

WEBINAR SERIES – INTRODUCTION TO THE FOOD STANDARDS CODE



WEBINAR 2: LABELLING AND OTHER INFORMATION REQUIREMENTS

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WEBINAR 1 RECAP

FOOD REGULATION SYSTEM

Framework

FOOD STANDARDS CODE

FSANZ

the Code

Structure of

Enforcement

INTERSECTING **REGULATORY SCHEMES**

> ACCC TGA NMI



Part 1.2 Labelling and other information requirements

- Standard 1.2.1 Requirements to have labels or otherwise provide information
- Standard 1.2.2 Information requirements food identification
- <u>Standard 1.2.3 Information requirements warning statements, advisory</u> statements and declarations
- <u>Standard 1.2.4 Information requirements statement of ingredients</u>
- Standard 1.2.5 Information requirements date marking of food for sale
- Standard 1.2.6 Information requirements directions for use and storage
- Standard 1.2.7 Nutrition, health and related claims
- <u>Standard 1.2.8 Nutrition information requirements</u>
- Standard 1.2.10 Information requirements characterising ingredients and components of food





WHAT IS A LABEL?



REGULA

1.2.1—3 Definitions

Note In this Code (see section 1.1.2—2):

bear a label: a food for sale is taken to bear a label of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food:

- (a) a label of that kind or with that content; or
- (b) labels that together are of that kind or have that content.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

label, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

- (a) is attached to the food or is a part of or attached to its packaging; or
- (b) accompanies and is provided to the purchaser with the food; or
- is displayed in connection with the food when it is sold.



WHY FOOD LABELLING?



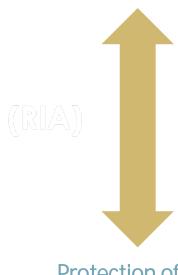




WHY FOOD LABELLING?



Help consumers make informed food choices



Protection of public health and safety





IS A LABEL ALWAYS REQUIRED?









FOODS EXEMPT FROM BEARING A LABEL

Food made and packaged on the premises

Food is packaged in the presence of the purchaser

Whole or cut fresh fruit and vegetables (other than seed sprouts or similar products) in a package that does not obscure the nature or quality of the product

Food is at the express order of the purchaser (other than when the food is sold from a vending machine)

The food has more than 1 layer of packaging, only 1 label is required

Food is sold in packaging that includes individual packages for servings that are intended to be used separately (individual portion packs), but which:

- (a) are not designed for individual sale; and
- (b) have a surface area of 30cm2 or greater





INFORMATION THAT MUST BE INCLUDED

Nutrition or
Health
claim
(voluntary)

Allergens





Sports food warnings

- Should only be used under medical or dietetic supervision.
- Not suitable for children under 15 years of age or pregnant women.





LEGIBILITY REQUIREMENTS

General legibility requirements

The label wordings must

- be in English
- contrast distinctly with the background of the label

Warning statements

- for a small pack in a size of type of at least 1.5 mm
- otherwise in a size of type of at least 3 mm



Small Pack

- Less than 100 cm²
- Ingredients list not required but needs an allergen summary statement, mandatory warnings or advisory statements
- NIP is not required if a Health or Nutrition content claim is not made







MULTI LAYER PACKAGING AND INDIVIDUAL PORTION PACKS









MULTI LAYER PACKAGING AND INDIVIDUAL PORTION PACKS

Outer layer

Must be fully complaint with

- required labelling standards
- general legibility requirements



Individual portion packs with surface area greater than 30cm2

- warning statements and declarations in accordance with section 1.2.3—3 (Royal Jelly)
- section 1.2.3—4 (Allergens)
- alcohol pregnancy warning label



Information required on food that is required to bear a label

1.2.1—8 Information required on food that is required to bear a label

General and additional requirements-retail sales

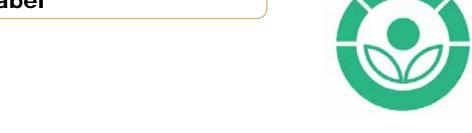
(1) For subsection 1.2.1-6(1), the information is the following information in accordance with the provisions indicated:

