Country of Origin Labelling Consultation package - Item 2

Consultation draft
Information Standard for food

Country of Origin Labelling Taskforce
4 December 2015

Country of Origin Food Labelling Information Standard 2016

I, [insert name], Minister for [insert portfolio], make the following information standard.

Dated [Date]

CONSULTATION DRAFT—24 November 2015

[DRAFT ONLY—NOT FOR SIGNATURE]

[name]
Minister for [insert portfolio]
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Part 1—Preliminary

1 Name

This information standard is the Country of Origin Food Labelling Information Standard 2016.

2 Commencement

This information standard commences on the day after it is registered.

3 Authority

This information standard is made under section 134 of the Australian Consumer Law.

4 Purpose

The purpose of this information standard is to provide for country of origin labelling requirements for food that is sold in Australia.

Note: In this information standard, ‘sell’ includes offer or display for sale.

5 Limit of application

This information standard does not operate to limit the exercise of a right given by or under the Trade Marks Act 1995 in relation to a registered trademark.

6 Outline of this information standard
This information standard provides for mandatory country of origin labelling requirements for food that is sold (including offered or displayed for sale) in Australia.

There are different labelling requirements depending on whether the food was:
- grown, produced or made in Australia
- packed in Australia
- grown, produced or made in another country
- packed in another country

Reduced requirements apply to non-priority foods, which are those that have been identified as foods for which Australian consumers are least concerned about origin information. They are set out in in section 9. The particular foods or classes of foods are further defined in the Dictionary.

The terms ‘grown’, ‘produced’ and ‘made’ are defined in section 8.

A food can be described as grown or produced in a country only if virtually all of its content is from and virtually all of the processing is undertaken in that country. A food can be described as made in a country as long as the major process that transformed ingredients into the final food occurred in that country.

The labelling requirements are set out in Part 2. With some exceptions, Part 2 applies to retail sales of food. The labelling requirements also vary depending on whether the food falls within one of the following 3 categories of food:
- packaged food, other than fresh fruit and vegetables in transparent packages
- fresh fruit and vegetables in transparent packages
- unpackaged meat, fish, fruit and vegetables.

These categories align with the categories of food required to be labelled with a country of origin under the Food Standards Code at the time the Information Standard commenced. This means there has been no change to the range of foods that must be labelled with a country of origin.

Food covered by Part 2 must have country of origin information on the labelling. The information must be set out in a box unless the food is non-priority food.

If the **food was grown, produced or made in Australia and all the significant ingredients are Australian**, the information must be in the form of a mark in accordance with section 18. The mark includes the following features:
- a logo to assist the consumer to easily identify the food’s Australian origin:
- a full bar chart to indicate that the food was produced or grown entirely in Australia:
• a statement that indicates either the food was grown or produced in Australia, or made in Australia from Australian ingredients, as applicable, or is Australian food. Where all of the ingredients are Australian (not just the significant ingredients), the food could also be labelled as made in Australia from 100% Australian ingredients.

If the food was made in Australia and some or all of the significant ingredients are not Australian, the information must be in the form of a mark in accordance with sections 19 and 20. The mark includes the following features:

• a logo to assist the consumer to easily identify the food’s Australian origin:

• one of the following bar charts to provide a visual indicator of the proportion, by weight, of the food’s Australian content:

[OR, if the 10% scale is used:

• one of the following bar charts to provide a visual indicator of the proportion, by weight, of the food’s Australian content:

• a statement that aligns with the bar chart that clearly states the proportion, by weight, of the food’s Australian content.

If the food was packaged in Australia (but not all of the food in the package was grown, produced or made in Australia), the information in the labelling must comply with section 21. This does not permit use of the logo, but requires a bar chart and statement similar to that which is used in relation to food that was made in Australia. There is an exception if all the food is from a single country, in which case the label must at least state where the food in the package was grown, produced or made, and may include a statement that it was packed in Australia, provided such a statement is accompanied by an unfilled bar chart.

If the food was not grown, produced, made or packaged in Australia, the information in the labelling will be required to meet the requirements in sections 15, 16 and 17. Briefly, it must identify:

• the country of origin of the food, if it is from a single country (it may also identify where the food was packaged if this was a different country), or
• if the food is from more than one country:
  o the country where the food was packaged, if applicable; and
  o that the food is of multiple origins.
Reduced requirements apply to non-priority foods. In particular, the origin claims for such food need not be in a box and, for food grown, produced, made or packaged in Australia, use of the logo and bar chart is optional. Where the logo or bar chart is voluntarily used on non-priority food, the labelling requirements for priority foods must be followed.

Part 3 applies to sales other than retail sales. It enables a food processor or retailer who purchases wholesale foods or ingredients to obtain from the seller the country of origin information that will be needed to comply with this information standard.

Part 4 sets out:
- general legibility requirements in relation to labelling,
- certain prohibitions on the use of the logo and bar chart,
- the provision of additional information about the country of origin of a food.

Part 5 sets out transitional provisions to deal with foods that have already been labelled or are labelled shortly after the commencement of this information standard.

