- direction for use and storage;
- country of origin;

- mandatory warning and advisory statements and declarations.

### General labelling requirements

The label on a package of food for retail sale or for catering purposes generally **MUST** include the following essential information:

#### 1. Prescribed name

Name of the food product or where no name is known, a name or description of the food that clearly states the true nature of the food. Labels must tell the truth.

#### 2. Legibility requirements

Labels must be clear, in full view and in English. The type size of warning statements must be no less than 3mm high or not less than 1.5mm for small packages.

#### 3. Food recall information

In the event of a food recall labels must have the name and business address in Australia or New Zealand, or the manufacturer or importer. Also, the lot and batch number of the food, and where the food was packed or prepared.

#### 4. Ingredient listing

Ingredients, additives and compound ingredients used in the manufacture of the food must be listed from greatest to smallest order of ingoing weight.

#### 5. Date marking

Packaged foods that have a shelf life of two years or less must have a 'use by' or 'best before' date. 'Best before' may still be safe to eat though may have lost quality and nutritional value. Foods that must be consumed within a certain time for health and safety reasons must have a 'use by' date. Food labelled with a 'use by' date cannot be sold after the given date.

#### 6. Nutrition labelling

Nutrition labelling is generally required and must be displayed as a *nutrition information panel*, in a certain format, that sets out the energy, protein, fat, saturated fat, carbohydrate, sugars and sodium content of the food.

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## 7. Percentage labelling

Packaged foods will require labels that show the percentages of the main or key ingredients of the food product. ie the amount of meat in a meat pie.

## 8. Direction for use and storage

Where, due to the nature of the food and reasons of health or safety, consumers need directions about the use or storage of the food. This information is mandatory for the product to remain safe until its 'use by date'. eg refrigerate after opening or store away from sunlight.

## 9. Country of origin

A statement is required that identifies the country in which the food was made or produced.

## 10. Mandatory warning and advisory statements and declarations

For reasons of health and safety, the new Code requires that certain information is mandatory and **MUST** be provided to consumers. This requirement applies to **all foods**, even those exempt from having a label.

This information may be in the form of:  
a mandatory prescribed statement (which includes warning statements);  
a mandatory advisory statement; or  
a mandatory declaration.

The type of statement will depend on the degree of risk to the health and safety of consumers.

### Prescribed statements

**Prescribed statements** are specific labelling statements that must be written in the **exact** words and format stated in the Code and includes:

- warning statements, and
- statements on food produced using gene technology.

Warning statements are required on:

- condensed milk, modified milk and skim milk;
- kava;
- infant formula products;
- food for infants;
- formulated supplementary sports foods; and
- royal jelly presented as a food and food containing royal jelly.

### Examples

*Kava* - 'Use in moderation'

*Food for infants* - 'Not recommended for infants under the age of 4 months'.

Genetically modified foods require a prescribed statement on the label that the food or ingredient is 'genetically modified'.

These statements must always be written on the food label or, in the case of foods exempt from having a label, on the food package or in connection with the display of the food.

### Mandatory advisory statements

Where there is a possible health risk caused by certain foods or substances found in food that people may be unaware of, a mandatory advisory statement must be placed on the label to let people know.

**Mandatory Advisory statements** are required for foods or substances present in foods such as:

- irradiated foods;
- formulated meal replacements;
- formulated supplementary foods;
- formulated supplementary sports foods;
- unpasteurised milk and liquid milk products;
- food containing aspirin; ~~Platanol~~
- unpasteurised egg products;
- food containing quinine;
- kola beverages containing added caffeine
- food containing guarana or extracts of guarana;

- foods containing polyols or polydextrose above certain levels (*sweeteners*).

### **Examples**

*Unpasteurised products* - Statement to the effect that the product has not been pasteurised.

*Kola beverages containing added caffeine* - Statement to the effect that the product contains caffeine.

In the case where foods are **exempt from having a label and require mandatory advisory statements**, the information may be provided either:

- by a sign displayed on or in connection with the display of the food, or
- verbally or in writing if requested by the purchaser.

This means that in a restaurant situation the information provided to the customer could be verbal, or written on the menu.

### **Mandatory declarations**

The most common foods, ingredients or main part of an ingredient that can cause some people serious harmful reactions must be declared on the label however small the amount. This declaration is usually in the ingredient list.

**Mandatory declarations** are required when certain substances are present in food as:

- an ingredient;
- part of a compound ingredient;
- food additive or main part of a food additive; or
- processing aid or main part of a processing aid.

And includes:

- cereals and cereal products containing gluten namely; wheat, rye, barley, oats, spelt and their hybridised strains;
- crustacea (shellfish) and their products;
- egg and egg products;
- fish and fish products;

- milk and milk products;
- nuts and sesame seeds and their products;
- peanuts and soybeans and their products;
- added sulphites in concentrations of 10mg/kg or more;
- royal jelly presented as a food or royal jelly present in a food;
- bee pollen; and
- propolis (bee products).

### **Example**

Peanut oil is used as an ingredient in a stir-fry and therefore needs to be declared as an ingredient.

In the case where foods are **exempt from having a label and require mandatory declarations**, the information may be provided either:

- by a sign displayed on or in connection with the display of the food, or
- verbally or in writing if requested by the purchaser.

This means that in a restaurant situation the information provided to the customer could be verbal, or written on the menu.

### **Additional general information requirements**

In addition to the core requirements there are requirements that cover the following:

- health claims;
- nutrition claims;
- labelling in relation to the vitamin and mineral content;
- labelling of irradiated food or food containing ingredients that have been irradiated; and
- novel foods.

**Commodity specific labelling requirements** require that specific information be provided on the label of certain classes/types of food such as:

- meat and meat products;
- fish and fish products;

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- edible oils;
- fruit juice and vegetable juice;
- non alcoholic beverages and brewed soft drinks;
- kava;
- labelling of alcoholic beverages and food containing alcohol;
- wine and wine product;
- spirits;
- honey;
- infant formula products;
- foods for infants;
- formulated meal replacements and formulated supplementary foods;
- formulated supplementary sports foods; and
- salt and salt products.

### Exemptions from labelling requirements

Some foods are generally **exempt** from some of the labelling requirements and these include:

- food that is not packaged;
- food in an inner package that is sold in an outer package, except individual portion packs, which contain substances that must be declared;
- food made and packaged from the premises from which it is sold;
- food packaged in front of the purchaser;
- whole or cut fresh fruit and vegetables, (except sprouting seeds eg alfalfa), where the nature and quality can still be seen through the packaging;
- food delivered packaged, and ready to eat, as ordered by the customer;
- food sold at a fundraising event.

**Please note;** even when exempt from displaying a label certain information about a food **MUST** be available to the consumer. Eg Information covered by **Mandatory warning and advisory statements and declarations.**

### Small packages

**Small packages** are defined as packages with a surface area of less than 100cm<sup>2</sup>. Packages of this size have labelling and other information requirements applied differently and are exempt from certain requirements.

For further information refer to the Packaging and Labelling fact sheet and the FSANZ web site [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

**Important.** The information that is provided in this fact sheet is only a guide to the labelling requirements. You must check the FSANZ Food Standards Code for exact details.