Navigating the Food Standards Code

A Guide For Small to Medium Enterprises

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Section 1

Introduction
1. Introduction

Food Standards Australia and New Zealand (FSANZ) [www.foodstandards.gov.au](http://www.foodstandards.gov.au) develops and administers the Australian New Zealand Food Standards Code (*the Code*) which governs requirements for food relating to:
- ingredients; additives (e.g. colourings, vitamins, minerals);
- food safety; labelling (packaged and unpackaged foods);
- genetically modified (GM) food; and specific mandatory warning or advisory labels.

This guide aims to help small to medium seafood businesses to promote and market their products by:
- outlining the chapters of the Food Standards Code (*the Code*) that relate to food sold in Australia;
- providing some information about common microbiological testing and dietary guidelines;
- including a format of a brochure that businesses could use to promote the health benefits of their products.

A full copy of *the Code* can be found at [www.foodstandards.gov.au](http://www.foodstandards.gov.au). It is divided into four Chapters (containing Standards):
- Chapter 1: General Food Standards - including labelling, additives and packaging;
- Chapter 2: Food Product Standards - compositional requirements of specific foods;
- Chapter 3: Food Safety Standards - all matters to do with food safety;
- Chapter 4: Primary Production Standards - production and processing standards.

This guide will focus on the Australian context only. It will highlight parts of *the Code* that may be of interest to the seafood industry (mainly Chapter 1 and 2). Each part highlighted will be followed by a reference to the appropriate Standard within *the Code*. The reference will look like this [Standard 1.2.1].

*The Code* is enacted in legislation. This resource is designed as a guide only. **It is the responsibility of anyone who uses this guide to look up the original Standard in the Code** [www.foodstandards.gov.au](http://www.foodstandards.gov.au) in order to ensure they are aware of all the requirements therein and that they are accessing the most up-to-date information (given the legislation changes frequently - on average six times per year). A number of user guides are also available from the FSANZ website.

Key points raised in each section of the resource are highlighted in boxes where appropriate. Furthermore, much of the wording in this resource uses the exact wording in *the Code* for the purpose of accuracy and to reduce ambiguity.

### KEY POINTS - Introduction

All food products sold in Australia must comply with the Food Standards Code (*the Code*)

This guide will outline some of the main aspects of *the Code* [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

This is a guide only. The current legislation [Standard] must always be accessed for currency of information.

Food Standards Australia [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

NB: Food safety standards and Primary produce standards are not covered in detail in this resource.

FSANZ Standards for food safety can be found at [http://www.foodstandards.gov.au/code/Pages/default.aspx](http://www.foodstandards.gov.au/code/Pages/default.aspx)
Section 2

Food Standards Code
2. The Food Standards Code in Australia

The Code, first published in December 2000, covers food safety, labelling requirements, processing aids, composition of some foods (e.g. diary, meat and beverages) and new technologies (including novel foods such as marine algae). It has been amended, on average, six times a year since then. Copies of the Code can be:

- provided by specialised food lawyers or consultants to ensure compliance.

2.1 Enforcement and interpretation of the Code

FSANZ does not enforce or interpret the Code. In Australia, compliance, monitoring and enforcement of the Code are the responsibility of states and territories (see Section 2.2 of this resource for details relating to imported foods). Each state and territory have their own contacts, with most involving the Local Councils and Health Departments.

**KEY POINTS - Food Standards Code**


*The Code* focuses mainly on food safety, labelling, additives and GM foods.

State and territory departments or food agencies monitor and enforce the Code for foods produced in Australia [www.foodstandards.gov.au/about/foodenforcementcontacts/Pages/default.aspx](http://www.foodstandards.gov.au/about/foodenforcementcontacts/Pages/default.aspx)

An example of the enforcement and interpretation in one State in Australia

In Western Australia (WA), Local Councils and the WA Department of Health (WA Heath) govern enforcement and interpretation of the Code. (This is similar in Queensland, Tasmania and Victoria.)

The Local Council’s Environmental Health Officer (or an authorised officer) deals with enquiries about:

- production of food for direct sale, sale preparation or service of food
- registration of food businesses, food safety programs
- inspections, assessment of food premises, auditing of food safety
- complaints about food or food premises
- improvement notices and prohibition orders, and sampling and analysis of food.

The WA Department of Health (WA Health) is responsible for enquiries about food compliance, in general, plus any issues relating to: information on legislation; publications; food recalls and food-borne illnesses; and registration and auditing of certain food businesses (that regulations do not cover).

Contact details:

- WA Health contact point is via email: foodunit@health.wa.gov.au
2.2 Imported foods and the Code

All foods entering Australia must comply with the Code. It is the responsibility of the food importer to ensure products comply. The Imported Food Control Act 1992 and the Imported Food Control Regulations 1993 cover food imported into Australia.

Inspection and sampling of imported food is the responsibility of the Australian Government Department of Agriculture. FSANZ provides risk assessment advice to the Department of Agriculture on foods that could pose a risk to the public.

There are three classifications of food that comes into Australia:

- **Risk food** - There are a number of foods that are assessed based on the medium to high risk they may pose to the general public. Food on the pre-determined list of risk foods (supplied to the Department of Agriculture by FSANZ) are inspected and tested for possible microbial or chemical hazards.

- **Surveillance foods** - This category includes all foods not classified as risk foods (considered a low risk to public health and safety). Inspection on any surveillance food is at a lower rate that risk foods however, if any food fails to pass inspection, rates of inspection increase.

- **Compliance Agreement foods** - Food importers may be eligible to enter into a formal agreement (Food Import Compliance Agreement) with the Department of Agriculture which details an alternative to inspection and testing of their products. Food importers should contact the Department of Agriculture or FSANZ to ensure compliance with the Code.

Further information about imported foods can be accessed by telephoning the Department of Agriculture on 1800 020 504.

Enforcement, non-compliance, potential non-compliance, and complaints relating to the Code and imported foods are the responsibility of State and Territory departments and agencies.

www.foodstandards.gov.au/about/foodenforcementcontacts/Pages/default.aspx

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**KEY POINTS - Imported Food and the Code**

All imported food products entering Australia must comply with the Code.

It is the food importers responsibility to ensure products comply with the Code.

The Australian Department of Agriculture is responsible for administering legislation under the Imported Food Control Act 1992 and the Imported Control Regulations 1993. They are also responsible for inspection and testing of imported foods.

Enforcement, non-compliance, potential non-compliance, and complaints relating to the Code and imported foods are the responsibility of State and Territory departments and agencies.

www.foodstandards.gov.au/about/foodenforcementcontacts/Pages/default.aspx

Department of Agriculture contact point: 1800 020 054
Section 3

Application of Food Labelling & Other Information Requirements

Standard 1.2.1
3. Application of food labelling and information requirements [Standard 1.2.1]

Standard 1.2.1 sets out the food labelling requirements of the Code as they apply to different situations. It also lists certain exemptions of some foods from labelling. FSANZ provides a number of User Guides, including one for Standard 1.2.1. It highlights the requirements for food for retail sale, catering purposes and intra company transfer plus additional situations where food labelling and information requirements are required. http://www.comlaw.gov.au/Details/F2014C01178

3.1 Food for retail sale - Labelling

All foods for retail sale in Australia must comply with the full requirements of food labelling as set out in Standard 1.2.1 of the Code.

Definition Standard 1.2.1 - Food for retail sale

′...food for retail sale to the public and includes food prior to retail sale which is:
  a) manufactured or otherwise prepared, or distributed, transported or stored
  b) not intended for further processing, packaging or labelling


3.1.1 Food for retail sale - Exemptions to full food labelling

There are a number of exemptions to the labelling requirements including foods that are: unpackaged; produced and sold on the same premises; packaged in front of the purchaser; packaged and sold from service display cabinets (enclosed or semi enclosed with person serving the food requested by purchaser); inner packages not for individual sale; sold at fundraising events; or delivered packaged and ready for consumption at the express order of the purchaser. Food products that are exempt [Standard 1.2.1 (1)] must still provide:
  • the name of the food
  • directions for use and storage
  • mandatory warnings and advisory statements http://www.comlaw.gov.au/Details/F2011C00610
  • further information is specified in the Code http://www.comlaw.gov.au/Details/F2013C00617

3.1.2 Food for retail sales - Additional information

Some additional information may be required on food labels of food for retail sale, displayed near products or available to customers on request [Standard 1.2.1 (2)]

The main types of additional information for seafood products are:
  • nutritional information panel requirements (single ingredient foods do not require NIPs)
  • nutritional or health claims
  • characterising ingredients (crab dip should include crab) as a primary ingredient (i.e. ingredient should be listed in descending order of weight)
  • country of origin labelling
  • the specific name of crustacean must be declared
  • fish and seafood products require mandatory declaration [Standard 1.2.3(4)]
  • if contains fermented products (see Standard 1.2.1 for detail).
3.2  Food for wholesale - Labelling requirements [Standard 1.2.1 (3-6)]

The Code covers ‘Food not for retail sale’. Herein it is referred to as wholesale (for ease of differentiation between ‘for retail sale’ and ‘not for retail sale’. It includes food; other than for retail sale (e.g. wholesale), catering purposes or intra company transfers.

3.2.1  Food for wholesale - Labelling requirements

Food for wholesale (e.g. not for retail sale) must include sufficient information to enable the purchaser to comply with the compositional requirements, labelling requirements and declarations of the Code. This information must be included in writing at the relevant authority or purchasers’ request. In short, all food identification details must be documented and accompany all food for wholesale.

3.3  Food for catering purposes - Labelling requirements

Food for catering purposes must bear a label with the following information:

- food identification requirements [Standard 1.2.2]
- mandatory warnings, advisory statements or declarations [Standard 1.2.3]
- date marking of food [Standard 1.2.5]
- directions for use and storage [Standard 1.2.6]
- country of origin requirements [Standard 1.2.11]
- specific permission for food produced using gene technology [Standard 1.5.2]
- specific permission for irradiation of food [Standard 1.5.3].

Labelling exemptions apply to food for catering purposes if the:

- food is unpackaged
- the outer packaging contains the prescribed information (label not required on inner packaging)
- transportation outer allows clear view of the relevant information contained on the inner packaging.

Further exemptions apply to outer packaging where:

- food identification requirements [Standard 1.2.2] is documented and accompanies food
- documentation on the outer package shows relevant information and
- the required packaging details on the inner packaging can clearly be seen through a transportation outer.

3.4  Food for intra company transfer - Labelling requirements

Food for intra company transfer refers to food transferred between:

- elements of a single company
- subsidiaries of a parent company or
- subsidiaries of a parent company and the parent company.

The same requirements for food for catering purposes apply to food supplied for intra company transfer.

**KEY POINTS - Application of food labelling and additional information requirements**


Other labelling requirements can be accessed at: [http://www.foodstandards.gov.au/code/Pages/default.aspx](http://www.foodstandards.gov.au/code/Pages/default.aspx)
Section 4

Food Identification Requirements

[Standard 1.2.2]
4. Food identification requirements [Standard 1.2.2]

Food identification requirements are listed under Standard 1.2.2 of the Code. This Standard is about describing the true nature of the product so the purchaser clearly understands the nature of the product at point of purchase and is not misled http://www.comlaw.gov.au/Details/F2009C00836. Food identification requirements include: the name of the food; lot identification; and the name and address of the supplier.

4.1 Name of food

Labels on food must clearly identify the type of food it is. Descriptors and names on labels must be visible on the outside of the label, unambiguous, truthful and not misleading.

