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LABELLING OF PACKAGED FOOD

forretailsale

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Food Labelling

INTRODUCTION

This is a guide to the labelling requirements of the Australia New Zealand Food Standards Code ("the Code") that has been adopted into food law by all Australian States and Territories.

The guide is designed to assist small business prepare basic food labels for retail sale that do not include claims or statements that may be regulated or require additional information.

Where claims or statements are made or labelling requirements apply to specific foods as indicated under the heading *Regulated Statements*, then reference must be made to the Code for further information.

The guide is not intended as a detailed reference to all requirements and exceptions that may apply or as a substitute for independent legal advice.

Copies of the Food Standards Code can be obtained from the Food Standards Australia New Zealand (FSANZ) at:

www.foodstandards.gov.au

Updates for this guide

An electronic copy of this guide can be found on the Department of Health & Human Services website by following the Food link at:

<http://www.dhhs.tas.gov.au/public/health/foodsafety/foodcode.html>

Updates since the last printed edition will also be identified on this website.

Notes

- A reference in this guide to a small package means a package with a total surface area of less than 100cm²
- A reference in square bracket seg[1.2.1] refers to the relevant standard in the Code.

WHAT FOODS *MUST* BE LABELLED?

All foods for retail sale must be labelled **except for** :

- food not in a package
- food in an inner package not designed for sale without an outer packaging that shows the required information
- food made and packaged on the premises from where it is sold
- food packaged in the presence of the purchaser
- whole or cut fresh fruit and vegetables in packaging that does not obscure the nature or quality of the food (this does not include sprouted seeds or similar products)
- food delivered packaged for immediate consumption at the express order of the purchaser
- food sold at a fundraising event.

Where these exceptions apply to *genetically modified foods*, *irradiated food*, *fermented comminuted manufactured*, and *processed meats, kava, foods containing offal or royal jelly* then written information defined in the Code must be shown on the label in connection with the displayed food. [1.2.1]

WHAT *MUST* APPEAR

1. The name of the food

Packaged food must be labelled with a name or description that will not mislead consumers. Where the Code specifically states the name of a food is a *prescribed name* then that name must appear on the label. Foods with prescribed names include:

Various fermented comminuted meat products

Formulated meal replacements

Formulated supplementary food

Formulated supplementary food for young children

Formulated supplementary sports food

Infant and Follow-on formulas
Honey

Where the name of a food is not defined as a *prescribed name* then the label must show a name or description that indicates the true nature of the food. [1.2.2]

2. Premises and lot identification

Generally, food labels must contain information identifying the premises where the food was packed or prepared and the lot (batch). A lot usually includes food prepared or packed within a period not exceeding 24 hours.

No specific form of words is required, and this requirement is usually satisfied if the product is properly date marked and shows the business address of the manufacturer or packer. Where this is not sufficient then additional information that is part of a system devised by the manufacturer or packer must be used. [1.2.2]

3. The name and business address

For food recall and contact purposes the label must include the name and business address in Australia or New Zealand of the manufacturer, packer, vendor or importer of the food. A full business address is required, including the street number, street name, town or suburb and State.

A post office box or similar postal address is not sufficient. [1.2.2]

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4. Mandatory warning and advisory statements and declarations

Mandatory declarations: the main foods, food ingredients or components of any ingredient that can cause adverse reactions in some people must be declared. This includes any amount of peanuts and other nuts, seafood, fish, gluten eggs and soybeans. Declaration is usually done in the ingredient list.

Advisory statements: an advisory statement must be used on the label where people may be unaware of a risk posed by unpasteurised milk and eggs, aspartame, quinine, kola drinks with added caffeine, and guarana and phytosterolesters in food.

Warning statements: the label must contain a warning statement where people may be unaware of a severe health risk posed by an allergen in food such as bee pollen and royal jelly. [1.2.3]

5. Ingredient labelling

With some exceptions food labels must include a statement of ingredients (the term ingredient includes additives).

Exceptions apply to *alcoholic beverages; small packages; milk products and cream in foil top glass bottle and where the name of the food is a full description of all the ingredients.* [1.2.4]

Where these exceptions apply certain ingredients or products of those ingredients (including when presented as a processing aid) must still be declared as they may cause a reaction in some consumers. These ingredients are *cereals containing gluten, crustacea, egg, fish, milk, tree nuts, sesame seed, peanuts soybeans, and sulphite additives present at more than 10mg/kg.* [1.2.3]

These ingredients must also be shown on portion packs contained inside an outer package if the portion pack has a surface area greater than 30cm².

