



Food labelling

Western Australian consumers are faced every day with labelling claims designed to influence purchasing decisions. These claims might be about where food is grown, the type of ingredients it contains or the way it is produced.

In order to make an informed decision about the food you buy, it's important to know your rights when it comes to food labelling and what information has to be disclosed.

Labels must tell the truth

Under the Australian Consumer Law a business cannot make false, misleading or deceptive claims about a product, including information provided on labelling. Labels need to be legible, stand out against the background, and be written in English. This helps to ensure that you are fully aware of what you're purchasing and can be confident that what is described is what you're actually getting.

Marketers can however use general terms that are not related to any standard. Terms like 'natural' and 'home style' are commonly used but do not make any definitive claim about a foodstuff, its manufacture or the ingredients it may or may not contain.

The product name however must comply with a standard. For example, the first thing that draws attention on a label will be the name or description, such as 'Fruit yoghurt'. In order for this name to be used the yoghurt must contain real fruit. If the yoghurt is made of fruit flavouring instead of real fruit, it would have to be described as 'Fruit flavoured yoghurt'.

This requirement for accuracy also applies to the weights and measures listed on a label as well all other information provided.

Olive Oil

The West Australian Olive Council is committed to stamping out misleading claims in their industry. By adopting a standard for olive oil labels, they have been able to reduce the number of confusing words used in describing the product. In particular adjectives such as 'premium' or 'pure' cannot be used to give the impression the oil is of a higher standard than its grade. The only words that can be used to describe the grade include:

- Extra Virgin Olive Oil;
- Virgin Olive Oil;
- Refined Olive Oil; or
- any blends of the three above.

It's important to note labels that use 'light' refer to the flavour and colour and do not refer to the product having reduced calories or kilojoules.

What information do labels have to provide?

The information on food labels is prescribed by the Food Standard Australia New Zealand (FSANZ) Code, and includes:

Nutrition information – Most foods that have a nutritional value must have a standard information panel showing the amount per 100g (or 100ml) and per serving. The only exceptions are food without any value (such as herbs), unpackaged foods, or foods packaged at the point of sale.

Date marking – A ‘best before’ date is used for any food that has a shelf life of under two years. Once that date has passed the food may not be unsafe but may have lost nutritional value. Food past its ‘best before’ date can be sold. A ‘use by’ date indicates the date that food must be consumed by before it becomes a health and safety issue. Food past its ‘use by’ date **cannot** be sold. Bread is an exception and can use ‘baked on’ which indicates that the bread was baked on a certain day and has a shelf life of less than seven days.

For people with allergies – Foods such as peanuts, tree nuts, shellfish, tinned fish, milk, eggs, sesame and soybeans may cause severe allergic reactions in some people and must be declared on the label, however small the amount. Gluten is also included in the list of foods that must be named. Sulphite preservatives must also be identified if they have 10 milligrams per kilogram or more present in the food.

Use and storage instructions – Where there are specific use or storage requirements in order for a product to keep until its ‘best before’ or ‘use by’ date, this information must be on the label. For example, ‘This milk should be kept refrigerated at or below 4°C’.

Ingredients list and percentage labelling – You will usually find the ingredients list on the back of the product. Ingredients must be listed in descending order of weight. So if sugar or salt are near the start of the list the product contains a greater proportion of these ingredients.

Characterising ingredient – Packaged foods may also have to carry labels which show the percentage ‘characterising ingredient’ in the product, if the product has one. For example the characterising ingredient for strawberry jam is the strawberry therefore, from the ingredient list, you will be able to see what percentage of the product is in fact, strawberries. This doesn’t apply to foods

that don’t have a characterising ingredient such as bread.

Food additives – All food additives must have a specific use, must have been assessed and approved by FSANZ for safety and must be used in the lowest possible quantity that will achieve their purpose. They must also be clearly identified, usually by a number, and included in the ingredients list. The food additives list can be found at www.foodstandards.gov.au/consumer/information/additives

Country of origin

In Australia, packaged and some unpacked food must display a label or sign on or near the food being sold stating its country of origin.

