

FOOD LABELLING FOR FOOD IMPORTERS

Food may not be safe to eat if it is not labelled in the correct way or has ingredients that are not allowed in food sold in Australia and New Zealand.

Having the correct label on food sold in Australia and New Zealand means food can be recalled if there are risks to consumers who eat it. For example, if there is an allergen in the food that is not listed on the label, to warn consumers it is in the food.

Who

If you import food for retail sale into Australia or New Zealand, you are a 'food business' and legally responsible for the safety and correct labelling of the food you sell*. This includes alcohol.

** Note: 'Food for retail sale' means food for sale to the public and includes food prior to retail sale. This includes food at the time it is manufactured or otherwise prepared or distributed where it is intended that no further processing, packaging or labelling will occur prior to sale to the public. Responsibility for labelling food for retail sale lies with the relevant food businesses in the food supply chain, including the manufacturer or importer of the food or the retailer.*

What

If you import food for retail sale, you must make sure that the food meets both the compositional and labelling requirements of *Food Act 2003* (NSW) and the Australia New Zealand Food Standards Code (the Code).

As a food importer, you must not sell food that:

- contains ingredients/additives not permitted to be added or which have not been assessed for their safety as a food in Australia/New Zealand (for example some medicinal herbs), and/or
- is not correctly labelled with the information required by the Code.

If you do, you can face penalties such as prosecution, fines and/or seizure of the food. In some cases, your food may be directed to be destroyed or re-exported.

Note: The Australian Customs & Border Protection Service also has labelling requirements for imported food and beverages. Labels for these products must contain (i) 'country of origin' information and (ii) a true description of the product.

When

As a food importer, you must make sure the food you import contains ingredients/additives that are permitted in Australian/New Zealand before the food is available for sale to the public.

You can do this by getting in touch with your supplier, who may be overseas, and getting ingredient information documents, product specification sheets and sample labels. It is good practice to check both the compositional properties and labelling information against the various requirements with the Code to ensure the food can be legally sold.

How

To check food for retail sale is compliant with the Code:

Review ingredient documents and/or a copy of the label from the supplier/manufacturer against the requirements in the Code.

To assist in this process, refer to the 'Self-Assessment Check List' for food importers', which can be downloaded from the NSW Food Authority website.



If your importing business doesn't have the necessary expertise in-house, you may require the services of a suitably qualified expert (e.g. a lawyer, food consultant or technologist, consulting laboratory, or possibly the supplier or manufacturer of the food).

If the food does not meet the Code's compositional requirements (ingredients and additives that are permitted), you cannot legally sell it in Australia & New Zealand unless it is reformulated.

If the food does not meet the Code's labelling requirements, it must be re-labelled to cover the incorrect information before it can be legally sold in Australia and New Zealand.

Remember, the required information must be in English and include your business name, and Australian or New Zealand business address.

Why

Food safety officers will be inspecting food businesses and food labels – checking that the food is allowed to be sold in Australian and New Zealand (by looking at the ingredients/additives) – as well as other labelling requirements listed in the Code.

If food safety officers find food that you plan to make available for sale to the public is NOT labelled correctly, you and/or your business may be prosecuted and/or fined.

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).

Where

The labelling and composition requirements of food sold in Australia and New Zealand are set out in the Code at: <http://www.foodstandards.gov.au/foodstandards/foodstandardscode.cfm/>.

In addition, a user guide called 'Overview of Food Labelling' gives you general advice and points you to other guides which go into more detail about each part of the mandatory labelling requirements. This user guide can be found at: www.foodstandards.gov.au/foodstandards/userguides/

Country of origin labelling

As of 1 July 2018, the legislative requirements for country of origin labelling became the responsibility of the Australian Competition & Consumer Commission (ACCC).

The Country of Origin Food Labelling Information Standard 2016 (the Standard) commenced under Australian Consumer Law on 1 July 2016 and regulates the country of origin information that must be provided for most food offered or suitable for retail sale in Australia. It's important that you are aware of the obligations imposed by the Standard.

The ACCC has published a range of tools to assist the food industry to comply with the new labelling requirements and these can be

found on their website.

All queries relating to country of origin labelling, including penalties for noncompliance should be directed to the ACCC

More information

- visit the Food Authority website at www.foodauthority.nsw.gov.au
- phone the helpline on 1300 552 406
- your local council can also provide advice and guidance.
- visit Australian Competition and Consumer Commission for information on country of origin labelling acc.gov.au