All ingredients must be listed in descending order of fin-going weight. This means that the ingredient present in the greatest proportion is listed first and so on. Added water must be shown separately in the ingredient list unless it is used to rehydrate or reconstitute food ingredients, forms part of a broth, brine or syrup already in the ingredient list or represents less than 5% of the final food. The position of water or other volatile ingredients is calculated after allowing for losses during manufacture.

If a food contains a compound ingredient (an ingredient made up of other ingredients) the ingredients in that compound ingredient can either be shown individually in the list or listed in descending order immediately after the name of the compound ingredient. For example...

Milk chocolate (sugar, milk solids, cocoa butter, emulsifier 476, flavour). All *foods and additives* in a compound ingredient that contributes 5% or more to the final food must be declared. If the compound ingredient contributes less than 5% to the final food then only *additives* performing a technological function and those ingredients listed above that may cause a reaction in some consumers must be declared.

In the case of some ingredients, it is sufficient to state the generic name of the food. For example, the term *fruit* can be used in place of *bananas, oranges* or *cherries*. This generic listing of food ingredients may be used for *cheese, cocoa butter, crystallized fruit, gumbases,*

herbs, meat, milk protein, milk solids, poultry meat, spices, vegetables or *fruit and sugar*. The term *sugars* must not be used.

Specific conditions apply to the use of following generic terms:

- the terms *cereals* or *starch* must be accompanied by the specific name of the cereal used
- the term *nuts* must be accompanied by the specific name of the nut
- the terms *fats* and *oils* must be qualified as being of vegetable or animal origin. If a *fator oil* is from peanut, soy or sesame seed, that source must be declared. The source of animal fats used in dairy products must be declared
- the term *fish* may be used provided the ingredient does not include *crustaceans* which must be separately declared.

So the consumer is not misled about the nature of an ingredient, the ingredient name may need to be qualified. For example... *cheese powder* or *dried vegetables*.

In the case of a food additive, the additive name must be declared either by reference to its class name followed by the food additive number, or by the class name followed by the full name of the additive. For example...

Colour (102) or
Colour (Tartrazine)

The addition of flavouring must be declared as *Flavouring* or *Flavour* or alternatively using the specific name or description of the flavouring. Where the additives 620, 621 (MSG), 622, 623, 624, 625, 627, 631, or 635 are used as flavouring their presence must be declared using the code number or additive name.

The addition of *caffeine* to any food must be declared.

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If a food additive does not have a defined class name, then it must be declared by the use of its prescribed name.

Where from time to time a food ingredient or an additive is replaced with another food or another additive serving the same function, both can be listed provided it is clear that a substitute or alternative ingredient or additive is being declared. For example the ingredient list might state *safflower or sunflower oil* as alternative ingredients depending on availability.

[1.2.4]

An ingredient, processing aid or additive produced using gene technology may require the declaration *genetically modified* to be shown in conjunction with the name of the ingredient, processing aid or additive. For example soy protein isolate (genetically modified). An exception to this requirement applies to highly refined foods, processing aids or additives that do not contain novel DNA. Also it is not required to declare flavours produced using gene technology if added in a concentration of less than 1 g/kg in the final food.

[1.5.2]

If a food contains an ingredient that has been irradiated then this must be declared as a separate statement on the label or in the ingredient list, for example... Herbs (irradiated).

[1.5.3]

To determine if an ingredient, processing aid or additive must be labelled as *genetically modified* or *irradiated*, information must be obtained from your supplier.

6. Datemarking

Generally, all packaged food with a life of 2 years or less must show a date-mark.

The **BEST BEFORE** form of date mark will generally be used on most packaged foods. A food marked with a **BEST**

BEFORE date can be sold after that date has expired, provided it is safe and suitable for consumption.

If a manufacturer or packer believes that for health and safety reasons a food should not be consumed after a certain date the **USE BY** form of date mark must be used. Foods labelled **USE BY** cannot be sold after the date has expired.

Examples of where **BEST BEFORE** would be used include shelf stable foods (eg. biscuits, confectionery, canned foods), frozen foods, most raw foods that will be cooked before eaten (eg. meat, chicken, fish) or foods that will noticeably spoil before becoming unsafe.

