

Overview and Application of Food Labelling and Information Requirements

User Guide

to

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

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Contents

Contents	2
Background	4
Food Standards in Australia and New Zealand	4
Responsibility of food businesses	4
Purpose of this User Guide	5
Part A – Overview	5
A1 Introduction	5
A2 Labelling and Information Requirements for Food – Overview	5
A3 Determining what labelling and information requirements apply, what exemptions apply and how information can be provided.....	6
A4 Relevant Standards.....	9
A5 Overview of labelling and information requirements in Chapter 1 of the Code.....	11
A6 Labelling requirements for specific food products.....	18
A7 Representations about food	19
A8 Frequently asked questions	20
Part B – Food for Retail Sale, including Hampers and Vending Machines	21
B1 What is food for retail sale?.....	21
B2 Information and labelling requirements for food for retail sale	21
B3 Exemptions from labelling, and information requirements that apply to food for retail sale	22
B4 Hampers	29
B5 Vending machines.....	30
B6 Examples	32
Part C – Foods for Catering Purposes	38
C1 What is food for catering purposes?	38
C2 How to provide information required for foods for catering purposes	38
C3 Labelling of food for catering purposes.....	38
C4 Other prescribed information for food for catering purposes.....	40
C5 Information requested by the purchaser or relevant authority	41
C6 Example	41
Part D – Foods not for Retail Sale, not for Catering Purposes, and not for Intra Company Transfer	43
D1 What is food not for retail sale etc?	43
D2 Information and labelling requirements for food for not for retail sale etc.....	43
D3 Information that can be requested by the purchaser or relevant authority	44
D4 Example	44
Part E – Food in Small Packages	46
E1 What is a small package?	46
E2 Specific exemptions from labelling requirements for small packages	46
E3 Information and Labelling Requirements	46
E4 Example.....	47

Where can I get more information?	49
Food Standards Australia New Zealand	49
Other user guides to the Code on the FSANZ website.....	49
Consumer protection legislation information	49
Trade measurement legislation information	49
Glossary.....	50

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

Part A Overview

A1 Introduction

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

A2 Labelling and Information Requirements for Food – Overview

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

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

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

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

Weights and measures declarations

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

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

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

Advertising

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

Code reference

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

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

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

Part B – Food for retail sale, including hampers and vending machines

Part C – Food for catering purposes

Part D – Food not for retail sale, not for catering purposes, and not for intra company transfer

Part E – Food in small packages.

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

Food for Retail Sale, including hampers and vending machines

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

Code Definition

Standard 1.2.1

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

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

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

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

Code reference

Clause 2 of Standard 1.2.1 sets out the labelling requirements of food for retail sale, including exemptions.

User guide reference

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

Food for Catering Purposes

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

Code Definition

Standard 1.2.1

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

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

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

Code Reference

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

User guide reference

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

Food provided by Prisons, Hospitals, and other Similar Institutions

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

Food for Intra Company Transfer

Intra company transfer is defined in the Code as follows:

Code Definition

Standard 1.2.1

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

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

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

Food not for retail sale, not for catering purposes and not for intra company transfer

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

Code reference

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

User guide reference

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

Food Sold in Small Packages

Small package is defined in the Code as follows:

Code Definition

Standard 1.1.1

Small package means a package with a surface area of less than 100 cm².

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

User guide reference

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

A4 Relevant Standards

General standards

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

Table 1: Chapter 1 Standards with labelling provisions and applicable user guides

Standard	User Guide
Standard 1.1.1 – Preliminary Provisions— Application, Interpretation and General Prohibitions	Some definitions from this Standard are included in the Glossary to this User Guide.
Standard 1.1A.2 – Transitional Standard for Health Claims	See section A5 of this User Guide
Standard 1.1A.6 – Transitional Standard for Special Purposes Foods (including amino acid modified foods) (New Zealand only)	See section A5 of this User Guide
Standard 1.2.1 – Application of Labelling and Other Information Requirements	This User Guide
Standard 1.2.2 – Food Identification Requirements	See section A5 of this User Guide
Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations	Warning and Advisory Statements and Declarations
Standard 1.2.4 – Labelling of Ingredients	Ingredient Labelling of Foods
Standard 1.2.5 – Date Marking of Food	Date Marking
Standard 1.2.6 – Directions for Use and Storage	See section A5 of this User Guide
Standard 1.2.7 – Nutrition, Health and Related Claims	See section A5 of this User Guide Nutrition Information
Standard 1.2.8 – Nutrition Information Requirements	Nutrition Information

Standard	User Guide
Standard 1.2.9 – Legibility Requirements	Legibility Requirements for Food Labels
Standard 1.2.10 – Characterising Ingredients and Components of Food	Percentage Labelling of Food
Standard 1.2.11 – Country of Origin Labelling (Australia Only)	See section A5 of this User Guide
Standard 1.3.2 – Vitamins and Minerals	Nutrition Information
Standard 1.5.1 – Novel Foods	See section A5 of this User Guide
Standard 1.5.2 – Food Produced using Gene Technology	See section A5 of this User Guide
Standard 1.5.3 – Irradiation of Food	See section A5 of this User Guide

Food Product standards

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

Table 2: Chapter 2 Standards with labelling provisions and applicable user guides

Standard	User Guide
Standard 2.2.1 – Meat and Meat Products	Meat and Meat Products
Standard 2.2.3 – Fish and Fish Products	See section A6 of this User Guide.
Standard 2.4.1 – Edible Oils	See section A6 of this User Guide.
Standard 2.6.1 – Fruit Juice and Vegetable Juice	See section A6 of this User Guide.
Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks	See section A6 of this User Guide.
Standard 2.6.3 – Kava	See section A6 of this User Guide.
Standard 2.6.4 – Formulated Caffeinated Beverages	See section A6 of this User Guide.
Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol	Alcoholic beverages
Standard 2.7.4 – Wine and Wine Product	Alcoholic beverages
Standard 2.7.5 – Spirits	Alcoholic beverages
Standard 2.8.2 – Honey	See section A6 of this User Guide.
Standard 2.9.1 – Infant Formula Products	See section A6 of this User Guide.
Standard 2.9.2 – Foods for Infants	See section A6 of this User Guide.
Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods	See section A6 of this User Guide.
Standard 2.9.4 – Formulated Supplementary Sports Foods	See section A6 of this User Guide.

Standard	User Guide
Standard 2.9.5 – Food for Special Medical Purposes	See section A6 of this User Guide. Note that not all of the labelling requirements in Part 1.2 of the Code apply to food for special medical purposes.
Standard 2.10.2 – Salt and Salt Products	See section A6 of this User Guide.

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

Standard 1.2.9 – Legibility Requirements

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

Other user guides

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

Standard 1.2.2 – Food Identification Requirements

Prescribed name

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

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

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

Name or description of the food

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

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

Example

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

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

Code reference

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

Lot identification

Lot identification is needed to assist in the rare event of a food recall. The lot identification indicates in a clearly identifiable form, the *lot* a food comes from as well as the premises where the food was packed or prepared. The *lot* is a quantity of food which is prepared or packed under essentially the same conditions, usually from a particular preparation or packing unit and during a particular time ordinarily not exceeding 24 hours.

A date mark and the supplier's address may be sufficient to satisfy the requirements of lot identification but this would need to be considered for each food on a case by case basis.

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

Code reference

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

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

Name and business address of supplier

The supplier's name and Australian or New Zealand business address must be included on the label on a package of food to assist in the rare event of a food recall. This makes the identification and notification process easier.