There are some foods in the Code that have a ‘prescribed name’. A list of prescribed names is included in Standard 2 (e.g. honey, infant formula). Food that does not have a prescribed name must include a descriptor on the label that clearly identifies the true nature of the food. The type of process a food has undergone may be included on food labels e.g. smoked salmon.

Food that does not require a label (see Standard 1.2 for exemptions) must provide prescribed names or descriptions of the true nature of foods if requested by a purchaser or display this information on or in connection with the food display.

4.2 Lot identification

Labels on food must include lot identification unless it is an individual portion of ice cream (or ice confection) or is in small packages and the bulk packaging in which the food is stored for display includes the lot identification. The Code does not specify how the lot identification should be worded.

4.3 Name and address of supplier

The label on packaged food in Australia must include the name and business address of the supplier (supplier includes the manufacturer, vendor or importer) of the food. The full address must be displayed with the street number and name, the town or suburb and the state or territory. Postal addresses or post office boxes are not acceptable.

If food is supplied in a vending machine, the name and address of the supplier must be clearly display in a prominent place on the machine. If food is sold in a hamper, the label must include the name and address of the supplier of the food products in Australia (or New Zealand).

KEY POINTS - Food Identification Requirements

There are three main food identification requirements on food labels:

- name of the food - a true description
- lot identification
- name and address of supplier in Australia.

Section 5

Mandatory Advisory Statements, Warnings Or Declarations

[Standards 1.2.3]

Food allergens are also considered under this section
5. Mandatory advisory statements, warnings or declarations
[Standard 1.2.3]
If a product requires a full food label under the Code, then it must include all mandatory information. If a product is exempt from full labelling [Standard 1.2.1], Mandatory Advisory Statements, Warnings and Declarations can be displayed on or in connection with the food display.

These are mandatory and must be displayed on or connected with the product display; or provided to the purchaser if requested. http://www.comlaw.gov.au/Details/F2011C00610.

5.1 Mandatory Advisory Statements [defined in Standard 1.1.1]
Mandatory Advisory Statements associated with the Code are:
- bee pollen
- cereal-based beverages (with caveat on % fats and/or proteins)
- evaporated and dried products from cereals (with caveats on fats and/or proteins)
- evaporated milks, dried milks, equivalent soy or cereal products (with caveats on % fats)
- aspartame, aspartame-acesulphame salt, quinine, guarana or their extracts
- phytosterols, phytostanols or their esters
- propolis (a resinous mixture collected by bees)
- unpasteurised egg or milk products.

5.2 Mandatory Warnings
There is only one Mandatory Warning that is currently in the Code. It relates to Royal Jelly which has been associated with severe allergic reactions in some consumers. Any product that includes Royal Jelly or any Royal Jelly product must display a specifically worded warning displayed on or connected with the product display. The current required statement is:

‘This product contains royal jelly which has been reported to cause severe allergic reactions and in rare cases, fatalities, especially in asthma and allergy sufferers.’

5.3 Mandatory Declarations
There are a number of Mandatory Declarations required under the Code. These must be displayed on or connected with the food display. Mandatory Declarations include:
- fish and fish products
- crustacea and their products
- contains raw fish
- formed into the semblance of a cut or fillet of fish
- added sulphites in concentrations of 10mg/kg or more
- contains gluten and their products
- egg and egg products
- milk and milk products
- peanuts and peanut products
- sesame seeds and sesame seed products
- soybean and soybean products
- tree nuts and tree nut products.
5.4 Additional Advisory Statement requirements

There are some additional Advisory Statements in the Code that are added as issues arise. It is therefore important to check the Code for current Advisory Statements [link to http://www.comlaw.gov.au/Details/F2011C00610].

Currently foods that contain ‘sweeteners’ (namely polyols or polydextrose) must include an Advisory Statement as that may have a laxative effect if taken in excess. The Code states the following common names of substances and the level at which a statement is required on a food label:

- ≥10mg/100mg in an combination of - lactitol, maltitol, maltitol syrup, mannitol or xylitol
- ≥25mg/100mg in an combination of - erythritol, isomalt, polydextrose, or sorbitol
- ≥10mg/100mg of any combination of the substances noted in the two dot points above.

5.5 Food Allergens

FSANZ is currently reviewing the way food allergens are treated within the Code. This review includes a review of what is meant by ‘fish’ and the ambiguity in current declaration requirements.

Investigation of any changes to the Code is the responsibility of all food businesses. Further information can be found on the FSANZ website [link to http://www.foodstandards.gov.au/consumer/foodallergies/food%20allergen%20portal/Pages/default.aspx].

*It is recommended that all food businesses obtain legal advice to ensure that are aware of any changes in the Code and any implications of such changes.* [link to http://www.foodstandards.gov.au/consumer/foodallergies/review/Pages/default.aspx]

5.6 Mercury in fish

Some long living fish and/or predators may contain mercury that could be potentially harmful to human health, particularly during pregnancy. The Code lists some types of fish that should be limited in the diet, especially during pregnancy, lactation and in children up to six years. The list can be found at [link to http://www.foodstandards.gov.au/consumer/chemicals/mercury/Pages/default.aspx].

### KEY POINTS

Standard 1.2.3 details mandatory warnings, advisory statements and declarations required [link to http://www.comlaw.gov.au/Details/F2011C00610].

It is the responsibility of all food businesses to be aware of any changes to the Code [link to http://www.foodstandards.gov.au/consumer/foodallergies/review/Pages/default.aspx] [link to http://www.foodstandards.gov.au/consumer/foodallergies/food%20allergen%20portal/Pages/default.aspx].

*It is recommended that all food businesses obtain legal advice to ensure that are aware of any changes in the Code and any implications of such changes.*
Section 6

Labelling of Ingredients

[Standards 1.2.4]
6. Labelling of ingredients [Standard 1.2.4]

There are specific requirements for labelling of ingredients and compound ingredients. These are listed in Standard 1.2.4 http://www.comlaw.gov.au/Details/F2014C01179

Definitions:
- ingredient - any substance (including food additives) used in the preparation, manufacture or handling of food
- compound ingredients - an ingredient of a food made up of two or more ingredients.

Labels on packaging must contain a statement of ingredient unless:
- the food is labelled with the name of the food which would otherwise be those ingredients listed in the ingredient list OR
- the food is water presented in packaged form [Standard 2.6.2] OR
- the food is an alcoholic beverage [Standard 2.7.2 and 2.7.5] OR
- the food is contained in a small package.

Every ingredient must be listed in a statement of ingredients unless:
- the ingredient is a flavouring defined in Schedule 5 Standard 1.3.1 OR
- a volatile ingredient which is completely removed during manufacturer OR
- a substance used as a processing aid [Standard 1.3.3] OR
- add water where -
  - the water is added to reconstitute dehydrated or concentrated ingredients
  - the water forms part of a broth, brine or syrup - declared in ingredient list or part of the name of the food OR
  - the water constitutes less than 5% of the final food.

Ingredients must be declared using:
- the common name of the ingredient OR
- the name that describes the true nature of the ingredient OR
- where applicable, a generic name as set out in Table 4 of Standard 1.2.4.

Ingredients on statement of ingredient must:
- be listed in descending order of ingoing weight
- declare added water or a volatile ingredient
- declare compound ingredients
- declare alternative ingredients [Standard 1.2.4 (7)]
- declare food additives
- declare vitamins and minerals
- include a statement prescribed in Standard 2.4.1 (3) if oil is included.

KEY POINTS - Labelling of ingredients


Section 7

Date Marking of Packaged Food

[Standard 1.2.5]
7. **Date Marking** [Standard 1.2.5]

7.1 **Date marking**
Date marking provides a guide to the shelf life of food. It is based on either quality attributes of food or health and safety considerations. The date mark indicates the length of time a food should be kept before it begins to deteriorate or before the food becomes less nutritious or unsafe.  

There are two types of date marking:
- **best before** - last date food can be expected to retain all its quality
- **use by** - last date on which the food may be eaten safely.

7.2 **When to use ‘best before’ or ‘use by’**
The type of date marking required depends on whether a food must be eaten within a certain time for health and safety reasons. The decision on which type to use can be assessed using one of two decision-making trees provided in this Standard or legal advice can be obtained.

7.2.1 **Decision tree: applying a ‘use-by’ date for health reasons**
The following decision tree provides an outline of the steps involved in a decision about whether a ‘use-by’ date needs to be applied to a food for health reasons, such as nutritional integrity. The decision trees are provided in the Code as a guide only for deciding how to calculate a ‘used by’ date for either health reasons or safety reasons. http://www.foodstandards.gov.au/code/Pages/default.aspx

**Decision Tree - A guide to applying ‘use by’ date for health reasons [Standard 1.2.5: 3]**

```
Is the food intended to form the sole source of nutrition in a person’s diet for a specified period?

Yes

Does the food contain one or more essential nutrients which will decrease to levels below what is claimed within a certain period?

Yes

‘Best-before’ date may be appropriate if shelf-life is less than two years.

(This is subject to there being no safety issues. Please refer to next decision tree)

No

‘Use-by’ date may be appropriate.

No

No

No
```


Decision Tree - A guide to applying ‘use by’ date for safety issues [Standard 1.2.5:3]

Is the food a shelf-stable food?
  Yes
  No

Is the food a frozen food?
  Yes
  No

Is the food a raw food that requires a process such as cooking to reduce or eliminate food poisoning bacteria to make the food safe to eat?
  Yes
  No

Is the food a chilled ready-to-eat food?
  Yes
  No

Is there a reasonable likelihood that the food could contain any one of the following food poisoning bacteria:
  - *Listeria monocytogenes*
  - psychrotrophic strains of *Bacillus cereus*
  - psychrotrophic strains of *Clostridium botulinum*
  - *Yersinia enterocolitica*?
  Yes
  No

Will the food discernibly spoil before the levels of bacteria become unsafe?
  Yes
  No

‘Use-by’ date may be appropriate.

‘Best-before’ date may be appropriate, if shelf life is less than two years.
7.3 Foods that need a date mark
Most packaged foods for retail sale or catering purposes have a date mark. Exceptions are:
- ice cream or ice confection
- small packages of food - surface area < 100cm² (unless there is a possible health or safety reason)
- where the ‘best before’ date is two years or more
- bread with less than 7 days shelf life [Standard 1.2.5 (5) for options].

7.4 Food with expired date marking
Food can be sold after the ‘best before’ date if the food is not spoiled and complies with all applicable legislation. Food cannot be sold past its ‘use by’ date as it may pose a health and safety risk.

7.5 Statement of storage conditions
There the label must include a statement of storage conditions so food will keep for the period indicated.

7.6 Other date marks
Standard 1.2.5 (7) states that only those date marking systems prescribed in the Standard can be used on labels. Other date marking systems cannot be used instead of ‘use by’ or ‘best before’

KEY POINTS - Date marking of packaged food
Date marking provides a guide to the shelf life of a food. The two main types of date marking on packaged food permitted are:
‘best before’ last date food can be expected to retain all its quality
‘use by’ last date on which the food may be eaten safely.
Section 8

Direction For Use and Storage

[Standard 1.2.6]
8. **Directions for use and storage** [Standard 1.2.6]

This Standard provides direction for use and storage of foods required on food labels.


There are three main conditions under which directions for use and storage must be included on food labels in Australia.

1. The label on packaging of food must include directions for use of the food or the storage of the food (or both) if the nature of the food requires direction for health and safety.