Foods with a shelf life of 3 months or less must display a date mark that shows at least the day and month. Foods with a shelf life longer than 3 months must show at least the month and year.

Any storage conditions that are necessary to ensure that a food will retain its specific qualities for the period indicated by date mark must be declared on the label.

Bread with a shelf life of less than 7 days, the best before date mark may be replaced by a date mark in the form **BAKED FOR** (a date not more than 12 hours after baking) or **BAKED ON**.

[1.2.5]

7. Health and Safety Advice

Where additional directions for the storage or use of a food by the consumer are necessary to protect health and safety these directions must be shown. For example... Refrigerate after opening.

[1.2.6]

8. Nutrition information panel

Generally, all packaged food labels must include a nutrition information panel.

Provided *no* nutrition claims are made an **exception** to the requirement for a panel is allowed for *foods sold at fundraising events; small packages; fruits, vegetables, meat, poultry or fish sold as single ingredients; alcoholic beverages; herbs and herbal infusions, spices; vinegar; salt; tea and coffee; gelatine; water including mineral and spring water; jam setting compounds, homebrew kits or sandwiches, rolls, bagels and similar products.*

For foods that are not exempt the example label in this guide provides the format for a standard nutrition information panel. In the panel the words *serving size* may be replaced with the words *slice, pack, or package* or other common unit of measure including metric cup or metric tablespoon.

The FSANZ website provides an online calculator to assist with calculating nutrition information panel values for each nutritional property.

Food that needs to be reconstituted or food that is drained before consumption must show the values for the reconstituted or drained food with a clear indication that the values are for the reconstituted or drained food.

Where a claim is made for a nutritional property that is not listed in the standard panel then information for that claim must be shown. For claims about *cholesterol, fatty acids, fibre, sugars and carbohydrates* the Code sets out additional information that must also be shown in the panel.

Where a nutrition claim is made on a small package, the Code

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defines the information about the claim that must be shown.

Nutrition claims about *poly-unsaturated, monounsaturated or omega fatty acids, low joule foods, lactose, gluten, salt sodium or potassium* may not be made unless the claims comply with conditions set down in the Code.

Information about the percentage daily intake of a nutrient *may* also be included in the panel. The format for displaying this additional consumer information is provided in the Code. [1.2.8]

9. Characterising ingredients (percentage labelling)

Characterising ingredients or components must be declared on the label as a percentage of the final food. The example label in this guide shows a percentage declaration in the ingredient list.

An ingredient or component is a characterising ingredient or component if:

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

Where a food must be reconstituted the percentage may be declared as a percentage of the reconstituted food provided that is clearly indicated.

The percentage may be declared as the actual or the minimum percentage provided that where the minimum percentage is used it is clearly indicated.

The requirement for a packaged food to show the percentage of characterising ingredient does not apply to:

- food packaged in the presence of the purchaser

- food for catering purposes
- food delivered packaged and ready for immediate consumption at the express order of the purchaser
- food sold from the premises where it is made and packaged
- prepared filled rolls, sandwiches, bagels and similar products
- food sold at fundraising events
- food in small packages
- infant formula
- cured dried meat flesh
- single ingredient foods.
- alcoholic beverages

[1.2.10]

10. The country of origin

The label must include a statement that identifies the country in which the food was made or produced.

Provided it is not misleading, the country of origin statement is met if the name and address of the manufacturer is shown and the address includes the country of origin. For example ... 20 Main St, Hobart, Tasmania.

If some of the ingredients do not originate from that country, a statement indicating the food is made from imported or local and imported ingredients must be included. Specific additional country of origin requirements apply to *fruit juice, orange juice, fruit drinks and imported spirits*. [1.1A.3]

WHAT MUST NOT APPEAR

A label must not include words, statements, claims, pictures or graphics that represent a food or its characteristics in a way that is false, misleading or deceptive.

For example pictures or graphics on a label suggesting how the food can be prepared may need to be accompanied by qualifying information such as RECIPE, SERVING SUGGESTION or other

statement to ensure the consumer is not misled about the contents of the package.

Except as permitted by the Code the following health related claims are prohibited:

- claims for therapeutic and prophylactic action or any similar claims
- words, statements, claims and expressions which could be interpreted as advice of a medical nature from any person
- the word *health* or any other similar words when used as part of, or in conjunction with, the name of a food.
- the name of, or any reference to, any disease or physiological condition.