According to the Code, the supplier of the food could be the packer, manufacturer, vendor or importer of the food.

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

Code reference

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

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

Standard 1.2.3 – Mandatory warning and advisory statements and declarations

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

Code reference

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

Standard 1.2.3 identifies advisory statements and other declarations that may be required.

Other user guides

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

Standard 1.2.4 – Labelling of ingredients

Unless specifically exempt, the label on a package of food must list all the ingredients used in the preparation, manufacture or handling of the food, including the ingredients of compound ingredients. Ingredients include food additives. Standard 1.2.4 sets out specific requirements for how this information must be presented.

Code reference

Standard 1.2.4 identifies the requirements for ingredient listing.

Clauses 2 and 3 of Standard 1.2.4 list exemptions from requirements relating to statements of ingredients.

Other user guides

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

Standard 1.2.5 – Date marking of food

A date mark must be provided unless an exemption applies. A date mark will be in the form of a *best-before* date or a *use-by* date, although bread with a shelf life of less than seven days may

have a *baked-on* date or *baked-for* date instead of a *best-before* date. A *use-by* date is required when, for health or safety reasons, a food should not be consumed after a certain date.

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

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

Code reference

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

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

Paragraphs 2(1)(c) and (d) set out exemptions to the general requirements for date making.

Other user guides

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

Standard 1.2.6 – Directions for use and storage

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

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

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

Code reference

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

Standard 1.2.7 – Nutrition, health and related claims

This Standard sets out conditions for nutrition content claims and health claims about food, on labels and in advertisements. The Standard also describes the circumstances in which endorsements can be provided on labels or in advertisements.

Food businesses have until 18 January 2016 to ensure they meet Standard 1.2.7. During this time, health claims must comply with either the new Standard (1.2.7) or the Transitional Standard (1.1A.2).

Nutrition content claims are claims about the content of certain nutrients or substances in a food, such as *low in fat* or *good source of calcium*. These claims need to meet certain conditions set out in the Standard. For example, with a *good source of calcium* claim, the food will need to contain not less than the amount of calcium specified in the Standard.

Health claims refer to a relationship between a food and health rather than a statement of content. There are two types of health claims:

General level health claims refer to a nutrient or substance in a food and its effect on a health function. For example: *calcium is good for bones and teeth*.

High level health claims refer to a nutrient or substance in a food and its relationship to a serious disease or to a biomarker of a serious disease. For example: *Diets high in calcium may reduce the risk of osteoporosis in people 65 years and over*.

Food businesses wanting to make general level health claims can base their claims on one of the pre-approved food-health relationships in the Standard (Schedule 3) or self-substantiate a food-health relationship in accordance with detailed requirements set out in the Standard.

High level health claims must be based on a food-health relationship pre-approved by FSANZ. There are currently 13 pre-approved food-health relationships for high level health claims listed in the Standard (Schedule 2).

Health claims will only be permitted on foods that meet the nutrient profiling scoring criterion (NPSC), among other criteria.

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

Code reference

Standard 1.1A.2 – Transitional Standard for Health Claims is a transitional standard that operates concurrently with Standard 1.2.7 until January 2016, when Standard 1.1A.2 will cease to operate. Until then, suppliers can rely on either Standard 1.2.7 or Standard 1.1A.2, but not both. Standard 1.1A.2 describes the requirements for health claims in relation to folate and includes prohibitions on certain representations or claims, including references to certain words or statements.

Standard 1.2.7 sets out the conditions for nutrition content claims and health claims.

Standard 1.2.8 includes labelling requirements when nutrition content claims and health claims are made.

Standard 1.3.2 includes conditions for claims made in relation to the vitamin and mineral content of certain foods.

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

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

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

Standard 1.2.8 – Nutrition information requirements

Subject to specific exemptions, a label on a package of food must display a nutrition information panel setting out specific information such as the average energy, protein, total fat, saturated fat, carbohydrate, total sugars and sodium content of the food on a per serving and per unit quantity (100 g or 100 ml) basis. A nutrition information panel must be in the prescribed format and must include the number of servings of the food in the package as well as the average quantity of the food in a serving.

There are additional nutrition labelling requirements that apply if you make a nutrition content claim or a health claim about the food.

Code reference

Standard 1.2.8 sets out the nutrition information requirements for food that is required to be labelled and for food exempt from the labelling requirements in the Code.

Standard 1.2.8 includes labelling requirements when certain claims are made.

Other user guides

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

Standard 1.2.10 – Characterising ingredients and components of food (percentage labelling)

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

Code reference

Standard 1.2.10 sets out the requirements for percentage labelling.

Other user guides

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

Standard 1.2.11 – Country of origin labelling (Australia only)

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

Code reference

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

Special purpose foods (including amino acid modified foods) (New Zealand only)

Amino acid modified food and *special purpose food* are defined in Standard 1.1A.6 - Transitional Standard for Special Purpose Foods (Including Amino Acid Modified Foods). The Standard also outlines the labelling requirements for these foods, which apply only to food produced in or imported into New Zealand. The Standard is a transitional standard and will cease to apply to foods for special medical purposes (defined in Standard 2.9.5) produced in or imported into New Zealand on the date on which Standard 2.9.5 commences. Other special purpose foods in New Zealand (including products formulated and represented for the management of overweight and obesity) will continue to be regulated under Standard 1.1A.6 until 2 years after any alternative provisions are made for such foods in the Code.

Code reference

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

Standard 1.5.1 – Novel foods

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

Code reference

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

Standard 1.5.2 – Food produced using gene technology

Genetically modified food is food that is, or contains as an ingredient or processing aid, a food produced using gene technology, which either contains novel DNA and/or novel protein, or has altered characteristics.

Food produced using gene technology, other than a substance regulated as a food additive or processing aid, must not be sold or used as an ingredient of component of any food unless it is listed and complies with conditions set out in the Schedule to Standard 1.5.2.

The label on a package of approved genetically modified food must include the statement *genetically modified* in conjunction with the name of the food, ingredient or processing aid. If a food for retail sale is unpackaged, then the information that otherwise would have been on the package must be displayed on or in connection with the display of the food at the point of retail sale.

Code reference

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

Standard 1.5.3 – Irradiation of food

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

Code Reference

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

A6 Labelling requirements for specific food products

In some cases, the Food Product Standards in Chapter 2 of the Code require that specific information is provided on the labels of certain classes or types of foods, in addition to the information outlined above.

Table 3: Examples of additional labelling required for certain commodities

Standard	Requirement
Standard 2.2.1 – Meat and Meat Products	Declaration of offal; fat declarations in relation to minced meat; labelling of formed or joined meat; prescribed names and the labelling of fermented comminuted manufactured meat and fermented comminuted processed meat.
Standard 2.2.3 – Fish and Fish Products	Labelling of formed or joined fish.
Standard 2.4.1 – Edible Oils	A declaration of any process used to alter the fatty acid composition of any specifically named edible oil.
Standard 2.6.1 – Fruit Juice and Vegetable Juice	Labelling of juice blends.
Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks	Labelling of electrolyte drinks and electrolyte drink bases; prohibition on labelling or presenting for sale non-alcoholic beverages as alcoholic beverages.
Standard 2.6.3 – Kava	Warning statement for kava.