2. If food is unpackaged, the food must be labelled with or accompanied by directions for use [as per Standard 1.2.1].

3. If a food requires specific directions for storage or use then the food must be labelled with or accompanied by directions for use [as per Standard 1.2.1 and 1.2.5 (6)]. Two such foods are specifically noted in the Code as examples. These are raw bamboo shoots and raw sweet cassava. Ingestion of both can lead to serious consequences. The labelling requirements for both require statements about directions for use such as:

   - Raw bamboo shoots should be fully cooked before being consumed
   - Raw sweet cassava should be peeled and fully cooked before being consumed.

As incorrect food storage is a potential health and safety issue, this Standard must be closely adhered to.

---

**KEY POINTS - Directions for use and storage**

Direction for use and storage must be included on food labels if

- required for health and safety reasons
- is unpackaged
- requires specific storage or preparation directions
- Standard 1.2.6 http://www.comlaw.gov.au/Details/F2011C00535

All other food labelling Standards apply including:

- Date marking of food [Standard 1.2.5 http://www.comlaw.gov.au/Details/F2014C01180]
Keep refrigerated at 0-4°C
Section 9

Nutrition, Health and Related Claims

[STANDARD 1.2.7]
9. Nutrition, health and related claims [Standard 1.2.7]

In January 2013 a new standard was introduced to regulate nutrition content and health claims.

All food businesses must comply with this new Standard by 18 January 2016.

During the three year introductory period, food businesses may choose to use the new standard or the transitional standard 1.1A.2 however they cannot use both. http://www.comlaw.gov.au/Details/F2013C00095
As of 18 January 2016, the transitional standard will no longer be permitted and there will be no additional stock-in-trade period.

9.1 The purpose of Standard 1.2.7
Nutrient and health claims are voluntary statements made by food businesses on food labels and in advertising. Standard 1.2.7 details the claims that can be made on labels and in advertising about:

- the nutritional content of foods (nutritional content claims) or
- the health effect of a food or a component of a food (health claims)

This standard also describes in detail when a claim can be made, the information that must be provided if a claim is made and what endorsements may be made on labels and advertising associated with the permissible claims.

9.2 Interpretation of Standard 1.2.7
This section of the Code provides a detailed list of where definitions of various terms can be found within the Code. As frequent changes are made to the Code (average 6 times each year), it is recommended that food businesses access this link to ensure currency http://www.comlaw.gov.au/Details/F2014C01191

At the time of writing, the following key definitions about the types of claims that can be made were:

- **general level health claim** - a health claim that is not a high level health claim

- **high level health claim** - a health claim referring to a serious disease or a biomarker of a serious disease

- **nutrition health claim** - a claim about the presence or absence of: a biologically active substance; dietary fibre; energy; minerals; potassium; carbohydrate; fat; salt; sodium; vitamins; or components of any one protein, carbohydrate or fat. Claims about glycaemic index or load also fit under this heading.
9.3 Nutrition content claims

The Code provides a schedule of conditions under which a nutrition content claim can be made. The following is an example of conditions under which a nutrition content claim can be made about Omega-3 fatty acids and protein (see Table 1). [http://www.comlaw.gov.au/Details/F2014C01191]

Table 1. Example of a permitted nutrition claim from the schedule of conditions [Standard 1.2.7]

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property of food</td>
<td>General claim conditions that must be met</td>
<td>Specific descriptor</td>
<td>Conditions that must be met if using specific descriptor in column 3</td>
</tr>
<tr>
<td>Omega-3 fatty acids</td>
<td>(a) the food meets the conditions for a nutrition content claim about omega fatty acids; and (b) the food contains no less than: (i) 200 mg alpha-linolenic acid per serving; or (ii) 30 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and (c) other than for fish or fish products with no added saturated fatty acids, the food contains – (i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more saturated fatty acids and trans fatty acids than 5 g per 100 g; and (d) the nutrition information panel indicates the type and amount of omega-3 fatty acids, that is, alpha-linolenic acid, docosahexaenoic acid or eicosapentaenoic acid, or a combination of the above.</td>
<td>Good Source</td>
<td>(a) the food contains no less than 60 mg total eicosapentaenoic acid and docosahexaenoic acid per serving; and (b) the food may contain less than 200 mg alpha-linolenic acid per serving.</td>
</tr>
<tr>
<td>Protein</td>
<td>The food contains at least 5 g of protein per serving unless the claim is about low or reduced protein.</td>
<td>Good Source</td>
<td>The food contains at least 10 g of protein per serving.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Increased</td>
<td>(a) the food contains at least 25% more omega-3 fatty acids than in the same quantity of reference food; and (b) the reference food meets the general claim conditions for a nutrition content claim about omega-3 fatty acids.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Increased</td>
<td>(a) the food contains at least 25% more protein than in the same quantity of reference food; and (b) the reference food meets the general claim conditions for a nutrition content claim about protein.</td>
</tr>
</tbody>
</table>
9.4 Health claims


The Code does not prescribe specific words that are required when making a claim however, it does prescribe a list of foods or food components against which claims can be made. An example of a permitted general health claim pertinent to seafood is that of Omega-3s (see Table 2).

Table 2. Example of a permitted general health claim [Standard 1.2.7]

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food or property of food</td>
<td>Specific health effect</td>
<td>Relevant population</td>
<td>Dietary Context</td>
<td>Conditions</td>
</tr>
<tr>
<td>Eicosapentaenoic acid (EPA) and Docosahexaenoic acid (DHA) (but not Omega-3)</td>
<td>Contributes to heart health</td>
<td></td>
<td>Diet containing 500 mg of EPA and DHA per day</td>
<td>(a) the food must contain a minimum of 50 mg EPA and DHA combined in a serving of food; (b) other than for fish or fish products with no added saturated fatty acids, the food contains – (i) as a proportion of the total fatty acid content, no more than 28% saturated fatty acids and trans fatty acids; or (ii) no more than 5 g per 100 g saturated fatty acids and trans fatty acids.</td>
</tr>
</tbody>
</table>

9.5 Making a nutrition content claim or a health claim

All nutrition content and health claims must be supported by evidence and approved by FSANZ before they can be used on a food product or when advertising a food product. The FSANZ point of contact for claims is the FSANZ Standards Management Office at [standards.management@foodstandards.gov.au](mailto:standards.management@foodstandards.gov.au)

It is possible to establish a food-claim relationship if one has not been established. At the time of writing this resource, the claims about Omega-3 fatty acids permissible are as either ‘a good source’ or ‘an increased source’.

To establish a high-level health claim (such as ‘an excellent source of Omega-3s’) sufficient evidence must be provided to FSANZ to support this claim. The claim is then considered and a ruling made on whether the claim is upheld. FSANZ provides a guideline to industry outlining the level of evidence required to make a claim and the application process.

9.6 Endorsements

An **endorsing body** is a not-for-profit entity that has nutrition or health related purpose or a function that permits a supplier to make an endorsement.

An **endorsement** is a claim that is made with the permission of an endorsing body.

An endorsement can only be made by a food business on a product if they are not related, independent and free from influence from the endorsing body.

As endorsements have several strict criteria for use within the **Code**, it is suggested that food businesses wishing to include an endorsement on their product should first seek advice from the FSANZ Standards Management Office at standards.management@foodstandards.gov.au or seek appropriate independent legal advice.

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**KEY POINTS - Nutrition, health and related claims**

Nutrient and health claims are voluntary statements made by food businesses on food labels and in advertising.


There are three main types of claims currently permitted under Standard 1.2.7 being: general health claims; high-level health claims; and nutrition health claims. [http://www.comlaw.gov.au/Details/F2014C01191](http://www.comlaw.gov.au/Details/F2014C01191)

**Endorsements** have several strict criteria for use within the **Code**.
Section 10

Nutritional Information

[STANDARD 1.2.8]

SERVING SIZE REQUIREMENT CURRENTLY BEING REVIEW -
May not be required in NIPs after February 2015

10. **Nutritional information [Standard 1.2.8]**

A nutrition information panel (NIP) is required for many foods. Standard 1.2.8 describes how and when a NIP should be provided, depending on the purpose of the food. [http://www.comlaw.gov.au/Details/F2011C00569](http://www.comlaw.gov.au/Details/F2011C00569)

**Requirements of a NIP:** NIPs must include:
- energy (kJ or cal)
- protein (g)
- fat (g)
- saturated fat (g)
- carbohydrate (g)
- sugars (g)
- sodium (mg or mmol).

In addition, if a claim is made about other nutrients or biologically active substances, information about this must also be included in the NIP.

**Exemptions:** There are a number of foods that are exempt from NIPs on labels [Standard 1.2.8 (3)]. Irrespective of exemptions, where a claim requiring nutritional information is made about a food, a NIP must be provided.

**Other relevant Standards:** In addition to Standard 1.2.8 Nutrition Information Requirements, a number of additional Standards have provisions relevant to nutrition labelling. These are:

- Standard 1.2.1 - Application of labelling and other information requirements - general labelling and information requirements, and exemptions to these requirements
- Standard 1.2.7 - Nutrition, health and related claims - what claims can be made, under what conditions, and the information that has to be declared in the NIP
- Standard 1.3.2 - Vitamins and minerals
- Standard 2.2.1 - Meat and meat products
- Standard 2.6.2 - Non alcoholic beverages and brewed soft drinks
- Standard 2.91 - Infant formulae products
- Standard 2.9.2 - Food for infants require specific nutrition labelling
- Standard 2.9.3 - Formulated meal replacements and formulated supplementary foods
- Standard 2.9.4 - Formulated supplementary sports food
- Standard 2.10.2 - Salt and salt products

All these Standards can be accessed at: [http://www.foodstandards.gov.au/code/Pages/default.aspx](http://www.foodstandards.gov.au/code/Pages/default.aspx)
10.1 Foods and nutritional information panel (NIP)

A NIP must be provided on most foods. The purpose of the food dictates how and when the information must be provided. That is whether it is designated for retail sale, catering purposes, intra company transfer or food not for retail sale.

**Definitions according to Standard 1.2.1:**

**Food for retail sale:** food for sale to the public including food prior to retail sale that is:
- manufactured or otherwise prepared, or distributed, transported or stored AND not intended for further processing, packaging or labelling.

**Food for catering purposes:** food supplied to catering establishments, restaurants, canteens, schools, hospitals and institutions where food is prepared or offered for immediate consumption.

**Intra company transfer:** transfer of food between elements of a single company, between subsidiaries of a parents company or between subsidiaries of a parent company and the parent company.

**Foods not for retail sale:** food that is not for retail sale, not for catering and not supplied for intra company transfer [Standard 1.2.1 (4)]

10.1.1 Food for retail sale requiring NIP

Most foods for retail sale must bear a label that includes all information set out in the *Code* under Standard 1.2.1. Examples of NIPs are provided in Section 10.3 of this resource.

There are a few exemptions including:
- food not in a package
- food in an inner package not designed for individual sale (but if individual portion packs in a container or wrapper with a surface area of 30 cm² or greater, they must bear a label containing information in accordance with Standard 1.2.3 (3 and 4)
- food made and packaged on the premises from which it is sold
- food packaged in the presence of the purchaser
- food whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables
- fruit, vegetables, meat, poultry, and fish that comprise a single ingredient or category of ingredients
- food delivered packaged, and ready for consumption, at the express order of the purchaser
- food sold at a fund raising event
- food is packaged and displayed in an assisted service display cabinet.

*There are other exemptions mostly relating to specific warning, claims and formulations. It is essential to check Standard 1.2.1 and Standard 1.2.8 (3) for information on exemptions.*

There is a specific exemption for fish and fish products under Standard 2.2.3 (2) which relates to:
- standardisation of fish names (FSANZ directs to [http://www.fishnames.com.au](http://www.fishnames.com.au)) and
- requirements when raw has been formed or joined to look like a cut or fillet of fish. ([http://www.comlaw.gov.au/Details/F2011C00569](http://www.comlaw.gov.au/Details/F2011C00569))

*Where an exempt applies, a NIP is only required when a claim requiring nutritional information is made [Standard 1.2.8 (4)].*
10.1.2 Food for catering purposes
Most food for catering purposes must provide the information for a NIP either on the label or in documentation [Standard 1.2.1 and Standard 1.2.8 (5:1)].