General requirements

- (a) name of the food (see section 1.2.2—2);
- (b) "lot identification (see section 1.2.2—3);
- (c) name and address of the *supplier (see section 1.2.2—4);
- (d) advisory statements, "warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);
- (e) a statement of ingredients (see section 1.2.4-2);
- date marking information (see section 1.2.5—3);
- (g) storage conditions and directions for use (see section 1.2.6—2);
- (h) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));
- nutrition information (see Standard 1.2.8);
- information about "characterising ingredients and "characterising components (see section 1.2.10—3);
- ja) information relating to breakfast cereals that contain vitamin D that has been used as a nutritive substance in accordance with Standard 1.3.2 (see section 1.3.2—7);
- (k) information relating to "foods produced using gene technology (see section 1.5.2—4);
- (I) information relating to irradiated food (see section 1.5.3-9);

Additional requirements

- (m) for minced meat—the maximum proportion of fat in the minced meat (see section 2.2.1—7);
- (n) for raw meat joined or formed into the semblance of a cut of meat—the required information relating to that meat (see sections 2.2.1—8):
- for fermented comminuted processed or manufactured meat—the required information relating to how the meat has been processed (see sections 2.2.1—9 and 2.2.1—10);
- (p) for formed or joined fish—the information relating to that fish (see section 2.2.3—3);
- the process declaration for edible oils (see section 2.4.1-4);
- (r) for juice blend—the name and percentage by volume of each juice in the blend (see section 2.6.1—4);
- information related to the composition of packaged water (see section 2.6.2—5);
- the declarations and other information required for electrolyte drinks and for electrolyte drink bases (see Standard 2.6.2);
- (u) the required statements relating to kava (see section 2.6.3-4);
- for formulated caffeinated beverages:
 - declarations of "average quantities (see section 2.6.4—5); and
- (ii) any advisory statements (see section 2.6.4-5);
- (w) for a food that contains alcohol-if required:
 - a statement of the alcohol content (see section 2.7.1—3); and
 - (ii) a statement of the number of "standard drinks in the package (see section 2.7.1-4);
- for special purpose foods or "amino acid modified foods to which sections 2.9.6—5 and 2.9.6—6 apply—the required information for such foods:
- (y) the required statements and other information for:
 - (i) infant formula product (see Standard 2.9.1); and
 - (ii) food for infants (see Standard 2.9.2); and
 - (iii) formulated meal replacements and formulated supplementary foods (see Standard 2.9.3); and











STANDARD 1.2.2 INFORMATION REQUIREMENTS – FOOD IDENTIFICATION

Name of the food prescribed name or a name or description

Lot identification

A number or other information that identifies:

- the premises where the food was prepared or packed; and
- the lot of which the food is a part.

Food identification - name



Food identification - Manufacturer's name & address

Image source: FSANZ website





STANDARD 1.2.2 INFORMATION REQUIREMENTS – FOOD IDENTIFICATION

PRESCRIBED NAMES

Note 2 In this Code, the following foods have these names as prescribed names:

- (i) 'fermented processed meat not heat treated' (Standard 2.2.1);
- (ii) 'fermented processed meat heat treated' (Standard 2.2.1);
- (iii) 'fermented processed meat cooked' (Standard 2.2.1);
- (iv) 'fermented manufactured meat not heat treated' (Standard 2.2.1);
- (v) 'fermented manufactured meat heat treated' (Standard 2.2.1);
- (vi) 'fermented manufactured meat cooked' (Standard 2.2.1);
- (vii) 'follow-on formula' (Standard 2.9.1);
- (viii) 'formulated meal replacement' (Standard 2.9.3);
- (ix) 'formulated supplementary food' (Standard 2.9.3);
- (x) 'formulated supplementary food for young children' (Standard 2.9.3);
- (xi) 'formulated supplementary sports food' (Standard 2.9.4);
- (xii) 'honey' (Standard 2.8.2);
- (xiii) 'infant formula' (Standard 2.9.1).