Standard	Requirement
Standard 2.6.4 – Formulated Caffeinated Beverages	Compositional declarations in association with the nutrition information panel; advisory statements.
Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol	Alcohol by volume statements; standard drink labelling; representations about <i>low alcohol, non-intoxicating</i> and <i>non-alcoholic</i> .
Standard 2.7.4 – Wine and Wine Product	There are no labelling requirements in this Standard, but other relevant legislation that should be considered is listed in the Editorial note in this Standard.
Standard 2.7.5 – Spirits	Geographical indication conditions applying to spirits.
Standard 2.8.2 – Honey	Prescribed name for honey.
Standard 2.9.1 – Infant Formula Products	Specific labelling requirements, including prescribed names; prohibitions on certain representations and claims; directions for preparation, use and storage; conditions placed on lactose free and low lactose formulas; and warning and advisory statements.
Standard 2.9.2 – Foods for Infants	Conditions placed on particular claims made, prohibitions on certain representations; directions for use and storage; declarations relating to specific nutrient and energy information; and warning statements.
Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods	Declarations of average quantities of vitamins and minerals; conditions placed on certain claims about vitamins and minerals; advisory statements in relation to use, and prescribed names.
Standard 2.9.4 – Formulated Supplementary Sports Foods	Advisory statements in relation to use; warning statement; prescribed name; prohibition on certain representations; and conditions placed on certain claims made.
Standard 2.9.5 – Food for Special Medical Purposes	Only certain generic labelling provisions in Part 1.2 of the Code apply to foods for special medical purposes (FSMP) (refer to paragraph 3(1)(d) and Division 4). Some additional labelling statements specific to FSMP also apply (e.g. statements about medical supervision, sole source of nutrition, intended age group etc.) (refer to Division 4).
Standard 2.10.2 – Salt and Salt Products	Labelling of reduced sodium salt mixtures and salt substitutes.
Standard 2.10.3 – Chewing Gum	Conditions placed on claims about calcium in relation to chewing gum, and additional labelling requirements where a calcium claim is made.

A7 Representations about food

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

Food legislation in Australia and New Zealand include provisions relating to representations about food, i.e. the Food Acts of Australian states and territories and in New Zealand, the *Food Act 1981*.

Consumer Protection Legislation

The *Competition and Consumer Act 2010* (Australia) also has provisions relating to misleading and deceptive conduct, which apply to representations in food labelling, packaging or advertising. The Australian Competition and Consumer Commission (ACCC) enforces this Act.

In New Zealand, the *Fair Trading Act 1981* prohibits false and misleading consumer information. The Commerce Commission enforces this Act.

A8 Frequently asked questions

What type size and type style must be used on labels?

In general, any type style can be used provided that the information displayed is in English and is legible and prominent such as to afford a distinct contrast to the background.¹ Further requirements apply to specific warning statements, and country of origin statements.

Other user guides

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

Which labelling requirements apply to imported foods?

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

Who approves food labels?

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

Is it permissible to alter a label?

Clause 11 of Standard 1.1.1 allows a label to be altered by placing a new label over an incorrect one, as long as the new label is not able to be removed so that the incorrect information is visible and specific permission is obtained from the relevant authority responsible for enforcing requirements of the Code.

¹ However, clause 3 of Standard 1.2.9 sets out size of type requirements in relation to warning statements.

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

B1 What is food for retail sale?

Food for retail sale is defined in the Code.

Code Definition

Standard 1.2.1

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

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

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

B2 Information and labelling requirements for food for retail sale

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

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

Other User Guides

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

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

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

Exemptions from labelling requirements

Subclause 2(1) of Standard 1.2.1 lists specific circumstances where foods for retail sale do not need to bear a label setting out all the information prescribed in the Code. These foods are listed in Table 4 below.

Despite not being required to bear a label, there are information requirements that must nonetheless be complied with for these foods. The specific information requirements and options for how the information can be provided are detailed in the following section and Table 5.

Table 4: Foods for retail sale that are exempt from the general requirement to bear a label (under subclause 2(1) of Standard 1.2.1)

Exempt food	Reference in the Code	Notes and examples
Food not in a package	Standard 1.2.1 Subclause 2(1)(a) <i>Package</i> is defined in Standard 1.1.1	<p>The following may be examples of <i>food not in a package</i>:</p> <ul style="list-style-type: none"> • fruits or vegetables • hampers (although this exemption applies only to the outside of the hamper itself, it does not apply to food sold within the hamper). Although the definition of <i>package</i> in Standard 1.1.1 specifically excludes hampers, hampers have specific requirements – refer to subclause 2(4) of Standard 1.2.1 and to section B4 of this User Guide. • food dispensed by vending machines. Vending machines have specific requirements – refer to section B5 of this User Guide. <p>Food is not considered to be in a package if it is served on a covered plate, cup, tray or other food container within prisons, hospitals or other similar institutions listed in the Table to clause 8 of Standard 1.2.1 (refer to definition of <i>package</i> in Standard 1.1.1).</p>
Food in an <i>inner package</i> not designed for individual sale. Although <i>individual portion packs</i> in a container or wrapper with a surface area of 30cm ² or greater must bear a label containing information in accordance with	Standard 1.2.1 paragraph 2(1)(b)	<p>An <i>inner package</i> could, for example, include a package or packages of food contained within an outer pack, e.g. cellophane wrapped cracker biscuits.</p> <p>An <i>individual portion pack</i> could, for example, include single serve packages that would normally be removed from the outer package and consumed separately as an individual serve e.g. muesli bars, fruit bars, cheese sticks and single serve chocolates.</p> <p>Individual portion packs that have a surface area of 30 cm² or greater are required to bear a label with mandatory warning statements under clause 3 of Standard 1.2.3 and the mandatory declarations required under clause 4 of Standard 1.2.3 if they contain the foods or substances listed in these clauses. For</p>

Exempt food	Reference in the Code	Notes and examples
clauses 3 and 4 of Standard 1.2.3		example, statements or declarations for packs of food containing royal jelly, cereals containing gluten or peanuts.
Food made and packaged on the premises from which it is sold	Standard 1.2.1 paragraph 2(1)(c)	<p>This exemption may apply where food is made and packaged (e.g. weighed, dispensed, counted, or measured into a pack by the customer or retailer) on the same premises at which the retail sale takes place. Examples are pre-packaged filled rolls, sandwiches, bagels made, packaged and sold from a sandwich bar, and foods made, packaged and sold in a bakery, delicatessen, butchery or take away food outlet.</p> <p>This exemption may not apply where food items that are made and packaged at a site are then transported to another site for retail sale where no further preparation occurs, for example, a bakery that transports bread for retail sale to satellite bakeries. These items may need to comply with all the relevant labelling requirements, or there may be other labelling exemptions that are applicable.</p>
Food packaged in the presence of the purchaser	Standard 1.2.1 paragraph 2(1)(d)	Examples of this may include food packaged in the presence of the purchaser from a bulk food bin, a delicatessen, or a self-serve salad bar.
Whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables	Standard 1.2.1 paragraph 2(1)(e) <i>Fruit and vegetables</i> is defined in Standard 2.3.1 – Fruit and Vegetables (see Glossary to this User Guide)	<p>This exemption may include:</p> <ul style="list-style-type: none"> • bulk packs of fruit or vegetables sold in a mesh bag • whole or cut fruit or vegetables sold in clear plastic packaging, such as ready-to-eat vegetables and fruit salads.
Food delivered packaged and ready for consumption at the express order of the purchaser	Standard 1.2.1 paragraph 2(1)(f)	<p>This would include food:</p> <ol style="list-style-type: none"> 1) delivered packaged; 2) ready to consume (e.g. without further preparation or cooking); and 3) at the express order of the purchaser (e.g. where a consumer has ordered pizza to be delivered). <p>This exemption does not apply to food sold from a vending machine (subclause 2(3) of Standard 1.2.1). Vending machines have specific requirements – refer to section B5 of this User Guide.</p>
Food sold at fund raising events	Standard 1.2.1 paragraph 2(1)(g)	This exemption may apply where food is sold at an event <i>and</i> the funds raised at the event are solely for community or