There are some exemptions for food for catering purposes [Standard 1.2.8 (3)]. Where an exemption in Standard 1.28 applies, nutrition information is only required when a claim requiring nutritional information is made. This information can be provided on the label or in documentation.

If a purchaser or relevant authority requests, labels or documentation accompanying food for catering purposes must provide sufficient information to enable the purchaser to comply with compositional, labelling or other declaration requirements of the Code [Standard 1.2.1 (6:4)].

10.1.3 Food not for retail sale
A food designated as not for retail sale is a food that is: not for retail sale, not for catering purposes, not supplied for intra company transfer. [Standard 1.2.1 (4)]. http://www.comlaw.gov.au/Series/F2008B00601

If a purchaser or relevant authority requests, labels or documentation accompanying food for catering purposes must provide sufficient information to enable the purchaser to comply with compositional, labelling or other declaration requirements of the Code [Standard 1.2.1 (4:1)].

This information must be supplied in writing if so requested [Standard 1.2.1 (4:2)].

KEY POINTS

Nutritional Information Panels (NIP) are required on most food. http://www.comlaw.gov.au/Details/F2011C00569

Other Standards that relate to nutritional information requirements are:
Standard 1.2.1 - definitions of purpose of food (e.g. for retail sales...)
Standard 1.2.1 (2:1) - exemptions for NIPs on food for retail sale
Standard 1.2.8 (4) - nutritional information required if a nutrition or health claim is made
Standard 1.2.1 (6) - nutrition information required on food for catering purposes
Standard 1.2.1 (4) - requirements on food not for retail sale

10.2 Food exempt from carrying a NIP

Some foods do not need to carry a nutrition information panel (NIP). It is essential to check the following Standards for exemptions


Foods that do not need a NIP (unless making a nutritional claim) include:

- prepared filled rolls, sandwiches, bagels and similar products
- fruit, vegetables, meat, poultry, and fish as a single ingredient or category of ingredients
- jam setting compound
- gelatine [Standard 1.1.2]
- a herb, spice, and herbal infusion
- tea - decaffeinated, decaffeinated instant or soluble, instant or soluble [Standard 1.1.2]
- coffee - decaffeinated, decaffeinated instant or soluble, instant or soluble [Standard 1.1.2]
- food in a small package [Standard 1.2.1 - surface area of less than 100 cm²]
- food additives [Standard 1.3.1]
- processing aids [Standard 1.3.3]
- water, ice, mineral water or spring water [Standard 2.6.2]
- kava [Standard 2.6.3]
- alcoholic beverages [Standards 2.7.2 to 2.7.5]
- beverages with no less than 0.5% alcohol by volume - not standardised [Standards 2.7.2 to 2.7.5]
- kit intended to be used to produce an alcoholic beverage standardised [Standards 2.7.2 to 2.7.5]
- vinegar and related products [Standard 2.10.1]
- salt and salt products [Standard 2.10.2].

It is important to note that a food that is made of a combination of exempt foods may not be exempt from the requirement to carry a nutrition information panel. [Standard 1.2.8]
10.3 Nutrition Information Panels

10.3.1 Information on a NIP


The average quantity of the following must be declared per serving and per 100g or 100 ml of the food:

- energy content (expressed in kilojoules (kJ) or in both kilojoules and calories (kilocalories))
- protein
- fat
- saturated fat
- carbohydrate
- sugars
- sodium (expressed in milligrams; or both milligrams and millimoles)
- any other nutrient or biologically active substance about which a claim requiring nutrition information is made [Standard 1.2.8 (1)].

NIPs must also include the average quantity of food in a serving and the number of servings of the food in the package expressed as either:

- the number of servings of the food, or
- where the weight or volume of the packaged foods is variable, the number of servings of the food per kg, or other units as appropriate.

It is acceptable to use the word slice, pack or package instead of serving..

10.3.2 What a NIP should look like

This is what a NIP should look like:

<table>
<thead>
<tr>
<th>NUTRITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servings per package: 25</td>
</tr>
<tr>
<td>Serving size: 15 g</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Protein</td>
</tr>
<tr>
<td>Fat, total</td>
</tr>
<tr>
<td>– saturated</td>
</tr>
<tr>
<td>Carbohydrate</td>
</tr>
<tr>
<td>– sugars</td>
</tr>
<tr>
<td>Sodium</td>
</tr>
</tbody>
</table>

If a liquid, quantity should be in 100mL and serving size in mL.
10.3.3 Values used in NIPs
Values must be listed as averages. For solid and semi-solid foods the averages must be based on final weight of the food in grams. For liquid foods, the averages should be calculated on volume.

Exemption: If making a declaration about fatty acids, minimum or maximum quantities can be declared ONLY when a claim is made about the polyunsaturated fatty acid content or monounsaturated fatty acid content of edible oils and edible oil spreads [Standards 2.4.1 and 2.4.2].

10.3.4 Determining the values of NIPs
The compositional value of food can be obtained from a number of sources included:

- laboratory analysis of the food
- the FSANZ Nutrition Panel Calculator*
- other commercial software
- food composition tables or databases.

There are specific requirements for determining dietary fibre [Standard 1.2.8 (18)].

* Specific details on how to use the Nutrition Panel Calculator can be found at:

10.3.5 How to declare values
Values must be displayed according to strict regulations in the Code. The following are common inclusions:

- energy kilojoules (kJ), calories (Cal) or both
- protein grams (g)
- fat grams
- saturated fats grams
- carbohydrate grams
- sugars grams
- sodium milligrams (mg), or both milligrams and millimoles (mmol).

NIPs must clearly state the averages quantities and minimum or maximum (if permitted). Average must be at the beginning of the words ‘quantity per serving’ and ‘quantify per 100g (or 100mL)’. An alternative is to include a note under the NIP stating ‘All values are considered averages unless otherwise indicated.’

Quantities averaging less than 1g must be listed as ‘LESS THAN 1 g’ (never symbols e.g. <).

Energy content less than 40kJ must be listed as ‘LESS THAN 40 kJ’.

Sodium and potassium content less than 5 mg must be listed as ‘LESS THAN 5 mg.’
10.3.6 Number of significant figures in values
All values must have no more than three significant figures. For example 0.0352 and 35,200 are both three significant figures. Standard 1.2.8 provides examples of rounding of values. Less than three significant figures are permitted but not more.

10.3.7 Servings
Serving sizes are not prescribed in the Code. It notes as a suggestion that serving sizes should reflect the portion of food normally consumed in one eating occasions.

Food businesses may determine their own serving size however it cannot be false, misleading, deceptive or likely to mislead or deceive.

If a food business decides that their serving size is either 100g or 100 mL, both ‘per 100g/100mL’ and ‘per serve’ are still required on the NIP (see example).

<table>
<thead>
<tr>
<th>NUTRITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servings per package: 4</td>
</tr>
<tr>
<td>Serving size: 100 g</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Average Quantity</td>
</tr>
<tr>
<td>per Serving</td>
</tr>
<tr>
<td>Average Quantity</td>
</tr>
<tr>
<td>per 100 g</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>384 kJ</td>
</tr>
<tr>
<td>384 kJ</td>
</tr>
<tr>
<td>Protein</td>
</tr>
<tr>
<td>4.4 g</td>
</tr>
<tr>
<td>4.4 g</td>
</tr>
<tr>
<td>Fat, total</td>
</tr>
<tr>
<td>7.6 g</td>
</tr>
<tr>
<td>7.6 g</td>
</tr>
<tr>
<td>– saturated</td>
</tr>
<tr>
<td>1.5 g</td>
</tr>
<tr>
<td>1.5 g</td>
</tr>
<tr>
<td>Carbohydrate</td>
</tr>
<tr>
<td>2.0 g</td>
</tr>
<tr>
<td>2.0 g</td>
</tr>
<tr>
<td>– sugars</td>
</tr>
<tr>
<td>0.9 g</td>
</tr>
<tr>
<td>0.9 g</td>
</tr>
<tr>
<td>Sodium</td>
</tr>
<tr>
<td>41 mg</td>
</tr>
<tr>
<td>41 mg</td>
</tr>
</tbody>
</table>

10.3.8 Servings per package
The number of servings per package must be included on the NIP. If the weight or volume of a food is variable (e.g. fish fillets in a tray package), then the number of serves per kilogram (or other unit) can be used [Standard 1.2.8 paragraph 5(1)(a)].

10.3.9 Expressing serving sizes
Servings sizes should be declared in grams (g) for solid or semi solid food or millilitres (mL) for liquid food. It is up to a food business to decided whether to use g or mL. [Standard 1.2.8 paragraph 5(1)(b)].
10.3.10 Foods consumers prepare before consumption
In most cases, the NIP should be based on the form of food when sold. For example if a food is expected to be cooked but sold in its’ uncooked form the NIP should reflect the values of the uncooked food.

There are several exemptions including:
• food that must be reconstituted (e.g. cordial diluted with water)
• food that must be drained prior to consumption or preparation
• food intended to be prepared or consumed with at least one other food.

Standard 1.2.8 (9-11) provide details of the complexity of what is required on a NIP in each of these cases. This example shows one choice food businesses may make for a food intended to be prepared or consumed with other food which includes an additional column on the NIP.

<table>
<thead>
<tr>
<th>NUTRITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servings per package: (insert number of servings)</td>
</tr>
<tr>
<td>Serving size: g (or mL or other units as appropriate)</td>
</tr>
<tr>
<td>Average Quantity per Serving</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Protein</td>
</tr>
<tr>
<td>Fat, total</td>
</tr>
<tr>
<td>– saturated</td>
</tr>
<tr>
<td>Carbohydrate</td>
</tr>
<tr>
<td>– sugars</td>
</tr>
<tr>
<td>Sodium</td>
</tr>
</tbody>
</table>

KEY: 1 list other foods and their quantity

10.3.11 Common mistakes
FSANZ notes a number of common mistakes made on NIPs that may impact on consumers understanding and interpretation of the NIP. As such, they make the following suggestions about NIPs:
• the NIP panel should be headed ‘NUTRITION INFORMATION’
• servings information should be provided in the correct wording (per pack/serving size)
• all required nutrients and energy should be included in the NIP (zero for those not in the food) in the correct order
• symbols should never be used
• all values are clearly indicated - average quantity (or minimum or maximum if permitted).

FSANZ suggests the following should be checked on NIPs:
• internal and external borders are correct as per requirements
• serving information is presented in the correct text case and correctly aligned
• the prescribed text is used in column headings
• nutrients are presented in the correct text case and in the correct order.
10.4 Percentage daily intake and percentage recommended dietary intake information

Food businesses may choose to include percentage daily intake (DI) information on the NIP. It is voluntary however, if choosing to use it there are mandatory requirements governing its use. This is one main exemption where DI is mandatory and that is if making a claim that requires nutritional information. The percentage recommended daily intake (RDI) must be provided (see Section 10.4.4).

10.4.1 Percentage daily intake (%DI)

National dietary guidelines include recommendations for adults for the daily consumption of energy, protein, fat, saturated fatty acids, carbohydrate, sugars, dietary fibre and sodium based on an 8700kJ diet. [Standard 1.2.8 (7:3)] The DI’s are presented as percentages of these dietary guideline recommendations.