STANDARD 1.2.3 INFORMATION REQUIREMENTS – WARNING STATEMENTS, ADVISORY STATEMENTS AND DECLARATIONS

Warning statements

Royal jelly

"This product contains royal jelly which has been reported to cause severe allergic reactions and, in rare cases, fatalities, especially in asthma and allergy sufferers."



Advisory statements

Schedule 9

e.g., labels on food and beverages containing added caffeine must indicate that they contain caffeine. Declarations

Allergen Labelling





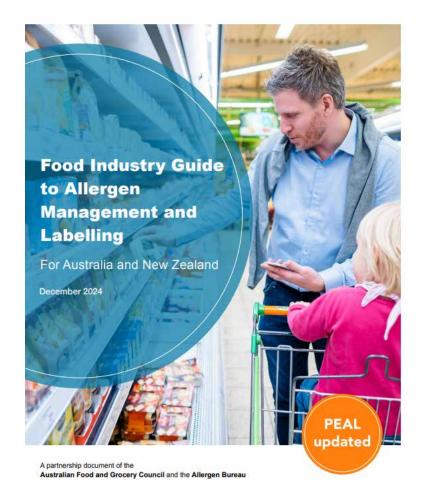




FOOD INDUSTRY GUIDE FOR ALLERGEN MANAGEMENT (FIGAML)







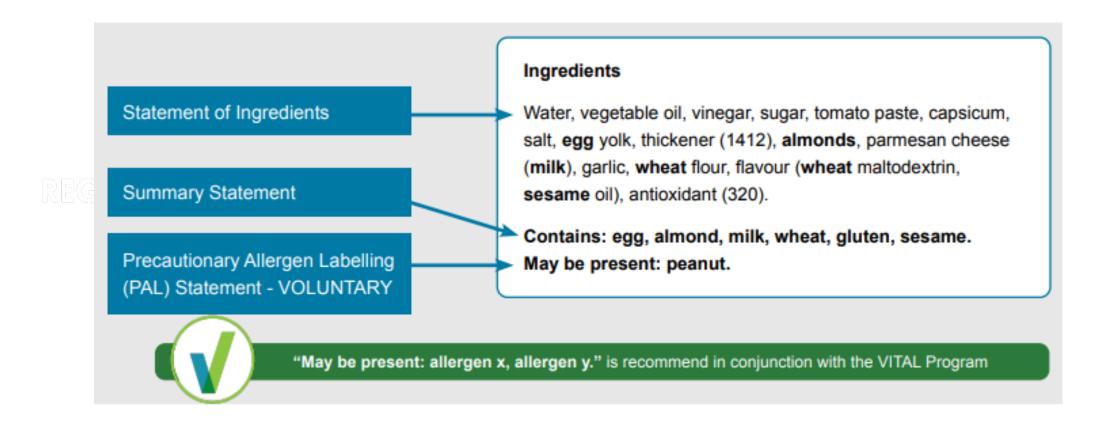


<u>Industry Guidance - Food Allergen Management - Allergen Bureau</u>





ALLERGEN LABELLING - EXAMPLE



Source: Industry Guidance - Food Allergen Management - Allergen Bureau





ALLERGEN LABELLING - KEY REQUIREMENTS

Statement of ingredients

Allergens are declared using the required names from Schedule 9.

- in bold
- in the same or larger text size: and
- in distinct contrast with the other text.
- Separate declaration of mollusc and individual tree nuts

Required name

The use of 'required name' terms e.g. 'milk', 'egg', to declare the allergen source when declaring allergens.

e.g., casein (milk) or casein (from milk)

Summary statement

- Begins with the word 'Contains'
- Separate but co-located
- Using bold type that provides a distinct contrast with any other text in a size of type no less than that used for other text
- With the use of the required name 'gluten' if the allergen is wheat, barley, rye, oats or thei hybrids.