Exempt food	Reference in the Code	Notes and examples
	<i>Fund raising events</i> ² is defined in Standard 1.1.1	charitable purposes and not for personal financial gain.
The food is packaged and displayed in an assisted service display cabinet	Standard 1.2.1 paragraph 2(1)(h) <i>Assisted service display cabinet</i> is defined in Standard 1.2.1	This exemption could include situations where a food business purchases packaged food, or unpackaged or bulk quantities of food, and packages the food into smaller portions, and then displays the packaged food in a cabinet for service to consumers. Examples may include: <ul style="list-style-type: none"> • a whole cake purchased by a cafe, cut into portions, wrapped in clear plastic food wrap and displayed in a cabinet, where the cafe operator will provide the food to the customer on request; and • doughnuts, slices, sandwiches, rolls and other similar items that are purchased by the food business and displayed packaged, in a cabinet, where the food business operator will provide the food to the customer on request. <p>The exemption is not intended to include foods, such as covered meat trays, displayed in a refrigerated cabinet where food can be self-selected by the customer without assistance, for example: in a supermarket setting where there is no assisted service.</p>

Information and labelling requirements for foods for retail sale exempt from bearing a label

Table 5 below details the information that is required for food for retail sale that is exempt from bearing a label in accordance with subclause 2(1) of Standard 1.2.1. The table also includes how food businesses must provide this information. Each requirement will not necessarily apply to every food product that is exempt from bearing a label, i.e. many relate only to specific foods, or in specific instances.

Table 5: Information requirements that must be met for foods for retail sale that are exempt from bearing a label under subclause 2(1) of Standard 1.2.1

Requirement	Code Reference	Provision of Information	Further information
Specific information regarding the name or, in some cases, the description of the food must be provided.	Subclause 1(2) of Standard 1.2.2	Displayed on or in connection with the display of the food, or, provided to the purchaser upon request.	Part A of this User Guide

² Fundraising organisers would also need to ensure that they are compliant with relevant local, state, territory or New Zealand legislation when conducting a fund raising event as specific requirements may apply.

Requirement	Code Reference	Provision of Information	Further information
Mandatory advisory statements that apply to specific foods as listed in the Table to subclause 2(2) must be provided.	Subclause 2(2) of Standard 1.2.3	Displayed on or in connection with the display of the food or provided to the purchaser upon request.	FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i> .
Advisory statement in relation to foods containing polyols or polydextrose - where a food containing any of the substances referred to in subclause 5(1) of Standard 1.2.3 above the amounts specified, does not have to bear a label – an advisory statement must be provided to the effect that excess consumption of the food may have a laxative effect.	Subclause 5(2) of Standard 1.2.3	In the case of food dispensed from vending machines, the information must be displayed on or in connection with the food.	For vending machines – see section B5 of this User Guide.
Prescribed warning statements must be provided as described, where a relevant food (as listed in the Table to clause 3 of Standard 1.2.3) is not required to bear a label.	Subclause 3(2) of Standard 1.2.3	Displayed on or in connection with the display of the food. Or, for food dispensed from a vending machine, the statement must be displayed on or in connection with the food.	FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i> . For vending machines, see section B5 of this User Guide.
Mandatory declarations in relation to the presence in a food of the specific substances listed in the Table to clause 4 of Standard 1.2.3, where the food does not have to bear a label, must be provided as specified.	Subclause 4(2) of Standard 1.2.3	Displayed on or in connection with the display of the food. Or, for food dispensed from a vending machine, the statement must be displayed on or in connection with the food.	FSANZ's User Guide <i>Warning and Advisory Statements and Declarations</i> For vending machines, see section B5 of this User Guide.
Directions for use or storage of food must be provided where the food is of a nature as to warrant such directions for reasons of health or safety (clause 2). In addition, specific statements around use or storage must be provided in the case of the specific foods listed in the Table to clause 1 of Standard 1.2.6.	Standard 1.2.6	Unpackaged food must be either labelled with or accompanied by the required information. For packaged food this information must be provided on the label.	Part A of this User Guide
Additional information about certain properties of food must be provided for food that is required	Subclause 25(5) of Standard 1.2.7	Must be provided to the purchaser on request or displayed	

Requirement	Code Reference	Provision of Information	Further information
to meet the nutrient profiling scoring criterion (NPSC) in order to make certain claims.		on or in connection with the display of the food.	
<p>Nutrition information requirements where a <i>claim requiring nutrition information</i> is made in relation to a food that is not required to bear a label, the nutrition information prescribed in clause 5 of Standard 1.2.8 must be provided as specified.</p> <p>However, if the <i>claim requiring nutrition information</i> is made for food in a small package, the information required by clause 8 of Standard 1.2.8 must nonetheless be provided on the label.</p>	<p>Subclauses 4(2) and 4(3) of Standard 1.2.8</p> <p><i>A claim requiring nutrition information</i> is defined in clause 4 of Standard 1.2.8 (see Glossary in this User Guide).</p>	Declared in a nutrition information panel displayed on or in connection with the display of the food, or provided to the purchaser on request.	<p>FSANZ's User Guide <i>Nutrition Information</i></p> <p>Part E of this User Guide.</p>
Unless covered by an exemption, the percentage of characterising ingredients and characterising components in unpackaged foods and foods that are made and packaged on the premises from which they are sold (calculated and expressed in accordance with Standard 1.2.10) must be declared as specified.	<p>Subclause 2(3) of Standard 1.2.10.</p> <p>However, see also subclause 2(4), which lists exemptions to subclause 2(3) of Standard 1.2.10.</p>	Displayed on or in connection with the display of the food, or provided to the purchaser on request.	FSANZ's User Guide <i>Percentage labelling of food</i> .
<p>Where unprocessed fruit and vegetables (whole or cut) are displayed for retail sale in a package that does not obscure the nature or quality of the food, the food must be labelled with a statement setting out specific country of origin information as specified (for Australia only).</p> <p>Certain country of origin information must also be provided in a statement, as specified, for foods that are displayed for retail sale other than in a package (as listed in the Table to subclause 3(1)).</p> <p>Food businesses must also comply with additional legibility requirements in relation to the size of the type, where food is</p>	<p>Subclauses 2(3) and 2(4) of Standard 1.2.11.</p> <p>Clause 3 of Standard 1.2.11.</p>	<p>Statement on a label on the package of fruit and vegetables or in connection with the display of the package of fruit and vegetables.</p> <p>Statement on a label on or in connection with the display of the food.</p>	FSANZ's User Guide to Standard 1.2.9 – <i>Legibility Requirements for Food Labels</i> refers to the requirements for the height of the required statement.