This could just be identifying the country where the food was packaged for retail sale and, if any of the ingredients do not originate from that country, a statement that the food is made from imported, or local and imported ingredients.

Unpackaged foods that must advise the country of origin include both fresh and processed fruit, vegetables, nuts, fish, pork and preserved pork such as ham and bacon.

It is also important to know that ‘Product of Australia’ on packaged food means it was made in Australia from Australian ingredients.

The distinctive triangle with yellow kangaroo ‘Made in Australia’ logo can only be used on products that are actually made or grown in Australia (and cannot be used on services). Approximately 1700 businesses are licensed to use the logo on more than 10,000 products. A full list can be found on www.australianmade.com.au

These are also some of the further qualified claims you’ll frequently find on product labels. These claims are allowed to be used by businesses that are unable to satisfy all the criteria for a ‘Made in Australia’ claim,

provided the qualification provides more complete information to consumers.

'Made in Australia from local and imported ingredients' usually means the product was processed in Australia and there is more locally sourced ingredients than imported ones.

'Made in Australia from imported and local ingredients' usually means the product was processed in Australia – although the majority of the ingredients are imported.

'Grown in Australia' means each ingredient or part was grown in Australia and virtually all of the production processes occurred here.

For more information see the FSANZ website www.foodstandards.gov.au or contact them on (02) 6271 2222 or info@foodstandards.gov.au

Some foods include claims on their labels such as 'Australian owned' or '100% Australian owned'. These statements are about the ownership of the company and have nothing to do with where the product was made, or where the ingredients may have come from.

Organic food labelling

What does the certified organic logo mean?

Organic foods are promoted as products that are produced without using artificial fertilisers, chemicals or pesticides and non-essential food additives or processing aids. For this reason they generally attract a premium price. Standards are however voluntary and some businesses can be tempted to promote their goods as organic when they are not.

Consumers purchasing organic foods should be able to have confidence that any organic claim on packaging or in store is true and accurate. In 2009 Standards Australia released AS 6000–2009 *Organic and biodynamic products* (the Australian

standard), which outlines requirements to be met by growers and manufacturers wishing to label their products 'organic' under this standard.

Labelling and marketing requirements

All products, raw or processed, marketed as certified organic have to include the following details on all retail packaging:

- Appropriate reference to certification;
- Certification number of operator;
- Certifier name and logo;
- Name and address and/or registered mark of the certified operator or owner of the product; and
- For animal feeds, the name of the product or ingredients list.

Who has jurisdiction over complaints?

While these organic standards remain voluntary in Australia all organic claims, whether they reference a standard or not, must be able to be substantiated. If a business claims to meet a particular standard it must ensure that this claim is true.

Producers can be asked to substantiate the claims they make in relation to their products.

The Australian Competition and Consumer Commission (ACCC) as well as Consumer Protection can take action where a claim is made that a product is certified to a standard and it is believed that the product is in fact not certified to that standard.

Where to go to make a complaint

Misleading labelling

Department of Commerce (Consumer Protection) Western Australia
 1300 30 40 54
www.commerce.wa.gov.au/ConsumerProtection
consumer@commerce.wa.gov.au

Organic labelling claims

Australian Competition and Consumer Commission (ACCC)
 1300 30 25 02
www.accc.gov.au

Food safety, ingredient labelling and selling out of date food

Local government authorities

(08) 9217 1500 or free call: 1800 62 05 11 (country callers only)
www.dlg.wa.gov.au
info@dlg.wa.gov.au

Other useful information

Australian Competition & Consumer Commission publications
www.accc.gov.au

Where does your food come from?

The good oil



National Relay Service: 13 36 77
Quality of service feedback line: 1800 30 40 59
Translating and Interpreting Service (TIS) 131 450

This publication may be available in other formats on request to assist people with special needs.

Regional Offices

Goldfields/Esperance	(08) 9026 3250
Great Southern	(08) 9842 8366
Kimberley	(08) 9191 8400
Mid-West	(08) 9920 9800
North-West	(08) 9185 0900
South-West	(08) 9722 2888