[1.1A.2]

Regulated Statements

In addition to the information set out previously, the following is an outline of some other regulated claims and requirements that may apply.

- The use of the terms *non-alcoholic, non-intoxicating and low alcohol* or similar representations are regulated.
- Foods, including alcoholic beverages that contain more than 1.15% alcohol must be labelled CONTAINS X% ALCOHOL BY VOLUME or with words of similar effect.
- Low alcohol beverages containing more than 0.5% but less than 1.15% alcohol must be labelled CONTAINS NOT MORE THAN X% ALCOHOL or with words of similar effect.
- A beverage that contains more than 0.5% alcohol must be labelled with a statement showing the number of standard drinks. More information is provided in the guideline, *Standard drinks labelling requirements for alcoholic beverages*.

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- Claims or statements about a vitamin or mineral may not be made except as permitted by the Code. Where a permitted claim or statement is made the label must show additional information about the vitamin or mineral using the format defined by the Code.
- Claims about electrolyte drinks, infant formulas, foods for infants, formulated supplementary sports foods are regulated.
- The Code requires additional defined labelling statements to be shown on the label of:
 - Food containing meat or offal*
 - Minced meat*
 - Fermented comminuted processed and manufactured meats*
 - Formed meat or formed raw fish products*
 - Fruit or vegetable juice blends*
 - Edible oils*
 - Electrolyte drinks*
 - Kava*
 - Formulated caffeinated beverages*
 - Foods for infants and Infant & Follow-on formulas*
 - Formulated meal replacements, supplementary foods and supplementary sports food*
 - Reduced sodium salt*
 - Skim milk, modified milk and condensed milks*
- Foods that have been irradiated must include a statement that the food has been treated with ionising radiation. For example...
 - Treated with Ionising Radiation or Irradiated (name of food).

Legibility and Print Size

All required words, statements or expressions must be in the English language. Information in other languages is permitted if it does not negate or contradict information required by the Code.

No specific print size or type is defined for most labelling statements, however, the information must be set out legibly and prominently and be in a distinct contrast to the background. [1.2.9]

A type size of 3mm or 1.5mm on small packages is required for warning statements and certain statements on some foods. (*Infant formula and condensed, modified or skim milk*)

Further information

User guides and factsheets that provide more detailed interpretation of the Code can be found under the *Assistance for Industry* heading on the FSANZ website.

www.foodstandards.gov.au

These guides cover:

- Information required for food exempt from bearing a label
- Warning and advisory statements
- Ingredient labelling
- Food additives
- Legibility requirements
- Date marking
- Nutrition information panels
- Genetically modified foods
- Labelling legibility
- Percentage labelling

Information can also be obtained from the:

Food & Nutrition Group,
Public & Environmental Health Service,
Department of Health & Human Services Tasmania,
34 Davey Street, Hobart 7000.

Telephone: 1800030940

Website:

<http://www.dhhs.tas.gov.au/publichealth/foodsafety/index.html>

Other food labelling legislation

For enquiries concerning:

- *Weights and measures.*

Please contact:

Measurement and Standards
56 A Gormanston Road,
Moonah.

Telephone: 62337698.

Labelling Example

NOTE: Before claims or statements are made on a label reference must be made to the Code for any prohibitions or conditions that may apply.

BEST BEFORE 09 JAN 03
STORE AT OR BELOW -18 °C

Meat Pie

SERVINGS SUGGESTION

NUTRITION INFORMATION		
SERVINGS PER PACKAGE - 4		
SERVING SIZE - 175g		
	QUANTITY PER 175g SERVING	QUANTITY PER 100g
ENERGY	1615kJ	923kJ
PROTEIN	25.9g	14.8g
FAT - Total	20.6g	11.8g
-Saturated	10.0g	5.76g
CARBOHYDRATE	23.6	13.5g
-Sugars	1.2	0.7g
SODIUM	471mg	269mg

INGREDIENTS
WHEAT FLOUR, MEAT (MINIMUM 25%), WATER, ANIMAL AND VEGETABLE FAT, ONION POWDER, HYDROLYSED VEGETABLE PROTEIN, EGG, THICKENER (410), SUGAR, MINERAL SALT (450), SALT, COLOUR (150a), HERBS, PRESERVATIVE (223),

FINE FOODSCO,
20 MAIN ST,
HOBART,
TASMANIA.

700g

Business name and address.
If the product is prepared or packed at the business address this also meets the Country of Origin and premises identification requirements.



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