

Overview of Australian Food Compliance Laws

– Part 2

Readers please note:

This document is provided for information purposes only. The regulatory compliance information is provided as a guide only. You must not rely on any such information for commercial decision-making.

If you require compliance advice, please contact the firm FoodLegal to speak with either Joe Lederman or one of our other principal legal consultants.

Food Labelling Information

1. General Labelling Requirements

The Australia New Zealand Food Standards Code sets out many of the requirements for food and beverage labels. The following information needs to be provided in most cases:

- Name of product
- Lot identification number
- Name and address of supplier
- Statement of Country of Origin
- Ingredient list
- Allergen details
- Nutritional Information Panel
- Date marking
- Storage instructions
- Directions for Use
- Marking of weight

There are many more inclusions and exceptions to the above requirements – especially for different types of foods and packages. Some of the above information can be omitted from the labels of certain prescribed small packages - however, such information may still be required to be displayed near or in connection with the product or be required to be provided to the consumer on request.

2. Additional Labelling Requirements

There are numerous other additional labelling requirements for many types of foods and ingredients. These can vary depending on such factors as the manner in which the food is being sold, who it is being sold to, the manner in which the food is being sold or supplied, the manner in which the food is being displayed at or near the point-of-sale, where the food is being sold, the type of outlet from which the food is being supplied or where it is being supplied, or the claims proposed to be made either on the label or in connection with the food.

3. Consequences of Incorrect Food Labels

In Australia, food labelling compliance is monitored by a number of government agencies for different but overlapping jurisdictions. They include the Australian Competition and Consumer Commission (the ACCC), the State and Territory Food safety and compliance units of the various Health Departments (or in the case of New South Wales, by the NSW Food Authority), and local municipal government food inspectors and environmental health officers throughout Australia. For imported food, the Australian Quarantine and Inspection Service (AQIS) and the Australian Customs Department have authority to prevent entry into Australia on the grounds of non-compliance with Australian food laws.

In Australia, it has become a quite common occurrence for anonymous reports of non-compliance to be made either by consumer activists or by one's business competitors to request one or other of the various regulatory agencies to instigate action to compel a non-complying product to be withdrawn or recalled from the market.

Any failure to comply with labelling laws can lead to mandatory withdrawal or recall of the product which might not only result in direct expense but also in the indirect cost of re-establishing the reputation for one's withdrawn or recalled product. Infringement notices, fines, corrective advertising orders and court-enforceable undertakings for improvements in compliance can also be a consequence of any failure in compliance risk management.