

To: The Food Business Owner

Food Labelling at Markets - Food Standards Code Australia New Zealand

All packaged food for retail sale must be labelled according to the Food Standards Code (the Code) to ensure compliance with the *Food Act 2006*. Some unpackaged food must display a statement about the country of origin (see below [Food Standards Code: Standard 1.2.11 – Country of Origin](#)).

Are there any exemptions to food labelling?

Food for retail sale or catering purposes is exempt from labelling where the food is:

- Not in a package;
- In an inner package not designed for individual sale;
- Made and packaged on the premises from where it is sold;
- Packaged in the presence of the purchaser;
- Whole or cut fresh fruit and vegetables in packaging that does not obscure its nature or quality;
- Delivered packaged and ready for consumption when ordered by the purchaser;
- Sold at a fund raising event.

Please note even if your product is exempt from labelling, you are still required to provide information regarding the ingredients of the food if requested by a buyer.

What are the minimum labelling requirements for packaged food?

- Name of the food
- The name and business address of the supplier of the food
- Lot or batch number
- Mandatory warning and advisory statements and declarations
- Ingredient labelling
- Date mark
- Directions for use and storage
- Nutrition information panel
- Characterising ingredient declaration (percentage labelling)
- Country of origin

Food Standards Code: Standard 1.2.3 – Mandatory warning and advisory statements and declarations

This standard requires three types of mandatory labelling to protect people with:

- Food allergies
- Sensitivities
- Intolerances to foods

Warning Statements - are required to appear on the label of packaged foods, or are to be displayed in connection with the display of that food, **or provided to the purchaser upon request, if the product is exempt from labelling**. The warning is required where the food contains royal jelly or when royal jelly is presented as a food. The mandatory warning statement should advise that royal jelly has been reported to cause severe allergic reactions and, in rare cases, fatalities especially in asthma and allergy sufferers.

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Advisory Statements – are required on packaged food labels, or are to be displayed in connection with the display of that food, **or provided to the purchaser upon request if the product is exempt from labelling.** The advice is required where the food contains a substance that presents a risk that may not be obvious to the consumer. For example, foods containing:

- Aspartame
- Quinine
- Unpasteurised milk,
- Liquid milk products
- Egg products
- Added caffeine
- Bee pollen
- Guarana or extracts of guarana

Declarations – are required on the label of packaged foods, or are to be displayed in connection with the display of that food, **or provided to the purchaser upon request, if the product is exempt from labelling.** The declaration is required to identify the presence in a food of any ingredient, food additive or processing aid that can cause severe adverse reactions even in small amounts. These are:

- Peanuts
- Tree nuts
- Sesame seeds
- Crustaceans and their products
- Fish and fish products
- Milk and milk products
- Egg and egg products
- Soy beans
- Added sulphites in concentrations of 10mg/kg or more.
- Cereals containing gluten and the products name wheat, rye, barley, oats, spelt and their hybridised strains.

Food Standards Code: Standard 1.2.7 – Health Claims

The label on a food must not make a claim:

- That the food is therapeutic in nature;
- That refers to nutrition content unless permitted by Schedule 1 of Standard 1.2.7;
- That refers to a serious disease unless permitted by Schedule 2 of Standard 1.2.7;
- That suggests or implies that the food or a property of the food has or may have a health effect unless permitted by Schedule 3 of Standard 1.2.7.

Food Standards Code: Standard 1.2.11 – Country of Origin

Certain unpackaged food displayed for retail sale must be labelled with a statement on the food display or near the food display that:

- a. identifies the country of origin of the food, or
- b. indicates that the food is a mix of local and imported foods; or
- c. indicates that the food is a mix of imported foods.

These certain foods are:

- Fish
- Pork
- Fruit and vegetables
- Beef
- Veal
- Lamb
- Hogget
- Mutton
- Chicken
- Or a mix of these foods

Food Standards Code: Standard 2.2.2 - Eggs

- Unacceptable eggs (that are cracked or dirty - contaminated with visible faeces or soil) must not be sold.
- Eggs sold by retail must be individually marked with the producers' unique identification.
- Avoid re-using egg cartons as the identification of the carton may not correctly identify the eggs and re-using egg cartons may also cause cross contamination.

What is the penalty if I sell food that is not labelled according to the Code?

Non compliance with the food labelling requirements of the Code carries a maximum penalty of \$55,000 or may incur a prescribed Infringement Notice (PIN or *on-the-spot fine*) of \$550. The sale of unacceptable eggs or eggs that are not marked with the producer's unique identification may also incur a \$550 PIN.

What is the role of Queensland Health?

Queensland Health is responsible for monitoring, enforcing and promoting compliance with the Act. Environmental health officers are authorised under the Act to monitor compliance and may issue prescribed Infringement Notices (on-the-spot fines) for breaches detected.

Where can I get more information?

Label Buster Guide – A guide to the Food Standards Code labelling requirements for food businesses – Queensland health: <http://www.health.qld.gov.au/ph/documents/ehu/28009.pdf>

Bread and Bakery Products Labelling & Composition Standards for Industry – Queensland Health: <http://www.health.qld.gov.au/ph/documents/ehu/19398.pdf>

Meat and Meat Products Labelling & Composition Standards for Industry – Queensland Health: <http://www.health.qld.gov.au/ph/documents/ehu/19399.pdf>

Seafood Labelling & Compositions Standards for Industry – Queensland Health: <http://www.health.qld.gov.au/ph/documents/ehu/19401.pdf>

Skills and knowledge for food businesses (Guide for Food businesses on the skills and knowledge requirement of Food Safety Standard 3.2.2 Food Safety Practices and General Requirements) www.foodstandards.gov.au

Nutrition Information Panel – calculator

<http://www.foodstandards.gov.au/industry/npc/Pages/Nutrition-Panel-Calculator-introduction.aspx>

Thank you for your cooperation with this matter. Should you have any queries regarding this advice please contact the Gold Coast Public Health Unit on telephone 07 5668-3700 or at: eh_goldcoast@health.qld.gov.au

Yours sincerely



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15 January 2014