10.4.2 Calculating %DI values

As noted previously, %DIs are based on reference values from the Dietary Guidelines For Australians. They change from time to time so should be checked before calculating DI’s. The current reference values are listed in the following table together with the formulae for calculating %DIs (see Table 3):

<table>
<thead>
<tr>
<th>Food component</th>
<th>Reference value</th>
<th>Calculating %DIs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy</td>
<td>8700 kJ (2100 kcal)</td>
<td>( %\text{DI} = \frac{\text{Quantity energy/nutrient in a serving}}{\text{Reference value}} \times 100 )</td>
</tr>
<tr>
<td>Protein</td>
<td>50 g</td>
<td></td>
</tr>
<tr>
<td>Fat</td>
<td>70 g</td>
<td></td>
</tr>
<tr>
<td>Saturated fatty acids</td>
<td>24 g</td>
<td></td>
</tr>
<tr>
<td>Carbohydrate</td>
<td>310 g</td>
<td></td>
</tr>
<tr>
<td>Sugars</td>
<td>90 g</td>
<td></td>
</tr>
<tr>
<td>Dietary fibre</td>
<td>30 g</td>
<td></td>
</tr>
<tr>
<td>Sodium</td>
<td>2300 mg</td>
<td></td>
</tr>
</tbody>
</table>

Using the information above, the %DI in a food with 15g protein would be:

\[
\%\text{DI} = \frac{15 \times 100}{50} = 30 = 30\%
\]

10.4.3 Information that must be provided

It is up to food businesses whether or not to include %DIs. The only time it is mandatory is when making a claim that requires nutritional information. If including %DI values in a NIP, then you must include %DIs for energy, protein, fat, saturated fatty acids, carbohydrate, sugars and sodium. Either of the following statements must also be included with the NIP:

- ‘based on an average adult diet of 8700kJ’ or
- ‘percentage daily intakes are based on an average adult diet of 8700kJ’.
10.4.4 Percentage RDIs
Recommended Daily Intakes (RDIs) relate to certain vitamins and minerals obtained from consuming one serving of a food. An RDI must be included in a NIP if a claim is made about a vitamin or mineral that has a RDI listed in the Code [Standard 1.1.1] and the applicable nutrient value set out in the NIP. %RDIs must be calculated using the following formulae:

\[
\text{%RDI} = \frac{\text{Quantity of vitamin or mineral in a serving}}{\text{RDI}} \times 100
\]

%RDIs are not required for food for infants [Standard 2.9.2] however food businesses can include this information on NIP if they wish. The following is an example of a NIP containing %DI and %RDI values.

<table>
<thead>
<tr>
<th>NUTRITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servings per package: (insert number of servings)</td>
</tr>
<tr>
<td>Serving size: g (or mL or other units as appropriate)</td>
</tr>
<tr>
<td>Average Quantity per Serving</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Protein</td>
</tr>
<tr>
<td>Fat, total</td>
</tr>
<tr>
<td>– saturated</td>
</tr>
<tr>
<td>Carbohydrate</td>
</tr>
<tr>
<td>– sugars</td>
</tr>
<tr>
<td>Sodium</td>
</tr>
<tr>
<td>Vitamin C</td>
</tr>
<tr>
<td>Calcium</td>
</tr>
</tbody>
</table>

*Percentage daily intakes are based on an average adult diet of 8700 kJ.

10.4.5 Presenting %DI or %RDI information outside the NIP
There are some circumstances when the %DI or %RDI can be presented outside of the NIP such as on the front of food packaging. If these values are presented outside of the NIP then serving size of the food must also be presented in accordance with Standard 1.2.8 (7, 7A, 7B). The Australian Food & Grocery Council (AFGC) has developed a Daily Intake Guide (DIG) mirroring the NIP to assist consumers to make informed food choices. Food manufacturers are permitted to use the DIG. [www.afgc.org.au](http://www.afgc.org.au)

AFGC Daily Intake Guide
10.5 NIPs where claims are made

Standard 1.2.7 outlines nutrition and health claims allowable under the Code. If a permissible claim is made then specific information (including the name, average amount of claimed nutrient or biologically active substance) must be provided in the NIP in addition to the basic NIP requirements.

This is an example of how a NIP must be set out if making a nutrient content claim about Omega-3s [Standard 1.2.8 (5:4) and Standard 1.2.7].

<table>
<thead>
<tr>
<th>NUTRITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Servings per package: (insert number of servings)</td>
</tr>
<tr>
<td>Serving size: g (or mL or other units as appropriate)</td>
</tr>
<tr>
<td>Average Quantity per Serving</td>
</tr>
<tr>
<td>Energy</td>
</tr>
<tr>
<td>Protein</td>
</tr>
<tr>
<td>Fat, total</td>
</tr>
<tr>
<td>– saturated</td>
</tr>
<tr>
<td>– trans</td>
</tr>
<tr>
<td>– polyunsaturated</td>
</tr>
<tr>
<td>– omega 3</td>
</tr>
<tr>
<td>– eicosapentaenoic acid</td>
</tr>
<tr>
<td>– docosahexaenoic acid</td>
</tr>
<tr>
<td>– monounsaturated</td>
</tr>
<tr>
<td>Carbohydrate</td>
</tr>
<tr>
<td>– sugars</td>
</tr>
<tr>
<td>Sodium</td>
</tr>
</tbody>
</table>

An exception is for food in small packages that have specific requirements when making a nutrition claim [Standard 1.2.8 (4)].

10.5.1 Declarations of other nutrients or substances when certain claims are made

If a declaration is made about nutrients or substances in food then information specific to that claim must be provided [Standard 1.2.7 and Standard 1.2.8]. If a claim is made about a sub-group of a nutrient (e.g. specific type of fats), then they must be indented on the NIP.

There are a number of nutrient claims that can be made. The previous example (Section 10.5 of this resource) includes a claim about Omega-3s which is the most common nutrient claim associated with seafood. The breakdown of total fats must be declared on the NIP if making a claim about Omega-3s. Further information can be found in Standard 1.2.8 (5:7).
10.5.2 Additional information required if nutrition or health claim permitted
Foods are only permitted to make nutrition or health claims if they met the Nutrient Profiling Scoring Criterion (NPSC) as set out in Standard 1.2.7. If making a claim, there are additional labelling requirements. It is essential to review these requirements at Standard 1.2.7 as they may change. http://www.comlaw.gov.au/Details/F2014C01191.

If a food is exempt from labelling then the information associated with a claim, must be provided to the purchaser of the food, if request. Alternatively, the information can be displayed on or in connection with the display of the food.

**KEY POINTS - Nutritional information**
A Nutritional Information Panel (NIP) is required on food products in Australia (with few exemptions).

It is the responsibility of the food business to comply with the mandatory guidelines as set out in the Code [Standard 1.2.8]  http://www.comlaw.gov.au/Details/F2011C00569

The Nutrient Profiling Scoring Criterion [Standard 1.2.7] assist food businesses to assess if a food can make a nutrient or health claim.

Additional information is required if making a nutrition or health claim about a food [Standard 1.2.7 (25, 26)]  http://www.comlaw.gov.au/Details/F2014C01191.

10.5.3 Voluntary items on NIPs
There are a number of permitted voluntary items allowable on NIPs (e.g. iron or fibre). Standard 1.2.8 (19) details these.

10.6 Nutritional information when claims are made on small packaging
A small package is defined as having a surface area of less than 100cm².

**KEY POINTS - Nutritional information when claims are made on small packages**
A small package is defined in Standard 1.1.1.


Standard 1.2.8 (8,8A) sets out the nutrition labelling requirements for small packages

Standard 1.2.8 (8:3) details additional labelling information that may be required on small packaging related to particular claims.
Section 11

Legibility Requirements on Labels

[STANDARD 1.2.9]
11. Legibility requirements on labels [Standard 1.2.9]

Standard 1.2.9 requires that every word, statement, expression or design that is required to be on a food label must be written or set out: legibly, prominently and in English. This Standard applies to both packaged and unpacked foods. There are additional legibility requirements for warning statements detailed in Section 5 of this resource.  


11.1 Legibility

11.1.1 Definition of legibility

Legibility incorporates design, printing and position as follows:

- **Indelible** - printing must not be able to be removed or erased under normal conditions of use or storage
- **Distinct** - nothing on the packaging should interfere with the legibility of the words on a label. Text printed on complex, pictorial or multi-coloured backgrounds that are likely to interfere with the legibility of the label should be avoided. This also applies to logos and decorations
- **Easy to read** - Statements in sentence or title case are usually easier to read that those in mixed case or upper case.
  - This is Title Case
  - This is sentence case
  - this IS mixed Case
  - THIS IS UPPER CASE

*Type size* is only specified in the Code for warning labels (see Section 5 of this resource) however labels for products developed for specific populations should take into consideration the legibility of labels to that target group. For example, products aimed at seniors should consider including a larger type size on labels.

11.1.2 Prominence of information,

Information should standout on labels so consumers can see it easily. Position and prominence should be considered. The position of information is not generally covered in detail in the Code.

There are a few exceptions on specific products such as fermented comminuted manufactured meat [Standard 2.2.1] and positioning required by some States and Territories under trade measurement legislation [legislation can be found on relevant State/Territory websites or in hardcopy from government bookshops].

Where the position is not prescribed, food businesses may wish to consider complimentary placement of related information. For example, the warning or advisory statements could be placed beside or near the ingredient list.

Information may be more prominent if:

- highlighted using contrasting colours
- borders are used
- in larger or distinctive print
- use line spacing, type justification or text segmenting.
11.1.3 Contrast with background
The Code requires the requisite information on a food label to be set out legibly and prominently so it is distinct from the background. Contrasts can be via colours or other means such as embossing, as long as the contract is obvious. If colours are to be used as contracts, colours associated with colour blindness (red/green or blue/green) should be avoided.

11.1.4 External factors affecting legibility and prominence
External factors (other than labels) may impact on legibility and prominence such as conditions where food is sold, lighting or shelf position.

11.2 Language used
All information on labels must be in English. The Code does allow information on or near products to also be in other languages however it must not contradict or negate the required information in English on the label.

11.3 Additional requirements

11.3.1 Warning statements - general
The exact words prescribed in the Code for warning statements must be written in the text and size of type required in the Code. Unless otherwise stated in the Code, each word, statement, expression and design prescribed to be contained, written or set out in a warning statement on a label must be the size of type of at least 3 mm in size when measured from the base to the top of the letter or numeral.

KEY LINKS - Legibility requirements on labels
FSANZ - User Guide on Warning and Advisory Statements and Declarations
Standard 1.1.1 - warning statements and lists in the Code
Standard 1.2.9 - defines size of type

KEY LINKS - Warning statements on small packages
Standard 1.1.1 (2) - defines small packages
Standard 1.2.9 (3b) specifies minimum size of type for warning labels on small packages

11.3.2 Warning statements on small packaging
Separate requirements apply to small packages (defined as a surface area less than 100cm²). The Code allows labels on small packages to be a minimum size of type of 1.5 mm.
11.3.3 Advisory statements and mandatory declarations

Mandatory declarations or advisory statements are required on certain foods and substances. These are detailed in the Code [Standard 1.2.9]. Although the Code does not prescribe the exact wording or a minimum size of type for these statements and declarations, they must comply with the general legibility requirements of Standard 1.2.9.