Requirement	Code Reference	Provision of Information	Further information
displayed for retail sale other than in a package.			
Declaration in relation to food produced using gene technology - the statement: <i>genetically modified</i> must be provided for genetically modified food that is displayed for retail sale other than in a package. An exemption from the requirement above applies for food produced using gene technology where the food is intended for immediate consumption and is prepared and sold from food premises and vending vehicles, including restaurants, take-away outlets, caterers or self-catering institutions.	Subclause 4(3) of Standard 1.5.2 Subclause 4(4) of Standard 1.5.2	Displayed on or in connection with the display of the food.	Standard 1.5.2 defines <i>genetically modified food</i> and <i>food produced using gene technology</i> .
Where an irradiated food or food containing an irradiated food as an ingredient or component does not have to bear a label – a statement to the effect that the food has been treated with ionising radiation, or that it contains an ingredient or component that has been treated with ionising radiation, as the case may be, must be displayed as specified.	Subclause 6(3) of Standard 1.5.3	Displayed on or in connection with the display of the food.	Example statements are given in Standard 1.5.3.
Declaration in relation to the presence of offal for food not required to bear a label.	Clause 4 of Standard 2.2.1	Must be declared to the purchaser (e.g. verbally or in writing).	Standard 2.2.1 defines <i>offal</i> . FSANZ's User Guide <i>Meat and meat products</i> .
Declaration in relation to mandatory fat content of minced meat for food not required to bear a label.	Clause 5 of Standard 2.2.1	Displayed on or in connection with the display of the food, or provided to the purchaser on request.	FSANZ's User Guide <i>Meat and meat products</i> .
Declaration and cooking instructions in relation to raw meat joined or formed into the semblance of a cut of meat using a binding system without the application of heat for food not required to bear a label.	Clause 6 of Standard 2.2.1	Must be provided to the purchaser (e.g. verbally or in writing).	FSANZ's User Guide <i>Meat and meat products</i> .
Display of the prescribed name of	Clause 10 of	Displayed in	Clauses 8 and 9 of

Requirement	Code Reference	Provision of Information	Further information
unpackaged fermented comminuted manufactured meat and fermented comminuted processed meat products offered for sale other than in a package. Use of <i>not heat treated</i> for these foods.	Standard 2.2.1	connection with the food.	Standard 2.2.1 set out prescribed names for fermented comminuted manufactured meat and fermented comminuted processed meat products. FSANZ's User Guide <i>Meat and Meat Products</i> .
Declaration in relation to raw fish that has been formed or joined in the semblance of a cut or fillet of fish using a binding system without the application of heat – for food not required to bear a label.	Clause 2 of Standard 2.2.3	Must be provided to the purchaser (this could be verbally or in writing).	<i>Fish</i> is defined in Standard 2.2.3.
For kava not in a package – the name and business address in Australia or New Zealand of the supplier of the food, and the prescribed statements in subclause 3(1) are required.	Subclause 3(2) of Standard 2.6.3	Displayed on or in connection with the display of the food.	Standard 2.6.3
For formulated caffeinated beverages not required to bear a label, requisite advisory statements set out in subclauses 3(3) and 3(4) of Standard 2.6.4 must be provided as specified.	Subclause 3(5) of Standard 2.6.4	Displayed on or in connection with the display of the food, or provided to the purchaser on request.	<i>Formulated caffeinated beverage</i> is defined in Standard 2.6.4. Subclauses 3(3) and 3(4) of Standard 2.6.4 detail the advisory statements required for formulated caffeinated beverages.
Specific labelling statements and other information is required on the label of a package of formulated supplementary sports food. A specific statement is also required on the label of a formulated supplementary sports food which contains added phenylalanine: <i>Phenylketonurics: Contains phenylalanine</i> .	Subclauses 3(1), 3(2), 3(3) and 3(4) of Standard 2.9.4	Must be provided on the label on the package.	<i>Formulated supplementary sports food</i> is defined in Standard 2.9.4.

B4 Hampers

What is a hamper?

Hampers are defined in the Code.

Code Definition

Standard 1.1.1

Hamper means a decorative basket, box or receptacle containing any number of separately identifiable food items.

(A hamper may also contain non-food items such as decorative cloths, glasses and dishes.)

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

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

Information and Labelling Requirements for Hampers

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

On the outside of a hamper

A *hamper* is specifically excluded from the definition of a *package* (see the definition of *package* in the glossary). Under subclause 2(4) of Standard 1.2.1, the outside of a hamper would be exempt from the requirement to bear a label with all of the information prescribed in the Code. Instead, food sold in a hamper in a package must bear a label setting out such information; and unpackaged food sold in a hamper must be accompanied with documentation setting out such information. However, the name and business address of the supplier of the hamper (or of the food within the hamper) must be displayed on the label on a hamper (subclause 3(3) of Standard 1.2.2). In the case of a food business that purchases items from another business and uses them to prepare a hamper, it would be good practice for the food business preparing the hamper to provide their details on the outside of the hamper.

Code definitions

Standard 1.1.1

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

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

Food items within the hamper

Subclause 2(1) of Standard 1.2.1 states that, in general and unless specifically exempted in paragraphs 2(1)(a)-(h), food for retail sale must bear a label setting out all the information prescribed in the Code. However, all food for retail sale, even food listed in paragraphs 2(1)(a)-(h), must comply with certain requirements listed in subclause 2(2).

Subclause 2(1) does not apply to food sold in hampers. Specific requirements listed in paragraphs 2(4)(b) and (c) of the Standard apply to food sold in hampers.

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

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

Where food sold in a hamper is in a small package (as defined in Standard 1.1.1, see Glossary to this User Guide), the food would need to comply with the labelling requirements in the Code related to food in small packages (see, for example, clauses 8 and 8A of Standard 1.2.8 and see also Part E of this User Guide).

Date marking in relation to hampers

A date mark must be included on the label on a package of food unless an exemption applies (clause 2 of Standard 1.2.5).

Date marking requirements do not apply to food that is not in a package. Consequently, as *hamper* is specifically excluded from the definition of *package*, the date marking requirement does not apply to the outside of a hamper.

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

B5 Vending machines

What is a vending machine?

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

Some Australian jurisdictions and New Zealand have additional legal requirements specifically related to vending machines and food businesses should check details of those requirements with the relevant jurisdiction.

Information and labelling requirements for vending machines

Labelling and information requirements for food dispensed from vending machines

Under the Code, a vending machine is specifically excluded from the definition of a *package* (see definition of *package* in glossary). This has ramifications for food items dispensed from vending machines in terms of the labelling and information requirements that apply to the food.

Food businesses should consider whether each food item dispensed from a vending machine is covered by an exemption from having to bear a label as required by subclause 2(1) of Standard 1.2.1. In doing so, however, food businesses should note that the following exemption: *the food is delivered packaged, and ready for consumption, at the express order of the purchaser* (paragraph 2(1)(f) of Standard 1.2.1) does not apply to food sold from vending machines (see subclause 2(3) of Standard 1.2.1).

Food businesses should also note that even where the food item dispensed from a vending machine does meet an exemption from bearing a label, there are information requirements that may still need to be met, such as those in subclause 2(2) of Standard 1.2.1 (refer to the following section and Table 5 above for detail).

Certain information requirements also apply to the vending machine itself. For example, the name and business address in Australia or New Zealand of the supplier of the food must be clearly displayed in a prominent place either in or on the vending machine (subclause 3(2) of Standard 1.2.2). These details assist in the event of a food recall.

Code definitions

Standard 1.1.1

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

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

Information requirements for food sold from vending machines that is exempt from bearing a label

Where food sold from a vending machine does not have to bear a label, there are specific requirements as to what information must be provided about the presence of certain substances and how this information must be provided. In particular, these requirements include:

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

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

Certain information, other than that mentioned above, which is required for food sold from a vending machine that is exempt from bearing a label as provided in subclause 2(2) of Standard 1.2.1, can be provided in the same way as for other foods for retail sale. For example, the information can be displayed on or in connection with the display of the food (see Table 5 above).