Ingredients

oysters (mollusc)

Contains: mollusc.

Ingredients

Water, vegetable oil, vinegar, sugar, tomato paste, capsicum, salt, egg yolk, thickener (1412), almonds, parmesan cheese (milk), garlic, wheat flour, flavour (wheat maltodextrin, sesame oil), antioxidant (320).

Contains: egg, almond, milk, wheat, gluten, sesame.



ALLERGEN LABELLING - SCHEDULE 9

Schedule 9 Mandatory declarations

Mandatory advisory statements and declarations

ſ	Item	Column 1	Column 2	Column 3	Column 4
		Food	Exemption	Required name for declarations in a statement of ingredients	Required name for other declarations
	1	added sulphites in concentrations of 10 mg/kg or more		sulphites	sulphites
	2	Any of the following cereals (including hybridised strains thereof) if they contain *gluten:	the cereal or its hybridised strain that is present in beer or spirits		
		barley		barley	gluten
		oats		oats	gluten
		rye		rye	gluten
	3	wheat (including its hybridised strain) irrespective of whether it contains gluten	(a) the wheat or its hybridised strain that is present in beer or spirits; (b) glucose syrups made from wheat starch and that: (i) have been subject to a refining process that has removed gluten protein content to the lowest level that is reasonably achievable; and (ii) have a gluten protein content that does not exceed 20 mg/kg; (c) alcohol distilled from wheat.	wheat	(a) wheat; and (b) if gluten is present - gluten.

4	Any of the following tree nuts:			
	almond		almond	almond
	Brazil nut		Brazil nut	Brazil nut
	cashew		cashew	cashew
	hazelnut		hazelnut	hazelnut
	macadamia		macadamia	macadamia
	pecan		pecan	pecan
	pine nut		pine nut	pine nut
	pistachio		pistachio	pistachio
	walnut		walnut	walnut
5	crustacea		crustacean	crustacean
6	egg		egg	egg
7	fish	isinglass derived from fish swim bladders and used as	fish	fish
8	lupin		lupin	lupin
9	milk	alcohol distilled from whey	milk	milk
10	mollusc		mollusc	mollusc
11	peanut		peanut	peanut
12	sesame seed		sesame	sesame
13	soybean	(a) soybean oil that has been degummed, neutralised, bleached	soy, soya or soybean	soy

Exemptions Examples:

maltodextrin (wheat)

Contains: wheat

fully refined soybean oil (exempt from declaring soy)







ALLERGEN LABELLING - TIMELINE



15 December 2020 [145-20]

Approval report - Proposal P1044

Plain English Allergen Labelling

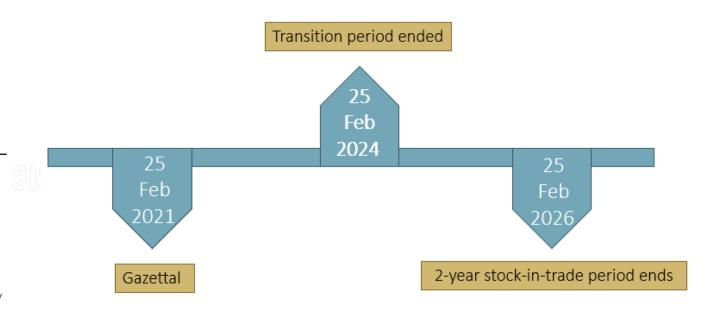


FSANZ has assessed a proposal to require mandatory food allergen declarations to be clearer, more consistent and in plain English, and has prepared a draft variation.

On 27 November 2019, FSANZ sought <u>submissions</u> on a draft variation and published an associated report. FSANZ received 44 submissions.