**KEY LINKS - Advisory statements and mandatory declarations**

Standard 1.2.3 - Mandatory Warning and Advisory Statements and Declarations

FSANZ - User Guide on Warning and Advisory Statements and Declarations

11.3.4 Country of Origin Labelling

Standard 1.2.11 specifies the type set requirements for country of origin labelling (Australian only). If a statement is required other than on a package (e.g. near unpackaged food displays), the size of type must be at least 9mm. If the unpackaged food is in a refrigerated assisted service display cabinet, the size of the type on the label connected with the display of food must be at least 5 mm.

**KEY LINKS - Country of origin labelling**

Standard 1.2.11 - Type set requirements for country of origin labelling

Standard 1.2.1 - defines a refrigerated assisted service display cabinet - enclosed display cabinet which requires a person to serve the food as required by the purchaser.
Section 12

Percentage Labelling of Food

[STANDARD 1.2.10]
12. Percentage labelling of food  [Standard 1.2.10]

12.1 What is percentage labelling
Standard 1.2.10 is associated with the percentage of characterising ingredient and components in food and their requirement on food labelling.  [http://www.comlaw.gov.au/Series/F2008B00610]

12.1.1 Percentage labelling
‘Percentage labelling’ is a term stated on a food label that shows the proportion of characterising ingredient or component contained in a food. It is designed to help consumers make informed choices about the foods by allowing them to compare similar products. Standard 1.2.10 requires that percentage labelling information for characterising ingredients and characterising compounds be provided (unless exempt - See Section 9.2.4).

12.1.2 Characterising ingredients and characterising compounds
Characterising ingredients are ingredients or compounds that are:

- mentioned in the name of a food (e.g. prawn curry must contain prawns)
- usually associated with the name of a food by the consumer
- emphasised on the label of a food in words, pictures or graphics.

Some ingredients are not considered characterising therefore do not require percentage labelling.  [Standard 1.2.10 http://www.comlaw.gov.au/Series/F2008B00610]

12.2 Application for percentage labelling requirements to different foods.
The requirements of percentage labelling depend on the purpose of the food. Food designated for retail sale or catering have different requirements and some foods are exempt from percentage labelling.

12.2.1 Food for retail sale
All food for retail sale must include percentage labelling information unless exempt under Standard 1.2.1 (2:1)  [http://www.comlaw.gov.au/Details/F2014C01178] or Standard 1.2.10 (2:4). If a food is unpackaged or packaged on the premises from which it is sold (and has no exemptions), then the relevant percentage information must be either displayed on or in connection with the display of food or provided to the purchaser on request.

12.2.2 Food for catering purposes
Foods for catering purposes are exempt from providing percentage labelling [Standard 1.2.10 (2:4)]. However if a purchaser or relevant authority requests information sufficient information must be provided in writing to comply with labelling and composition requirements in the Code [Standard 1.2.1 (6:4)]. This information can be provided in documentation accompanying the food rather than on the food label.
12.2.3 Food not for retail sale (etc)
Food not for retail sale, for catering purposes or as an intra company transfer have specific requirements of compliance with this standard. However if a purchaser or relevant authority requests, then sufficient information must be provided in writing to enable the purchaser to comply with labelling and composition requirements in the Code [Standard 1.2.1 (4)].

12.2.4 Foods that are specifically exempt form percentage labelling
Some foods are exempt from percentage labelling because:
- they are specifically exempt [Standard 1.2.10 (2:4)] or
- they do not have a characterising ingredient or compound ingredients

Some common exemptions for percentage labelling pertinent to the seafood industry include:
- single ingredient foods
- food packaged in the presence of the purchaser
- food for catering purposes (e.g. hospitals, restaurants)
- food in small packages with a surface area of less than 100cm².

A list of other foods exemption from percentage labelling is provided in Standard 1.2.10 (2:4).

It is the responsibility of food businesses to ensure that their products comply with all aspects of the Code.

12.3 Definition ingredient or component characterising
Food businesses must decide which ingredients or components of their product characterise the food according to Standard 1.2.10  http://www.comlaw.gov.au/Series/F2008B00610

There are three main situations when ingredients or components are considered characterising:
- the ingredient, category of ingredient, or component, is mentioned in the name of the food
- the ingredient, category of ingredient, or component, is usually associated with the name of the food by consumers
- the ingredient, category of ingredient, or component, is emphasised on the label of a food in words, pictures or graphics.

Standard 1.2.10 provides examples of each  http://www.comlaw.gov.au/Series/F2008B00610

12.4 Calculating the proportion of characterising ingredients or components
There are two main methods of calculating the proportion of characterising ingredients:
- ingoing weight of characterising ingredient expressed as a proportion of the total weight of all ingoing ingredients OR
- the final weight of the characterising ingredient expressed as a proportion of the total weight of the final food where moisture loss occurs from ingredients during processing

Component ingredient calculations are based on the final weight of the compound over the total weight of the food. Standard 1.2.10 (3:3, 3:4, 5:5, 6:2, 7:5) provide specific details on the how these calculations should be conducted according to the Code,  http://www.comlaw.gov.au/Series/F2008B00610

FSANZ also provides a user guide on how to declare reconstituted or rehydrated ingredients  http://www.foodstandards.gov.au/code/userguide/pages/ingredientlabelling.aspx
12.5 Where characterising ingredients or components are required to be declared

There are a number of clauses/subclauses in the Code governing how proportions of characterising ingredients and components should be declared on food labelling. These are listed in this resource as [Standard xx (clause: subclause)]

12.5.1 Packaged food

12.5.1.1 Declaration of characterising ingredients
For packaged food, declaration of the proportion of characterising ingredients or components can be anywhere on a food label. Unless declared on the nutritional information panel, the proportions must be declared as percentages and are most commonly declared:

- in or near the ingredient list,
- near the name of the food.

If the declaration is on the ingredient list, the percentage must appear immediately after the name of the ingredient on the ingredient list. The percentage of the characterising ingredient may be rounded to the nearest whole number or, if the percentage is below 5%, to may be rounded to the nearest 0.5 decimal place.

12.5.1.2 Declaration of characterising components
Percentages of characterising components can be declared near the name of the food. The percentage of the characterising component may be rounded to the nearest whole number or, if the percentage is below 5%, to may be rounded to the nearest 0.5 decimal place.

12.5.1.3 Declarations on the nutritional information panels (by 100g/100ml serve)
Standard 1.2.10 allows declarations of the proportion of a characterising ingredient or component as an average amount per serving and per 100g/100ml in a nutritional panel. If declaring in this way, declaration as a percentage is not required.

12.5.1.4 Declarations - minimum percentage labelling
Percentages of a characterising ingredient or component may be declared as:

- an actual percentage  OR  
- a minimum percentage (must be clearly indicated on ingredient list).

12.5.2 Unpackaged foods [Standard 1.2.10 2(3)]
Unless exempt, percentage labelling declarations on unpackaged food or food that is made and packaged on the premises from which it is sold, must be either

- displayed on or in connection with the display of food  OR  
- provided to the purchaser on request (verbally or in writing).
KEY POINTS - Percentage labelling of food

Application for labelling and information requirements - [Standard 1.2.1]

Definition - percentage labelling on food - [Standard 1.2.10]

Definitions - characterising ingredient and characterising component - [Standard 1.2.10 (1)]

List of exemptions from percentage labelling - [Standard 1.2.10 (2:4)]

List of exemptions of foods for special medical purposes - [Standard 2.9.5 (3:1d)]

Deciding which ingredient/s or component/s of product characterises food - [Standard 1.2.10]

How to calculate the proportion of characterising ingredients or compounds - [Standard 1.2.10 (3:3, 3:4, 5:5, 6:2, 7:5)]

How to calculate the proportion using minimum weights [Standard 1.2.10 (3:5,6:3)]

Declaration of minimum percentages [Standard 1.2.10 (5:3), 7:3)]

How to clearly indicate minimum percentages [Standard 1.2.10 (5:4, 7:4)]

Requirements for packaged and unpackaged foods - [Standard 1.2.10 & % labelling of food user guide].


Section 13

Country of Origin Labelling

[STANDARD 1.2.11]
13. **Country of Origin Labelling (CoOL) [Standard 1.2.11]**

This Standard relates to both packaged and unpackaged foods. The Standards and regulations for CoOL are currently under review. It is the responsibility of all food businesses to ensure they comply with all Standards within the Code, therefore this link provided details to ensure currency.

*The Code* currently states that all packaged food must be labelled with:

- the country where the food was made, produced or grown; OR
- the country where the food was manufactured or packaged plus to the effect the food was constituted from ingredients imported into that country or from local and imported ingredients.

**Unpackaged foods** displayed for retail sale (other than packaged food) must be labelled with a statement on or in connection to the display of the food which:

- identifies the country or countries of origin of the food;
- indicates that the food is a mix of local and imported foods; or
- indicates that the food is a mix of imported foods.

This relates to fish, including fish that has been mixed or coated with one or more foods. It also relates to food that has been cut, filleted, sliced, minced, diced, pickled, cured, dried, smoked, frozen, preserved by other means, marinated or cooked.

Labels must be at least 9mm in height unless the food is in a refrigerated assisted service display cabinet where is must be at least 5mm in height.

**KEY POINTS**

Standard 1.2.11 governs Country of Origin labelling on packaged and unpacked foods.

This Standard is currently under review.

It is the responsibility of all food businesses to ensure they comply with Country of Origin labelling requirements of the Code therefore it is essential to access the following links for currency of information.


**CURRENTLY BEING REVIEWED (February 2015)***
Section 14

Food Additives

[STANDARD 1.3.1]
14. Food Additives [Standard 1.3.1]

A food additive is defined as any substance not normally consumed as a food or not usually used as an ingredient of food but is added intentionally for reasons specified in the Code. Permissible additives are listed in the Code [http://www.foodstandards.gov.au/consumer/additives/Pages/default.aspx](http://www.foodstandards.gov.au/consumer/additives/Pages/default.aspx).


Food additives may be used to improve the taste or appearance of food, improve quality or stability of a food, or as a preservative agent. As it is possible for adverse reactions to occur from both natural and synthetic food additives, food labels must include details of all food additives in a product.

<table>
<thead>
<tr>
<th>KEY POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food additives added to a food must be detailed on the label.</td>
</tr>
<tr>
<td>To reduce confusion, every food additive is given a short numerical code.</td>
</tr>
<tr>
<td>The name and function of a food additive can be found on the FSANZ website. <a href="http://www.foodstandards.gov.au/consumer/additives/additiveoverview/Pages/default.aspx">http://www.foodstandards.gov.au/consumer/additives/additiveoverview/Pages/default.aspx</a></td>
</tr>
</tbody>
</table>

Section 15

Chemicals in Food Packaging

[Standard 1.4.1 to 1.4.3]
15. **Chemicals in food packaging [Standards 1.4.1, 1.4.3, 3.2.2]**

It is possible that some chemicals in packaging may leach into foods within a food container or package.

Standard 1.4.1 of *the Code* set out maximum levels of known contaminants that may be present in food packaging materials.

Standard 1.4.3 outlines issues that could arise if certain materials come into contact with foods.

Additional information on food packaging and safety are included in:

- Standard 3.2.2 - Food Safety Practices and general requirements
- Australian Standards for Plastic Materials in Contact with Food AS2070-1999
- State and Territory Food Acts that relate to food packaging safety.

In Australia it is the responsibility of manufacturers to ensure that food that is in contact with packaging is safe.