B6 Examples

NB. The lists of labelling requirements in these examples are not exhaustive and can apply to various types of foods. You will also need to consider whether other labelling and information requirements for particular foods in the Code may be relevant.

Example 1 – Food for retail sale

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

Step 1

The first step is to consider whether the food in question constitutes *food for retail sale*. For the purposes of this example only, it is assumed that the sandwiches are *food for retail sale* in this instance.³

Step 2

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

Step 3

Check through the individual labelling standards in the Code for specific exemptions that may apply to the sandwiches. Then consider whether labelling requirements apply, for example, labelling the prepackaged sandwiches with:

1. A prescribed name, name or a description of the food as the case may be (subclause 1(1) of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. Name and business address in Australia or New Zealand of the supplier (clause 3 of Standard 1.2.2)
4. Mandatory declarations (e.g. egg, fish, milk and milk products, gluten) (Standard 1.2.3)
5. Statement of ingredients (Standard 1.2.4)
6. Date marking (Standard 1.2.5)

³ The Code defines the term *food for retail sale* – see clause 1 of Standard 1.2.1. It is not for FSANZ to determine whether a particular food falls within this definition and the above example should not be taken as such advice. As explained on page 4 of this Guide, the application and enforcement of the Code is a matter for State, Territory and New Zealand authorities. Readers should also note the disclaimer on page 4 of this Guide.

7. Directions for use and storage (where for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (subclause 2(1) of Standard 1.2.6)

and whether the sandwiches are exempt from being required to have a label with:

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

Example 2 – Food exempt from the general requirement to bear a label

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

Step 1

The first step is to consider whether the food in question constitutes *food for retail sale*. For the purposes of this example only, it is assumed that the cheese is *food for retail sale* in this instance.⁴

Step 2

The cheese is packaged and displayed in a refrigerated display cabinet. If that cabinet falls within the definition of an *assisted service display cabinet*, it would be exempt from general labelling requirements (paragraph 2(1)(h) of Standard 1.2.1), but certain information must still be provided (subclause 2(2) of Standard 1.2.1).

Step 3

After checking through the standards listed in subclause 2(2) of Standard 1.2.1, you would need to consider what additional information listed in subclause 2(2) must be provided, and if so, how it is to be provided.

Examples of additional information to be provided on or in connection with the display of food or, in some cases, provided to the customer on request:

- the food's prescribed name if any; or a name or a description of the food sufficient to indicate its true nature (clause 1 of Standard 1.2.2)
- mandatory warning or advisory statements; or declarations of certain substances, e.g contains milk and milk products (clauses 2-5 of Standard 1.2.3).

An example of additional information to be provided on the label of the package of food is directions for use and storage where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food (Standard 1.2.6).

⁴ See footnote 3 above.

When considering whether the additional information listed in subclause 2(2) of Standard 1.2.1 must be provided, you should also consider whether:

- the additional information is relevant to the package of cheese, e.g. the requirement in subclause 2(3) of Standard 1.2.10 (referred to in paragraph 2(2)(f) of Standard 1.2.1) only applies to food that is unpackaged; or food that is made and packaged on the premises from which it is sold
- the package of cheese is covered by specific exemptions from having to provide such information, e.g. country of origin labelling, because subclauses 2(3) and 2(4) and clause 3 of Standard 1.2.11 do not apply to cheese.

Example 3 – food sold at a fundraising event

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

Step 1

The first step is to consider whether the food in question constitutes *food for retail sale* sold at a *fundraising event*. For the purposes of this example only, it is assumed that the shortbread biscuits are *food for retail sale* sold at a *fundraising event* in this instance.⁵

Step 2

The shortbread biscuits are to be sold at a fundraising event. As such, you would need to consider whether the biscuits are exempt from having to bear a label setting out all the information prescribed in the Code (subclause 2(1) of Standard 1.2.1).

Step 3

If the package of biscuits is exempt from having to bear a label setting out all the information prescribed in the Code under subclause 2(1) of Standard 1.2.1, certain information must still be provided under subclause 2(2) of Standard 1.2.1. You would have to consider whether any of those requirements apply. Examples of requirements are as follows.

Information to be provided on a label on the package of food; on or in connection with the display of the food; or to the purchaser if requested:

- A name or description of the food (subclause 1(2) of Standard 1.2.2)
- Declaration of wheat and milk product (butter) (clause 4 of Standard 1.2.3).

⁵ The Code defines *food for retail sale* and *fundraising event* – see clause 1 of Standard 1.2.1 and clause 2 of Standard 1.1.1 respectively. It is not for FSANZ to determine whether a particular food falls within these definitions and the above example should not be taken as such advice. As explained on page 4 of this Guide, the application and enforcement of the Code is a matter for State, Territory and New Zealand authorities. Readers should also note the disclaimer on page 4 of this Guide.

Step 4

As the shortbread biscuits are to be sold at a fundraising event, specific exemptions may apply, for example:

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

Example 4 – food sold in hampers

A hamper containing packaged and unpackaged foods is sold to a shop to sell to the public. It is not intended that the shop carry out any further processing, packaging or labelling of the hamper. The shop sells the hamper to the public in the form in which they receive it. (The hamper does not contain food that has been produced with gene technology or irradiated.)

Step 1

The first step is to consider whether the food in question constitutes *food for retail sale*. For the purposes of this example only, it is assumed that the foods in the hamper are *food for retail sale* in this instance.⁶

Step 2

The food is sold in a hamper. The Code excludes *hamper* from the definition of a *package*. You would have to consider whether the outside of the hamper has to bear a label. Irrespective of any requirement to bear a label, the name and business address in Australia or New Zealand of the supplier of the hamper must be included on a label on the hamper (subclause 3(3) of Standard 1.2.2).

Step 3

Individual food items inside the hamper must meet the same requirements as if they were sold separately. All the relevant labelling information in the Code must be provided for both packaged and unpackaged items. The information must be set out on the label on the packaged items. However, if food is not in a package, other requirements in the Code apply (subclause 2(4) of Standard 1.2.1).

Check through the individual standards for exemptions from labelling requirements that may apply specifically to the individual foods within the hamper.

Example 5 – vending machines selling food for retail sale

A chocolate bar (of size dimension less than 100cm²) for sale to the public from a vending machine. The chocolate bar contains a genetically modified food (soybean) but does not contain any ingredients that have been irradiated.

⁶ See footnote 3 above.

Step 1

The first step is to consider whether the food in question constitutes *food for retail sale*. For the purposes of this example only, it is assumed that the chocolate bar is *food for retail sale* in this instance.⁷

Step 2

The second step is to consider whether, as the chocolate bar is sold from a vending machine, the chocolate bar meets any of the exemptions from general labelling requirements in subclause 2(1) of Standard 1.2.1. The exemption for food delivered packaged, and ready for consumption, at the express order of the purchaser, does not apply to food sold from a vending machine (subclause 2(3) of Standard 1.2.1).

In addition, the surface area of the chocolate bar measures less than 100 cm². For the purposes of this example only, it is assumed that the chocolate bar package is a *small package* in this instance,⁸ in which case, some specific exemptions and requirements relating to small packages may apply. Examples of specific exemptions are:

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

Step 3

Next, you would need to consider whether the chocolate bar must comply with specific information and labelling requirements, such as:

1. Prescribed name or, where no name is prescribed, a name or a description of the food sufficient to indicate the true nature of the food (clause 1 of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. Name and business address in Australia or New Zealand of the supplier (clause 3 of Standard 1.2.2)
4. Any mandatory warning and advisory statements; and declarations (Standard 1.2.3)
5. Directions for use and/or storage where, for reasons of public health and safety, the nature of the food is such that such directions are necessary (Standard 1.2.6)
6. Country of origin statements (Australia only) (Standard 1.2.11)
7. The statement *genetically modified* in conjunction with the name of the soybean ingredient (Standard 1.5.2)
8. Legibility requirements (Standard 1.2.9).