After having regard to the submissions received and the relevant matters as set out in this report, FSANZ approved the draft variation on 1 December 2020. The Australia and New Zealand Ministerial Forum on Food Regulation was notified of FSANZ's decision on 15 December 2020.

This Report is provided pursuant to paragraph 63(1)(b) of the Food Standards Australia New Zealand Act 1991 (the FSANZ Act).





PROCESSING AIDS - ALLERGEN DECLARATION

1.2.3—6 What a mandatory declaration must state

- (1) A declaration other than a declaration to which subsection (2) or (4) applies must be made by stating the *required name of the food to be declared.
- (2) A declaration made for the purposes of paragraph 1.2.1—8(1)(d) or subparagraph 1.2.4—5(6)(b)(i) must be made by:
 - (a) listing in the statement of ingredients of the food for sale:
 - the *required name of the food to be declared; and
 - (ii) if the food to be declared is a substance *used as a processing aid or an ingredient or component of such a substance, the words 'processing aid' in conjunction with that required name; and
 Examples: processing aids (wheat, egg); processing aid containing wheat.
 - (b) including a summary statement on the label of the food for sale.

If the processing aid is, or contains, an allergen, the Code [refer to section 1.2.3—6] sets out requirements for how it is declared – it must be listed in the statement of ingredients with the words 'processing aid' displayed in conjunction with the required name.

Example – processing aids (wheat, egg); processing aid containing wheat

Contains: wheat, egg.



Order of ingredients

Descending order of ingoing weight

Common, descriptive or generic name listed in Schedule 10

Examples

- 'Milk solids' may be used to describe milk powder, skim milk powder or dried milk products
- 'Herbs and spices' can be grouped and described as herbs and spices
- 'Fruit' may be used in place of bananas or oranges
- 'Vegetable oil' may be used for any oil like Palm Oil or Canola Oil that is derived from a vegetable source

Declaration of additives

If the substance can be classified into a class of additives listed in Schedule 7 –

that class name, followed in brackets by the 'name' or 'code number' of the substance as indicated in Schedule 8; or

the 'name' of the substance as indicated in Schedule 8



INGREDIENTS: FRESH CREAM (MILK), THICKENERS (CARRAGEENAN, GUAR GUM) CONTAINS: MILK.

> Example Thickener (412) or; Thickener (Guar Gum)





1.2.4—3 Requirement to list all ingredients

- Subject to subsection (2), a statement of ingredients must list each ingredient in the food for sale.
- (2) A statement of ingredients need not list:
 - (a) an ingredient of a *flavouring substance; or
 - Note Despite paragraph (a), subsection 1.2.4—7(5) and 1.2.4—7(6) require some ingredients of flavouring substances to be specifically declared or listed in the statement of ingredients.
 - a volatile ingredient which is completely removed during processing; or
 - (c) added water that:
 - is added to reconstitute dehydrated or concentrated ingredients; or
 - (ii) forms part of broth, brine or syrup that is declared in the statement of ingredients or is part of the name of the food; or
 - ii) constitutes less than 5% of the food; or
 - (d) a substance that is *used as a processing aid in accordance with Standard 1.3.3; or
 - (e) a food that is used as a processing aid.

EXEMPTIONS INGREDIENT LISTING

- the name of the product is the only ingredient in the product. E.g., sugar, salt, flour.
- bottled water
- standardised alcoholic beverage
- food in a small package

- Ingredients of a flavouring
- Volatile ingredients that are completely removed
- Water added to reconstitute concentrated ingredients
- Water added where the water is less than 5% of the final food
- Ingredients of compound ingredients that make up less than 5% of the final food
- Water added as a part of a broth, brine or syrup
- Processing aid unless it's an allergen