**KEY POINTS - Chemicals in food packaging**

Chemicals in food packaging can migrate into foods. Regulations governing chemicals in food packaging in Australia are:

- Standard 1.4.1 Contaminants and natural toxicants
- Standard 1.4.3 Articles and materials in contact with food
- Standard 3.2.2 Food safety practices and general requirements
- Australian Standard for plastic materials for food contact use AS 2070-1999

Source: Food Standards Codes 1.4.1  1.4.3  3.2.2  and AS 2070-1999

Section 16

Novel foods

Food Produced with Gene Technology

Food that has been Irridated

[Standard 1.5.1 to 1.5.3]
16. **Novel Foods [Standard 1.5.1]**

Standard 1.5.1 relates to non-traditional and novel food.

Non-traditional food relates to: food; food substances derived from food; or any other substance that is not historically consumed in Australia or New Zealand.

**Novel food** is a non-traditional food that requires assessment of public health and safety consideration.

A list of novel food and novel food ingredients that have been assessed as safe for human consumption is provided in Standard 1.5.1 with any special conditions of use. Examples of marine novel foods are specific types of oil-based and dried marine micro-algae. [http://www.foodstandards.gov.au/industry/novel/Pages/default.aspx](http://www.foodstandards.gov.au/industry/novel/Pages/default.aspx)

Any novel food or novel food ingredients not listed in Standard 1.5.1 must be tested according to protocols listed in *the Code* and permissions granted prior to being sold for human consumption.

Novel food for *special medical purposes* is not covered under Standard 1.5.1. These are covered under Standard 2.9.5 [http://www.foodstandards.gov.au/code/Pages/default.aspx](http://www.foodstandards.gov.au/code/Pages/default.aspx)

Standard 1.5.2 regulates food produced using gene technology.

Standard 1.5.3 regulates food that has been irradiated.

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**KEY POINTS - Novel foods**

Novel food and novel food ingredients are regulated by:

- Standard 1.5.1 Novel foods
- Standard 1.5.2 Food produced using gene technology
- Standard 1.5.3 Food that has been irradiated

Source: Food Standards Code 1.5.1 1.5.2 1.5.3  
Section 17

Regulatory Statements for Fish and Fish Products

[STANDARD 2.2.3]
17. Regulatory Statements - Fish and fish products [Standard 2.2.3]

Some regulatory statements have been developed specifically for some food products. Examples include baby formulae [Standard 2.9], honey [Standard 2.8] and low alcohol beverages [Standard 2.7].

Standard 2.2.3 http://www.comlaw.gov.au/Details/F2011C00569 relates to Fish and Fish Products. It includes a definition of fish, where to find the searchable database of Australian Standard Fish names http://www.fishnames.com.au and the labelling requirements for specific types of fish.

The labelling requirements for fish refers to raw fish which has been formed or joined to resemble a cut or fillet or fish using a binding system without the application of heat, whether coated or not coated.

How the fish is formed or joined, cooking instruction and how the microbiological safety of the product can be achieved is required on food labels. If the product is exempt from labelling, this information must be available to purchasers on request.

<table>
<thead>
<tr>
<th>KEY POINTS - Regulatory statements - Fish and fish products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food labels must include mandatory:</td>
</tr>
<tr>
<td>advisory statements,</td>
</tr>
<tr>
<td>warnings or</td>
</tr>
<tr>
<td>declarations</td>
</tr>
</tbody>
</table>

There are a number of additional Advisory and Regulated Statements included in the Code. The statements specific to fish and fish products are found in Standard 2.2.3


Food Safety Standards are not covered in detail in this resource, however, there is an obligation on all food businesses in Australia to adhere to these Standards.

They can be found in Standard 3 of the Code http://www.foodstandards.gov.au/code/Pages/default.aspx
Section 18

Food Safety

[STANDARD 3]
18. Food safety in Australia (including traceability)

Food Safety: This resource does not cover food safety in detail however food safety is a primary obligation of all Australian food businesses. The health and hygiene obligations of food handlers are also included in the Code. Food Safety Standards are listed under Chapter 3 of the Code. It also details who is responsible for food safety at the Commonwealth, State/Territory, local government and food business levels. [http://www.foodstandards.gov.au/code/Pages/default.aspx]

The regulations governing food safety are:

- 3.1.1 Interpretation and application
- 3.2.1 Food safety programs
- 3.2.2 Food safety practices and general requirements
- 3.2.3 Food premises and equipment
- 3.3.1 Food safety programs for food service to vulnerable persons

Standards 3.2.2 and 3.2.3 are mandatory for all food businesses in Australia. [http://www.foodstandards.gov.au/code/Pages/default.aspx]

Two components of the Code that are particularly relevant to the seafood industry (other than food safety in general) are traceability and food recalls. There are also specific standards for traceability of a number of primary products, including one for seafood [Standard 2.2.3].

Traceability: Standard 3.2.2 details the traceability requirements of food processing businesses. Food must be able to be tracked through all stages of production, processing and distribution. At any point along the supply chain, food must be able to be traced one stage backwards and one stage forward. [http://www.foodstandards.gov.au/industry/safetystandards/traceability/Pages/default.aspx]


Food recalls: Food recalls occur when there is a known risk or potential risk to human health or safety. At the time of writing, there were seven seafood-related food recalls in Australia. Most of these were related to errors on food labels on packing (such as ‘may contain traces of……’) See Standard 3.2.2 for current details [http://www.comlaw.gov.au/Series/F2008B00576]

Further information on what is required when conducting a food recall are provided at [http://www.foodstandards.gov.au/industry/foodrecalls/conduct/Pages/default.aspx]
KEY POINTS - Food safety in Australia

Food safety is the responsibility of all food businesses in Australia. Due to the potential or real risk to human health and/or safety, it is imperative to ensure currency of information. Therefore, relevant links to the Code are provided:


Additional Advisory, Warnings and Regulated Statements are included in Standard 1.2.3  

The statements specific to fish and fish products are found in Standard 1.2.3 and 2.2.3  
Section 19

Microbiological Limits for Food

[Standard 1.6.1]
19. Microbiological Testing [Standard 1.6.1]

19.1 Microbiological testing


*The Code* is implemented to ensure that foodborne microorganisms that pose a risk to human health in nominated foods or classes of foods are kept to a safe level. If food or food lots exceed these limits then that food poses a potential risk to human health and therefore should not be offered for sale or further used in the preparation of food for sale (see Table 4).

Table 4. Table Standard Plate Count (SPC) Levels Applicable to Ready to Eat Foods

<table>
<thead>
<tr>
<th>Food group examples of products SPC Level to apply</th>
<th>SPC Levels that apply*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seafood Crustaceans (shrimps, prawns, crab meat – cooked)</td>
<td>1</td>
</tr>
<tr>
<td>Crustaceans and molluscs (cooked and marinated)</td>
<td>1</td>
</tr>
<tr>
<td>Fish products (battered, crumbed – cooked)</td>
<td>1</td>
</tr>
<tr>
<td>Fish and molluscs (smoked)</td>
<td>2</td>
</tr>
<tr>
<td>Fish-based and seafood paté</td>
<td>1</td>
</tr>
<tr>
<td>Herrings, roll mop and other raw pickled fish</td>
<td>1</td>
</tr>
<tr>
<td>Molluscs and other shellfish (cooked)</td>
<td>1</td>
</tr>
<tr>
<td>Surimi, crab sticks, and flavoured fish paste products</td>
<td>1</td>
</tr>
</tbody>
</table>

*Level 1* applies to ready-to-eat (RTE) food in which all components of the food have been cooked in the manufacturing process/preparation of the final food product and, as such, microbial counts should be low.

*Level 2* applies to RTE food which contain components that have been cooked and then further handled (stored, sliced and mixed) prior to preparation of the final food or where no cooking process has been used.

It is important that all foods offered for sale are frequently tested to ensure safe product is being supplied to consumers (see Table 5). A guide to sampling and analysis requirements is provided in Standard 1.6.1 (4).

Table 5. Guidelines Levels for Determining the Microbiological Quality of Ready to Eat Foods

<table>
<thead>
<tr>
<th>Test</th>
<th>Microbiological Quality (cfu per gram)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Satisfactory</td>
</tr>
<tr>
<td>SPC (30°C at 72 hrs)</td>
<td>&lt;10⁴</td>
</tr>
<tr>
<td>Level 1</td>
<td>&lt;10⁶</td>
</tr>
<tr>
<td>Level 2</td>
<td></td>
</tr>
</tbody>
</table>
Section 20

Dietary Guidelines for Australians and Health Star Rating

Front-of-pack Labelling (FoPL) System
20. Dietary guidelines for Australians and the Health Star Rating

20.1 Dietary Guidelines for Australians

Food and nutrition experts have developed the Dietary Guidelines for Australians on behalf of the National Health and Medical Research Council (NHMRC) and the Department of Health and Ageing (DHA). The aim of the guidelines is to promote good nutrition and health. The Dietary Guidelines can be accessed at http://www.nhmrc.gov.au/publications/nhome.htm

There are a number of overarching statements associated with the dietary guidelines:

- enjoy a wide variety of nutritious foods
- prevent weight gain - be physical active and eat according to your energy needs
- care for your food: prepare and store it safely
- encourage and support breastfeeding
- children and adolescents need sufficient nutritious food to grow and develop.

Along with recommendations of the type of foods that Australians should be eating are suggested numbers of serves plus serving sizes, depending of stages of life (see Table 6).

Table 6: Average daily serving recommendations in the Dietary Guidelines for Australians 2014

<table>
<thead>
<tr>
<th></th>
<th>Cereals (bread, rice, pasta, noodles)</th>
<th>Vegetable&quot;</th>
<th>Fruit&quot;</th>
<th>Milk, yoghurt, cheese¹</th>
<th>Fish, lean meat, poultry, nuts, legumes⁵</th>
<th>Extra foods</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Children and teenagers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-7 yrs</td>
<td>5-7</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1/4</td>
<td>1-2</td>
</tr>
<tr>
<td>8-11 yrs</td>
<td>6-9</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1-2</td>
</tr>
<tr>
<td>12-18 yrs</td>
<td>5-11</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1-3</td>
</tr>
<tr>
<td><strong>Women</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19-60 yrs</td>
<td>4-9</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0-2½</td>
</tr>
<tr>
<td>60 + yrs</td>
<td>4-7</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0-2</td>
</tr>
<tr>
<td>Pregnant</td>
<td>4-6</td>
<td>5-6</td>
<td>4</td>
<td>2</td>
<td>1 1/4</td>
<td>0-2½</td>
</tr>
<tr>
<td>Breast feeding</td>
<td>5-7</td>
<td>7</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>0-2¾</td>
</tr>
<tr>
<td><strong>Men</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19-60 yrs</td>
<td>6-12</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0-3</td>
</tr>
<tr>
<td>60 + yrs</td>
<td>4-9</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0-2¾</td>
</tr>
</tbody>
</table>

**Serving size equivalents:** ¹40g cereal; 40g bread; 1C cooked rice, porridge; ²75g serve; ³150g medium piece fresh fruit; 200ml juice; 1C diced/canned fruit; 25g dried fruit ⁴200-250ml milk; 200g yoghurt; 40g cheese); ⁵65-100g cooked meat; 1/3C nuts; 75g legumes; ⁶15ml oil ⁷1 serve ~600kj

**Serving sizes of fish:** 120g cooked/grilled fish; 170g steamed/poached fish; 150g raw fish. Canned salmon: 105g; canned tuna: 95g; frozen fish: 70g; crab/mussels: 100g.
20.2 Health Star Rating - Front-of-Pack-Labelling (FoPL) System

The Health Star Rating System (HSR) is a voluntary front-of-pack labelling system that mirrors the information provided on the NIP on the back of food packaging required on most food sold in Australia. [Standard 1.2.8] Domestic food businesses and importers of packaged food are strongly encouraged to use the HSR system.

