CHANGES TO THE RETAIL SALE OF ALL RAW MILK PRODUCTS IN NSW FOR RETAILERS

The Food Amendment (Raw Milk Products) Regulation 2018 has amended the NSW Dairy Food Safety Scheme in Food Regulation 2015 to require all raw milk activities to be licensed with the NSW Food Authority and creates an offence to supply raw milk products without one. Previously, only milk producers who supplied milk for human consumption were required to be licensed. It will also create an offence for any person to sell or supply raw milk products unless it has been treated, packaged, labelled and presented in a manner that deters human consumption and could not be reasonably mistaken for food. This offence can be applied to retailers.

When did this new change come into effect?

The new requirements came into effect on 20 July 2018 and licencing requirements will be enforceable after 3 months, i.e. 20 October 2018.

Why?

A FSANZ review of the risks associated with raw cow's milk as food concluded that it presents an unacceptable public health and safety risk.

All jurisdictions currently prohibit the sale of raw milk as food. Despite this prohibition, raw milk and raw milk products have been found to be sold under the guise of 'bath milk' or 'bath wash' and are packaged and labelled in-line with milk which is lawfully sold for human consumption. This includes being packaged in a 2-litre plastic container with labelling information similar to milk as food, e.g. 'use-by-date' and 'keep refrigerated'.

Licence conditions will be used to prevent inappropriate labelling and packaging of raw milk which may lead consumers to believe it is a food and will also impose requirements to render the product unpalatable.

As a retailer – what do I need to know and do?

If you **do not** stock raw milk products such as soaps, bath wash and other cosmetic products – you are not required to do anything.

If you **do** stock raw milk products (products), you will need to ensure that:

- the product is treated in a way that deters human consumption.

- any products you stock could not be reasonably mistaken as food (i.e. by its packaging, storage or use instructions, e.g. liquid soap should be bottled in packaging dissimilar to food products and

labelled as a cosmetic product with usage instructions)

- products are not displayed in your store in a way that they could reasonably be mistaken as a food product (i.e. in a fridge next to pasteurised products).

- your supplier is licensed with the NSW Food Authority. You need to be aware that it is the responsibility of the retailer (i.e. you) to ensure that your supplier is licensed with the Food Authority.

The amendment will not inhibit the supply of legitimate raw milk

products but will ensure they are rendered unpalatable, packaged and labelled so they cannot be mistaken for a food product.

What happens if I am found to stock non-compliant raw milk product?

If a raw milk product has been sourced from a supplier that is not

licensed with the Food Authority, and/or is packaged in similar packaging to a food product, kept in the store's refrigerator, displayed next to pasteurised product and labelled with a use-by-date, it could reasonably be assumed it is a food product. In this instance, an EHO or authorised officer may seize this product immediately and could also take enforcement action.

Further information

If you have any questions about the retail sale of raw milk products in NSW, contact NSW Food Authority on 1300 552 406
or food.contact@dpi.nsw.gov.au