Standard 1.2.4 Information requirements – statement of ingredients

- (5) A *compound ingredient must be listed in a statement of ingredients by listing, in accordance with subsection (1):
 - the compound ingredient by name as an ingredient of the food for sale, in accordance with subsection (6); or
 - (b) each ingredient of the compound ingredient individually as an ingredient of the food for sale.
- (6) If a *compound ingredient is listed in accordance with paragraph (5)(a), it must be followed by a list, in brackets, of:
 - if the compound ingredient comprises 5% or more of the food for sale—all ingredients that make up the compound ingredient; or
 - (b) if the compound ingredient comprises less than 5% of the food for sale—the



Labelling of compound ingredient –

- If the compound ingredient comprises 5% or more of the food for sale - all ingredients that make up the compound ingredient need to be listed
- Compound ingredients don't need to be listed separately if comprises of less than 5% except when the sub-ingredient is an <u>allergen</u> or an <u>additive</u> performing a technological function in the final food

Example – Chocolate brownie

Wheat flour, sugar, chocolate (30%) [milk, sugar, vegetable oil, cocoa solids, emulsifier (soy lecithin), flavour], egg, salt, raising agent (sodium carbonate), flavour



Standard 1.2.4 Information requirements – statement of ingredients

1.2.4—6 Declaration of alternative ingredients

If the composition of a food for sale is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared.

Labelling of alternative ingredients –

If the composition of a food is subject to minor variations by the substitution of an ingredient which performs a similar function, the statement of ingredients may list both ingredients in a way which makes it clear that alternative or substitute ingredients are being declared

Example

The statement of ingredients may read 'safflower or sunflower oil' as alternative ingredients depending on availability





Standard 1.2.4 Information requirements – statement of ingredients

1.2.4—7 Declaration of substances used as food additives

- A substance (including a vitamin or mineral) *used as a food additive must be listed in a statement of ingredients by specifying:
 - (a) if the substance can be classified into a class of additives listed in Schedule 7 (whether prescribed or optional)—that class name, followed in brackets by the name or *code number of the substance as indicated in Schedule 8; or
 - (b) otherwise—the name of the substance as indicated in Schedule 8.
- (2) For the purposes of paragraph (1)(a), if the substance can be classified into more than 1 class, the most appropriate class name must be used.

1.2.4—8 Declaration of vitamins and minerals

Where a vitamin or mineral is added to a food, the vitamin or mineral may be declared in accordance with section 1.2.4—7 using the class name 'vitamin' or 'mineral'.

Labelling of flavour, vitamins and minerals –

- Flavouring can be labelled as:
 Either just 'flavourings', 'flavour' or;
 a more specific name or description of the flavouring substance
- An enzyme can be labelled as 'enzyme'
- Vitamins and minerals can be labelled by their common name if they have been added for fortification and not as a food additive.

Example - "Vitamin C" and not "Calcium Ascorbate" unless being used as an antioxidant





STANDARD 1.2.5 DATE MARKING

Use by

Public health and safety risk - illegal to sell foods after a 'use by' date



Best before

Loss of quality but considered safe to consume





AFGC DATE MARKING GUIDE



https://afgc.org.au/wp-content/uploads/2024/10/AFGC-Best-Practice-Guide-Date-Marking-February-2021_FINAL-1.pdf





STANDARD 1.2.6 - DIRECTIONS FOR USE AND STORAGE

Standard 1.2.6 Information requirements – directions for use and storage

- Note 1 This instrument is a standard under the Food Standards Australia New Zealand Act 1991 (Cth). The standards together make up the Australia New Zealand Food Standards Code. See also section 1.1.1—3.
- Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the Food Act 2014 (NZ). See also section 1.1.1—3.

1.2.6—1 Name

This Standard is Australia New Zealand Food Standards Code – Standard 1.2.6 – Information requirements – directions for use and storage.

Note Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the Gazette and the New Zealand Gazette under section 92 of the Food Standards Australia New Zealand Act 1991 (Cth). See also section 93 of that Act.