⁷ See footnote 3 above.

⁸ The Code defines *small package* – see clause 2 of Standard 1.1.1. As stated above, it is not for FSANZ to determine whether a particular food falls within this definition and the above example should not be taken as such advice. As explained on page 4 of this Guide, the application and enforcement of the Code is a matter for State, Territory and New Zealand authorities. Readers should also note the disclaimer on page 4 of this Guide.

As the chocolate bar is sold from a vending machine, you would need to consider the labelling requirements in the Code applying to food sold from vending machines, as discussed in section B5 of this Guide.

Part C – Foods for Catering Purposes

C1 What is food for catering purposes?

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

Code Definition

Standard 1.2.1

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

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

C2 How to provide information required for foods for catering purposes

Standard 1.2.1 sets out how the information required for food for catering purposes can be, or must be, provided.

The name and business address in Australia or New Zealand of the supplier of the food required under clause 3 of Standard 1.2.2, does not have to be on the label of food for catering purposes where that information is provided in documentation accompanying that food.

In certain circumstances, food for catering purposes must bear a label setting out particular information. Where a label is not required, such information can be provided in documentation accompanying the food.

In addition, where a purchaser or relevant authority has so requested, food for catering purposes must be accompanied by sufficient information in relation to that food to enable the purchaser to comply with the –

- (a) compositional requirements of this Code; and
- (b) labelling or other declaration requirements of this Code.

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

C3 Labelling of food for catering purposes

Labelling requirements

Unless exempt (see the following section), a food for catering purposes must bear a label setting out the following information prescribed in the Code (subclause 5(1) Standard 1.2.1):

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

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

Other user guides

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

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

Exemptions from labelling requirements

The foods for catering purposes listed in Table 6 below are exempt from bearing a label setting out all the information prescribed under subclause 5(1) of Standard 1.2.1 (as listed in the section above). For these foods, such information must be provided *in documentation accompanying the foods*.

Table 6: Foods for catering purposes that are exempt from bearing a label setting out the labelling requirements in accordance with subclause 5(1) of Standard 1.2.1

Exempt food	Reference in the Code	Notes and examples
Food not in a package	Paragraph 5(2)(a) of Standard 1.2.1 <i>Package</i> is defined in Standard 1.1.1	The following may be examples of <i>food not in a package</i> : <ul style="list-style-type: none"> • carcasses of meat • fruit or vegetables.

Exempt food	Reference in the Code	Notes and examples
Whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables	Paragraph 5(2)(b) of Standard 1.2.1 <i>Fruit and vegetables</i> is defined in Standard 2.3.1 – Fruit and Vegetables (see Glossary at the end of this User Guide).	Examples of where this exemption may apply: <ul style="list-style-type: none"> • bulk packs of fruit or vegetables sold in a mesh bags • whole or cut fruit or vegetables sold in clear plastic packaging, such as ready-to-eat vegetables, and fruit salads.
An outer package where the – (i) label on the outer package includes the information prescribed in Standard 1.2.2; and (ii) food in the inner package is labelled in accordance with subclause 5(1) of Standard 1.2.1 Or An outer package where the – (i) information prescribed in clause 3 of Standard 1.2.2 is provided in documentation accompanying the food; and (ii) label on the outer package includes the information prescribed in clauses 1 and 2 of Standard 1.2.2 and (iii) food in the inner package is labelled in accordance with subclause 5(1) of Standard 1.2.1	Paragraph 5(2)(c) of Standard 1.2.1 <i>Package</i> is defined in Standard 1.1.1	Where inner packages are already labelled as required under subclause 5(1), only the name of the food, lot identification and supplier details (as prescribed in Standard 1.2.2) need be provided on the outer package. Alternatively, only the lot identification and supplier details (as prescribed in Standard 1.2.2) need be provided on the outer package if the name and business address in Australia or New Zealand of the supplier of the food is provided in documentation accompanying the food and the inner package is already labelled as required under subclause 5(1). This exemption may not apply in reverse. For example, where an outer package is labelled with the information required in subclause 5(1), it may still be necessary for the inner packages to be labelled.

Code Reference

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

C4 Other prescribed information for food for catering purposes

In addition to the labelling requirements for food for catering purposes (as listed in subclause 5(1) of Standard 1.2.1 and outlined in section C3 above), other information prescribed in the Code will need to be provided for some foods for catering purposes. Subject to subclause 6(2), subclause 6(1) of Standard 1.2.1 allows a food business to provide this other information either on a label or *in documentation* (rather than in documentation accompanying the food for catering purposes). This information includes the following:

- ingredient information (Standard 1.2.4)
- nutrition information (Standard 1.2.8)
- labelling requirements that apply to specific food products (Chapter 2 of the Code).

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

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

Information about food for catering purposes is regularly exchanged between businesses as part of typical business practice e.g. approved supplier arrangements. Examples of information exchange between businesses include written commercial documents that are provided either electronically (for example, by email) or in hard copy format, as well as information placed on the label. The information exchange arrangements may form part of the food safety program or food control plan of the businesses concerned.

Other user guides

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

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

C5 Information requested by the purchaser or relevant authority

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

Code Definition

Standard 1.1.1

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

C6 Example

Example 6 – food for catering purposes

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

Step 1

The first step is to consider whether the food in question constitutes *food for catering purposes*. For the purposes of this example only, it is assumed that the bread is *food for catering purposes* in this instance.⁹

Step 2

The bread is delivered packaged. You need to consider whether labelling requirements in certain Standards apply to the packaged bread under clause 5 of Standard 1.2.1. Examples of these requirements are:

1. Name of the food and lot identification (clauses 1 and 2 of Standard 1.2.2)
2. Any relevant mandatory warning statements, advisory statements and declarations. This would include the declaration of certain substances, such as cereals containing gluten, in the bread (clauses 2-5 of Standard 1.2.3)
3. Date marking (Standard 1.2.5)
4. Directions for use and storage (Standard 1.2.6)
5. Country of origin statements (Australia only) (Standard 1.2.11)
6. Statement that the food is genetically modified (Standard 1.5.2)
7. Statement that the food has been irradiated (Standard 1.5.3).

When considering whether those labelling requirements apply, you would also need to consider whether exemptions to those requirements apply (refer to subclause 5(2) of Standard 1.2.1).

If you decide that the packaged bread is not covered by an exemption in subclause 5(2) of Standard 1.2.1, the packaged bread must bear a label.

Step 3

Subclause 6(1) of Standard 1.2.1 allows information other than the information required under subclause 5(1) of Standard 1.2.1 above to be provided either on the label of the packaged bread or in documentation accompanying that food.

In addition, although paragraph 5(1)(a) of Standard 1.2.1 requires food for catering purposes to bear a label setting out information prescribed in Standard 1.2.2 – Food Identification Requirements, subclause 6(2) of Standard 1.2.1 allows the name and address of the supplier of the food to be provided either on the label of the packaged bread or in documentation accompanying that food.

Also, where the purchaser or a relevant authority has requested, the packaged bread must be accompanied by sufficient relevant information so as to allow the purchaser to comply with compositional; and labelling or other declaration, requirements in the Code (subclause 6(4) of Standard 1.2.1).