Although the HSR system is voluntary, if food businesses choose to use the system on packaging, it should be aligned with the official HSR system guide. There are three main components to HSR being:

- the actual health star rating
- declaration of the energy content per 100g or 100mL
- any permitted nutrient content declaration.

20.2.1 Design principles of the HSR system

Ratings of 0 to 5 stars with ½ star increments are assigned to food products using the HSR calculator providing free-of-charge in a Microsoft Excel program. The HSR system is designed to be displayed prominently on the front of packaged foods to assist consumers to make healthier food choices. [http://www.healthstarrating.gov.au/internet/healthstarrating/publishing.nsf/content/home]

20.2.2 Standard designs

There are a number of options of how the HSR can be displayed on food packaging.

These are examples of how the HSR can be presented with the energy icon, star rating, three prescribed nutrient icons and one optional nutrient icon.

- Health Star Rating

- Energy Declaration

- Nutrient Content Declarations

There are varying requirements based on the nutrient content, type of packaging and size of packs. Other information can be accessed from FSANZ or via email: frontofpack@health.gov.au or on T:1900099658.
20.3 Why HSR is important to the seafood industry

20.3.1 Resources available
The Federal Government education campaign encouraging food businesses to use the HSR and have developed some excellent resources, examples and 'how to' guides. www.healthstarring.gov.au

20.3.2 Calculating your HSR
The HSR is calculated by simply inputting the nutritional values from the NIP input into the appropriate cells in an excel file (e.g. energy, saturated fats, sugars, sodium). The HSR is then automatically calculated. http://www.healthstarring.gov.au/internet/healthstarring/publishing.nsf/Content/Calculator

20.3.3 Why it is important for industry to be proactive
Although the HSR front-of-pack labeling is voluntary, it is expected that many food businesses will include a HSR rating on their products. It is visible, familiar to consumers (similar to energy stars on white goods), and easy for consumers to compare products at a glance. Furthermore, the major supermarket chains in Australia have committed to using the HSR on their products and have raised the possibility of asking their suppliers to do the same.

This real-life example shows why it is important for industry to calculate their HSR. Products that appear to be the same can score very differently using the HSR calculator. This is the time to be proactive and decide if it is possible to change the HSR on products. A small change in formulae could make a significant difference.

<table>
<thead>
<tr>
<th>Product</th>
<th>kj</th>
<th>Satt(g)</th>
<th>Sug(g)</th>
<th>Na(g)</th>
<th>Pr(g)</th>
<th>HSR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oysters – raw in liquor</td>
<td>378</td>
<td>1</td>
<td>0</td>
<td>106</td>
<td>10</td>
<td>★★★★</td>
</tr>
<tr>
<td>Oysters – in tomato sauce</td>
<td>1125</td>
<td>1</td>
<td>0</td>
<td>1489</td>
<td>30</td>
<td>★★★</td>
</tr>
<tr>
<td>Fish patties - 1</td>
<td>762</td>
<td>2</td>
<td>4</td>
<td>420</td>
<td>11</td>
<td>★★★</td>
</tr>
<tr>
<td>Fish patties - 2</td>
<td>2070</td>
<td>7</td>
<td>1</td>
<td>224</td>
<td>3</td>
<td>★★★</td>
</tr>
<tr>
<td>Sardines in olive oil</td>
<td>920</td>
<td>3</td>
<td>0</td>
<td>280</td>
<td>23</td>
<td>★★★★</td>
</tr>
<tr>
<td>Sardines in tomato sauce</td>
<td>703</td>
<td>4</td>
<td>0</td>
<td>309</td>
<td>15</td>
<td>★★★</td>
</tr>
</tbody>
</table>

★ - star  ♦ - ½ star

NB: Examples based on current products – rounded up
Section 21

Example of promotional brochure
21. Developing a promotional brochure

There are a number of key marketing strategies and tactics commonly used to:

- discern product features and benefits to purchasers
- find the price point consumers are willing to pay for a product
- satisfy consumers needs and/or wants
- increase awareness of products and how to get products to consumers
- provide the best service and experiences to consumers.

These tactics are often referred to as product, price, promotion, place and people. Other market strategists expand on these preferring 10 or 20 point plans. Regardless of the framework preferred to develop a marketing plan, there is strong agreement that brochures adverting or promoting a food business should consider including a personal story of the food producers to gain consumer trust.

21.1 Key inclusions in promotional brochure

To assist small to medium businesses to better promote their product, a number of suggested key inclusions in the design of an A4 promotional brochure are provided (see Table 7). These relate to a tri-fold, double sided A4 brochure (free templates of trifold brochures available on the internet).

Table 7. Suggested information for inclusion in a tri-fold, double-sided promotional brochure.

<table>
<thead>
<tr>
<th>Inside panel</th>
<th>Back Panel</th>
<th>Front panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>What sets your product apart from others?</td>
<td>This is an ideal place to include your contact details</td>
<td>This is the page that intrigues potential consumers and convinces them to pick up your brochure.</td>
</tr>
<tr>
<td>Is it a key health benefit?</td>
<td>If you have a logo or certification mark that adds credibility to your business include it here.</td>
<td>Don’t be tempted to add too much information.</td>
</tr>
<tr>
<td>- Good source of omega-3s</td>
<td>You might want to emphasise traceability/ country of origin information here.</td>
<td>Clean, informative, punchy - tell your story quickly or you will lose your potential audience.</td>
</tr>
<tr>
<td>- High in lean protein.</td>
<td>- Local people/product</td>
<td>It can be pictures, text or a combination of both.</td>
</tr>
<tr>
<td>Could it be texture, firm flesh, boneless, fillets, versatile, premium product, affordable, healthy family meal?</td>
<td>Stylised map of Australia showing location.</td>
<td>Consult a marketing expert if in doubt.</td>
</tr>
<tr>
<td>Local business, sustainable fishery?</td>
<td>Think about what you information you would need to contact someone and add that.</td>
<td>This brochure could be your primary point of contact with your potential market, particularly if you decide to use it (or the information therein) to promote your product via a website or through social media.</td>
</tr>
<tr>
<td>Whatever you decide - make sure you are succinct and have a great background.</td>
<td>You could add a QR code which can be scanned by a mobile device and take the consumer straight to your website.</td>
<td></td>
</tr>
</tbody>
</table>

(Sample only)
7b. Inside panel

<table>
<thead>
<tr>
<th>Initial Inside panel</th>
<th>Middle inside panel</th>
<th>Third inside panel</th>
</tr>
</thead>
<tbody>
<tr>
<td>This is the panel that is the most important (after the cover which convinces people to pick it up in the first place).</td>
<td>These two panels can have a little more ‘fish on their bones’.</td>
<td></td>
</tr>
<tr>
<td>This is your story.</td>
<td>Suggestions for small to medium seafood businesses include:</td>
<td></td>
</tr>
<tr>
<td>It can be the most important and powerful marketing tool you have.</td>
<td>- Any additional key information about your product</td>
<td></td>
</tr>
<tr>
<td>Tell it simply and in your own words. Include a picture or you, your family or your business partners.</td>
<td>- Preparation, storage, cooking instruction</td>
<td></td>
</tr>
<tr>
<td>Your story is your foundation. It can help you connect with your customers initially then engender loyalty over time. It’s about connecting.</td>
<td>- A recipe or two</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Pictures of food prepared using your products.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>As noted previously, it may be a good strategy to work with a marketing expert to assist you.</td>
<td></td>
</tr>
</tbody>
</table>

22.2 Example of how the framework can be used in practice

The framework described in Section 22.1 above, as been used to develop a promotional brochure for the Augusta Wild caught Fisheries. Involved in the process of development were the business owners, a graphics designer and a marketing expert.

The final version of the example brochure was approved by the owners of Augusta Wild Caught Fisheries and was used to promote their business at the recent launch of the Augusta Boat Harbour in November 2014.
Meet the Cookes

Jeff and Bec Cooke have been fishing for shark in the temperate waters off the west coast of Australia for 20 years. In the early days they took out a 35-foot sloop they called the Reel Addict. After a number of false alarms from the local government, they were granted a licence to fish shark off Western Australia.

Each trip out to sea takes the Cookes past the magnificent Coffs Harbour, Australia’s longest city, with more than 100 miles of coastline. Their catch includes the prized dusky whaler shark, known for its meaty flesh and rich flavor. They fish using a variety of baits and techniques, always working closely with local authorities to ensure sustainable and healthy populations.

As Bec still loves the sea, the fishing is her favorite pastime. She usually sticks to the cooler waters off the coast of Western Australia, where she enjoys the challenge of catching larger species like the dusky whaler.

“Til the day my toes pulls up,” she says.

Cooking bronzies

The sharks caught by Augusta Wild Caught Fisheries are plentiful in numbers and in demand by local chefs for their unique flavor. This family-owned business, voted the 2013 Taste of Australia, offers a Bronzino fillet. This unique fish is stripped around its edge (bronze) and is known for its sweet, mild flavor.

Frying such a beautiful firm white fish, bronzino can be used for either frying or fish and chips. However, as with many great seafood dishes, it is best to keep it simple. Try grilling or baking with a little garlic and lemon as a garnish.

Simple, quick, easy, healthy and tasty delicious.

Garlic and ginger fish stacks

Preparation time: 15 min

Serves: 2

- 4 x 250g premium shark fillets
- 1 egg
- 1/2 cup flour
- 1 tsp salt
- 1 tsp black pepper
- 1 onion, chopped
- 4 garlic cloves, crushed
- 1/2 cup fresh parsley, chopped
- 1/2 cup fresh basil, chopped
- 1 tbsp olive oil
- 1 tbsp butter
- 1 lemon, thinly sliced
- 1 tbsp chopped fresh parsley

Cooking time: 10 min

- 1 tbsp olive oil
- 1 tsp finely chopped garlic
- 1 tsp finely chopped ginger
- 1 tsp finely chopped rosemary
- 1/2 tsp salt
- 1/4 tsp black pepper
- 1/4 cup dry white wine
- 1 tbsp fresh lemon juice
- 1 tbsp chopped fresh parsley

Instructions:

1. Preheat oven to 180°C. Place a large baking sheet in the oven and preheat for 10 minutes. Line a baking sheet with non-stick parchment paper.

2. In a mixing bowl, combine the flour, salt, black pepper, onion, garlic, parsley, basil and olive oil. Mix well.

3. Form the mixture into small stacks, about 1 inch thick, on the baking sheet. Bake for 10-15 minutes or until the stacks are golden brown.

4. While the stacks are cooking, place the lemon slices, garlic, ginger, rosemary, salt and pepper in a small bowl. Mix well.

5. Heat the olive oil in a small saucepan over medium heat. Add the garlic, ginger, rosemary and lemon slices. Cook for 2-3 minutes until the garlic is soft.

6. Add the white wine and lemon juice to the saucepan. Bring to a boil and cook for 2-3 minutes until the sauce thickens.

7. Remove the fish stacks from the oven and place on a serving platter. Drizzle the sauce over the fish and garnish with the chopped parsley.
Disclosure:

This document is a guide to assist small to medium food businesses to navigate through the Food Standards Code. It summarises the main Standards governing food labelling and provides links to the appropriate Chapters of the Code. **It is a guide only and should not be used as a substitute for accessing the Food Standards Code.**

The Food Standards Code changes frequently therefore, although this guide may offer some direction to Chapters within the Code, it is critical that food businesses read the official Food Standards Code ([www.foodstandards.gov.au](http://www.foodstandards.gov.au)) or consult a suitably qualified food lawyer for all matters governed by the Code.

**Key Information source:**

Food Standards Australia New Zealand Australia (FSANZ)