1.2.6—2 Directions for use, and statement of storage conditions

For the labelling provisions, storage conditions and directions for use of a food are:

- if specific storage conditions are required to ensure that the food will keep until the "use-by date or the "best-before date—a statement of those conditions; and
- if the food must be used or stored in accordance with certain directions for health or safety reasons—those directions; and
- (c) if the food is or contains:
 - raw bamboo shoots—a statement indicating that bamboo shoots should be fully cooked before being consumed; or
 - raw sweet cassava—a statement indicating that sweet cassava should be peeled and fully cooked before being consumed.

Note The labelling provisions are set out in Standard 1.2.1.

Include specific storage conditions if required





STANDARD 1.2.10 - CHARACTERISING INGREDIENTS AND COMPONENTS OF FOOD

PERCENTAGE LABELLING



Ingredients: Lemon Peel (21%), Orange Peel (20%), Hibiscus, Lemon Flavour (13%), Rosehip, Lemongrass (8%), Roasted Chicory Root (8%), Acid (Citric Acid), Apple Flavour.



STANDARD 1.2.10 – CHARACTERISING INGREDIENTS AND COMPONENTS OF FOOD



Characterising component and characterising ingredient

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

Percentage labelling declaration

- Actual % or min % (no minimum % requirement)
 rounded to the nearest whole number
- Where a food must be reconstituted, the % may be declared as a % of the reconstituted food provided that is clearly indicated

Image source: FSANZ website





STANDARD 1.2.10 – CHARACTERISING INGREDIENTS AND COMPONENTS OF FOOD

EXEMPTIONSCHARACTERISING INGREDIENTS

- Despite subsection (1), any of the following is not a characterising ingredient:
 - an ingredient or category of ingredients that is used in small amounts to flavour the food; or
 - (b) an ingredient or category of ingredients that comprises the whole of the food; or
 - (c) an ingredient or category of ingredients that is mentioned in the name of the food but which is not such as to govern the choice of the consumer, because the variation in the amount is not essential to characterise the food, or does not distinguish the food from similar foods.
- (3) Compliance with labelling requirements elsewhere in this Code does not of itself constitute emphasis for the purposes of this section.

1.2.10—3 Requirement to declare characterising ingredients and components

- (1) For the labelling provisions, information about *characterising ingredients and *characterising components is a declaration of the proportion of each characterising ingredient and characterising component of the food:
 - (a) calculated in accordance with sections 1.2.10—4 to 1.2.10—7; and
 - b) expressed in accordance with section 1.2.10—8.
- (2) If
 - the proportion of a *characterising component of a food is declared in accordance with this Standard; and
 - an ingredient or category of ingredients contains that characterising component;

- An ingredient that is used in small amounts to flavour the food. E.g., vanilla flavour used in a chocolate
- The ingredient is the sole ingredient of the food
- variation in the amount of the ingredient not distinguishing the product from similar foods (alternative ingredients)
- Infant formula product
- Food for sale in small package
- prepared filled rolls, sandwiches, bagels or similar products



SUMMARY OF LABELLING REQUIREMENTS COVERED TODAY

REQUIREMENT	STANDARD
Product Name – prescribed name if specified, else description sufficient to indicate true nature of food	1.2.2
Name of the company/business, street address in Australia or NZ and lot marking	1.2.2
Ingredients list (including allergens, processing aids, and percentage of characterising ingredients/components)	1.2.3 1.2.4 1.2.10
Date marking (Use by or Best before date)	1.2.5
Product usage and storage conditions (as required)	1.2.6
Any mandatory declarations (e.g., caffeine)	1.2.3
Items 1 to 6 above presented prominently, legibly, in colour contrast and in English	1.2.1
Any warning statements in at least 3mm type except on small packages where the size of the type must be at least 1.5 mm. (use exact text from the Standard)	1.2.3 1.2.1





NEXT WEBINAR: JULY 2025



Standard 1.2.7 - Nutrition, health and related claims & Schedule 4, 5
Standard 1.2.8 - Nutrition information requirements & Schedule 11, 13
Characterising components and Nutrition Information Panel

THANK YOU

A&P

