

LABELLING – GENERAL REQUIREMENTS

The NSW Food Authority is responsible for administering the labelling provisions of the Australia New Zealand Food Standards Code (the Code). In addition, the Food Authority administers the NSW *Food Act 2003*, which includes sections prohibiting the provisions on labels of misinformation which can mislead the consumer.

The Food Authority is **not** responsible for:

- the presence and accuracy of total weights and measures statements, which is the responsibility of the National Measurement Institute (however, the Food Authority is responsible for percentage ingredient statements),
- barcodes
- recycling codes
- composition and labelling of pet food
- therapeutic products (including dietary aids and supplements) registered by the Therapeutic Goods Administration, which are governed by that agency
- country of origin labelling.

Food labelling

Food labelling informs the consumer of the properties of food offered for sale. The information presented on the label must:

- be visible on the outside of the package
- be unambiguous
- not mislead the consumer.

Unpackaged food is exempt from most labelling requirements.

However, the consumer must be provided with certain information (see section *Labelling exemptions*). Certain packaged foods are also exempt from some or all of the labelling requirements (see section *Labelling exemptions*).

Under food law, advertising information is equivalent to labelling.

Information a food label must contain

The food label must identify:

- a **name for the food** which is prescribed by the Code, or a name/description that describes the true nature of the food
- the **production 'lot'** of the food prepared under the same conditions and during a particular span of time (date coding can in some circumstances satisfy the requirement for a lot number)
- the **name and street address in Australia or New Zealand** of the supplier of the food (e.g. the manufacturer, marketer or importer)

- a **list of the ingredients**
- a statement of the **shelf life of the product**, as either a 'use-by' or a 'best before' date (see related factsheet *Labelling – Date marking, storage conditions and directions for use* for further details)
- directions for **use and storage** where these are needed for reasons of health and safety or to ensure shelf life is achieved
- the **nutrition information panel (NIP)**, which shows the quantity of the basic nutrients contained in the food, per serving and per 100g of that food. Certain packaged foods are exempt from the requirement to carry a NIP, e.g. alcoholic beverages, water, herbs and spices, and prepared sandwiches
- the **country of origin** of the product and its ingredients (contact Australian Competition and Consumer Commission)
- **warning and advisory statements** and declaration of the presence of substances which may adversely affect the

health of people with allergies and food sensitivities (see related factsheet *Food allergies and intolerances*).

Portion-packed foods

Retail businesses often purchase bulk-packed foods, such as cheese wheels, smallgoods, nuts and pulses, which are then divided into portions and repackaged on their premises. The retailer displays these foods in self-service cabinets. Although portion-packed foods require labelling information (as listed above), there are some additional options available to retailers to comply with the Code. Retailers may choose to:

- attach a label to each portion-packed food, or
- display labelling information on a sign/booklet or tearaway pamphlet near the portion-packed food. The information must be legible and the consumer should be able to readily identify the portion-packed food to which the information relates. Information that may change frequently or is essential to protect consumer safety (for example, the use-by date, lot code, storage conditions, allergens) should be declared on a label that is attached to the portion-packed food.

Labelling exemptions

Some food offered for retail sale is exempt from general labelling requirements. Exemptions apply if the food is:

- unpackaged
- in an 'inner' package, not designed for sale without the outer package
- made and packaged on the premises from which it is sold:
- for a food to be considered 'made' as well as 'packaged' on the premises, it must have been processed on the premises in a way that has changed the nature of the food, before packaging the food on the premises. Merely dividing and repackaging portions of food from bulk to individual smaller pieces for sale does not in itself qualify the food for a labelling exemption
- packaged in the presence of the purchaser:
- a retailer may sell food without a label on the package where the customer witnesses the packaging of the food, so that any questions about the food can be put to the person serving the food for sale
- packaged food displayed in an assisted service cabinet which requires food to be served on request from the purchaser
- whole or cut vegetables and fruit, in a package which displays the nature and the quality of the food (sprouting seeds are excluded from this exemption)
- delivered packaged and ready for consumption at the order of the consumer
- sold at a fundraising event (see related factsheet *Food safety*

requirements for charitable and not-for-profit organisations).

Even exempt food must comply with the requirement for the various warning statements required by the Code for safety reasons and also for foods that are genetically modified or irradiated.

With the exception of the presence of royal jelly, genetically modified foods and irradiated foods, this requirement can be met either by displaying the required information in conjunction with the food (mandatory for royal jelly) or providing the information to the purchaser on request.

More information

- This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW). Visit the Food Authority's website at www.foodauthority.nsw.gov.au
- Email the helpline at food.contact@dpi.nsw.gov.au
- Phone the helpline on 1300 552 406
- Refer to the labelling information in Part 1.2 of the Food Standards Code: www.fsanx.com.au
- Visit the Therapeutic Goods Administration's website: www.tga.gov.au
- Visit Australian Competition and Consumer Commission www.accc.gov.au

About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

Note: This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the *Food Act 2003* (NSW).