⁹ The Code defines *food for catering purposes* – see clause 1 of Standard 1.2.1. It is not for FSANZ to determine whether a particular food falls within this definition and the above example should not be taken as such advice. As explained on page 4 of this Guide, the application and enforcement of the Code is a matter for State, Territory and New Zealand authorities. Readers should also note the disclaimer on page 4 of this Guide.

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

D1 What is food not for retail sale etc?

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

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

General information and labelling requirements

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

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

Code definitions

Standard 1.1.1

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

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

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

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

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

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

Code reference

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

Exemptions for food not for retail sale etc

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

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

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

A purchaser or relevant authority may request information to enable the purchaser of a food not for retail sale etc to comply with the compositional, labelling or other declaration requirements of the Code. Sufficient information to achieve that aim must accompany the food not for retail sale etc. The information must be provided in writing where this is requested by the purchaser or relevant authority.

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

Code reference

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

Subclause 4(2) of Standard 1.2.1 requires that such information be supplied in writing where this is requested by the purchaser or relevant authority.

D4 Example

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

Step 1

The first step is to consider whether the food in question constitutes *food not for retail sale etc.* For the purposes of this example only, it is assumed that the potatoes are *food not for retail sale etc* in this instance.¹⁰

Step 2

The second step is to consider how clauses 3 and 4 of Standard 1.2.1 apply to the potatoes. The potatoes are in packing boxes. You will need to consider whether the food must be labelled with the information set out in subclause 3(1) of Standard 1.2.1. For example:

1. Name of the food (clause 1 of Standard 1.2.2)
2. Lot identification (clause 2 of Standard 1.2.2)
3. The name and business address of the supplier of the potatoes (clause 3 of Standard 1.2.2)

If those requirements apply, you will also need to consider how such information must be provided.

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

¹⁰ It is not for FSANZ to determine whether a particular food constitutes *food not for retail sale etc* and the above example should not be taken as such advice. As explained on page 4 of this Guide, the application and enforcement of the Code is a matter for State, Territory and New Zealand authorities. Readers should also note the disclaimer on page 4 of this Guide.

Part E – Food in Small Packages

E1 What is a small package?

Small package is defined in Standard 1.1.1 as a *package with a surface area of less than 100 cm²*. Note that the definition refers to the *surface area* of the package of food. Therefore in determining whether a package is a *small package* you would need to consider what the surface area of the package in question is.

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

E2 Specific exemptions from labelling requirements for small packages

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

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

Other user guides

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

For further information about the requirements for when *claims requiring nutrition information* are made about a food in a small package, refer to the FSANZ User Guide Nutrition Information.

E3 Information and Labelling Requirements

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

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

Other user guides

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

E4 Example

A shop sells a sauce in a package with a surface area that measures 95 cm². The sauce is a liquid. The packaged sauce is displayed for retail sale on a shelf for selection by consumers. The sauce does not have any special storage or preparation requirements and there is no date after which the sauce should not be consumed due to health or safety reasons. The shelf life of the sauce is one year. The sauce carries a nutrition content claim indicating that it is reduced in sugar.

Step 1

The first step is to consider whether the food in question constitutes a *food for retail sale*. For the purposes of this example only, it is assumed that the sauce is *food for retail sale* in this instance.¹¹

Step 2

The second step is to consider whether the sauce must bear a label setting out all the information prescribed in the Code or whether any of the exemptions in subclause 2(1) of Standard 1.2.1 apply.

In addition, the surface area of the sauce package measures less than 100 cm². You need to consider whether any other specific exemptions and requirements apply in relation to the package size.

Step 3

Check through the individual standards in the Code for specific labelling or information requirements and exemptions. Examples of specific labelling or information requirements and exemptions include:

1. A name or a description of the sauce (subclause 1(1) of Standard 1.2.2)
2. Lot identification (the sauce is not displayed in a bulk package which contains this information) (clause 2 of Standard 1.2.2)
3. Name and business address of the supplier of the sauce (clause 3 of Standard 1.2.2)
4. Mandatory warnings, advisory statements and declarations, if applicable to the sauce (Standard 1.2.3)
5. If a claim requiring nutrition information is made about the sauce - the average quantity of sauce per serving (expressed in millilitres); and if a claim requiring nutrition information is made about carbohydrate, dietary fibre, sugars or other carbohydrate on the sauce - the sugars, energy, carbohydrate and dietary fibre as the case may be (clauses 8 and 8A of Standard 1.2.8)
6. Country of origin labelling (Australia only) (Standard 1.2.11)
7. Statement of ingredients (subclause 2(d) of Standard 1.2.4)

¹¹ See footnote 3 above.

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

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

Glossary

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

Assisted service display cabinet

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

Average quantity

Average quantity is defined in Standard 1.1.1, as follows:

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

- (a) the manufacturer's analysis of the food; or
- (b) calculation from the actual or average quantity of nutrients in the ingredients used; or
- (c) calculation from generally accepted data;

which best represents the quantity of the substance that the food contains, allowing for seasonal variability and other known factors that could cause actual values to vary.

Business address

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

Claim requiring nutrition information

This term is defined in clause 4 of Standard 1.2.8 and means a nutrition content claim or a health claim but does not include a declaration that is required by the Act, or an endorsement (*Act* is defined in Standard 1.1.1 and *endorsement* is defined in Standard 1.2.7).

Fruit and vegetables

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

Food for retail sale

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

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

Food for catering purposes

Food for catering purposes is defined in Standard 1.2.1 for the purposes of Part 1.2 of the Code. Food for catering purposes includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.

Fund raising events

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

Hamper

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

Intra company transfer

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

Label

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

Lot identification

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

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

Lot

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

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

Nutrition content claim

This term is defined in Standard 1.2.7. Nutrition content claim means a claim about –

- (a) the presence or absence of –
 - (i) a biologically active substance; or
 - (ii) dietary fibre; or
 - (iii) energy; or
 - (iv) minerals; or
 - (v) potassium; or
 - (vi) protein; or
 - (vii) carbohydrate; or
 - (viii) fat; or
 - (ix) the components of any one of protein, carbohydrate or fat; or
 - (x) salt; or
 - (xi) sodium; or
 - (xii) vitamins; or

- (b) glycaemic index or glycaemic load;

that does not refer to the presence or absence of alcohol, and is not a health claim.

Package

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

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

Bulk cargo container

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

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use; and
- (b) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and
- (c) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and
- (d) so designed as to be easy to fill and empty; and
- (e) having an internal volume of one cubic metre or more; and
- (f) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and
- (g) shipping container or aircraft cargo container;

but does not include –

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

Prescribed name

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

Relevant authority

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

Small package

Small package is defined in Standard 1.1.1 and means a package with a surface area of less than 100 cm².

Supplier

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

Transportation Outer

Transportation outer is defined in Standard 1.1.1 and means a container or wrapper which encases packaged or unpackaged foods for the purpose of transportation and distribution; and which is removed before the food is used or offered for retail sale, or is not taken away by the purchaser of the food.

Warning statement

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

- (a) clause 3 of Standard 1.2.3; and
- (b) clause 3 of Standard 2.6.3; and
- (c) subclauses 14(1), 14(3) and 26(1) of Standard 2.9.1; and
- (d) paragraph 5(3)(c) and subclause 6(2) of Standard 2.9.2; and
- (e) subclauses 3(3) and 3(4) of Standard 2.9.4; and
- (f) subclause 10(4) of Standard 2.9.5.