A Dictionary is included that defines certain words and expressions used in this information standard. The Dictionary is divided into general definitions, definitions relating to medical institutions and food related definitions.
7 Interpretation

Terms in the Dictionary at the end of this information standard have the meaning given by the Dictionary.

8 Meaning of grown, produced and made

(1) In this information standard:

**grown**: a food or ingredient was grown in a country if it:

(i) was materially increased in size or materially altered in substance in that country by natural development; or

(ii) germinated or otherwise arose in, or issued in, that country; or

(iii) was harvested, extracted or otherwise derived from an organism that has been materially increased in size, or materially altered in substance, in that country by natural development;

(b) a food consisting of more than one ingredient is also grown in a country if:

(i) each of its significant ingredients was grown in that country; and

(ii) all, or virtually all, of the processing occurred in that country.

**made**: a food was made in a country if it underwent its last substantial transformation in that country.

**produced**: a food was produced in a country if:

(a) each of its significant ingredients was grown or otherwise wholly obtained in that country; and

(b) all, or virtually all, of the processing occurred in that country.

(2) If a food fits in more than one of the categories defined in subsection (1), and this information standard has different requirements for the different categories, the labelling complies with this information standard if it satisfies the requirements for one of the categories.

Example: Where a food could be described either as having been made in Australia from Australian ingredients, or as having been produced in Australia, the label could have, with the logo and the 100% bar, any of the following: “Made in Australia from Australian ingredients”; “Produced in Australia”; “Australian [kind of food]”; or “Made in Australia from 100% Australian ingredients”.

9 Meaning of non-priority food

In this information standard:

**non-priority food** means the following:

(a) seasonings;

(b) confectionery;

(c) biscuits and snack food;

(d) bottled water;

(e) soft drinks and sports drinks;

(f) alcoholic beverages.
10 References to the logo and the bar chart

In this information standard:
(a) a reference to using the bar chart is a reference to using a bar chart in relation to a food to indicate the proportion of the ingredients of a food that were grown, produced or made in Australia or in any other country; and
(b) a reference to the logo is a reference to the following logo:

11 Meaning of BC and P in required marks

Where a provision in this information standard is expressed to require or permit the use of a mark that includes the terms P% and BC:
(a) P% is the average proportion by weight of the relevant ingredients grown, produced or made in Australia, rounded down to the nearest 25% [OR: the nearest 10%, ] ; and
(b) BC is the bar chart that represents P, as set out in the following table:

<table>
<thead>
<tr>
<th>Percentage of Australian ingredients</th>
<th>P</th>
<th>BC</th>
</tr>
</thead>
<tbody>
<tr>
<td>at least 25%</td>
<td>25</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 50%</td>
<td>50</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 75%</td>
<td>75</td>
<td><img src="image" alt="Sample" /></td>
</tr>
</tbody>
</table>

[OR: the following table:

<table>
<thead>
<tr>
<th>Percentage of Australian ingredients</th>
<th>P</th>
<th>BC</th>
</tr>
</thead>
<tbody>
<tr>
<td>at least 10%</td>
<td>10</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 20%</td>
<td>20</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 30%</td>
<td>30</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 40%</td>
<td>40</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 50%</td>
<td>50</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 60%</td>
<td>60</td>
<td><img src="image" alt="Sample" /></td>
</tr>
<tr>
<td>at least 70%</td>
<td>70</td>
<td><img src="image" alt="Sample" /></td>
</tr>
</tbody>
</table>

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12 Meaning of proportion of ingredients by weight

In this information standard, a reference to the proportion by weight of specified ingredients of a food is a reference to the total ingoing weight of the specified ingredients as a proportion of the total ingoing weight of all the ingredients of the food, expressed as a percentage.

13 Accounting for water when determining country of origin and proportion of Australian ingredients

(1) This section sets out how water is to be accounted for when determining the country of origin of a food or calculating the proportion by weight of specified ingredients of a food.

(2) Water that reconstitutes dehydrated or concentrated ingredients or other components of food (including food additives) is taken to have the country of origin of that ingredient or component.

(3) Water otherwise added as an ingredient to a food is taken to have the country of origin in which it was collected or harvested.

(4) Water that forms part of the liquid packing medium for a food (for example, canned or bottled fruits or vegetables) is not to be counted when determining the proportion by weight of specified ingredients.

(5) For this section a liquid packing medium includes the following:

(a) water;
(b) aqueous solutions of sugars or salt (for example, brines or syrups);
(c) fruit and vegetable juices in canned fruits and vegetables;
(d) vinegar;
(e) a combination of any of paragraphs (a) to (d).
Part 2—Country of origin labelling requirements

Division 1—Application of this Part

14 Application of this Part—retail sales and other sales for which labelling is required

(1) This Part applies in relation to a sale of food in Australia if:
   (a) the sale is a retail sale; or
   (b) the sale is not a retail sale, but the food is sold as suitable for retail sale without any further processing, packaging or labelling; or
   (c) the sale is a sale to a caterer.

(2) However, this Part does not apply to a food that:
   (a) is sold to the public for immediate consumption by any of the following:
      (i) a restaurant;
      (ii) a canteen;
      (iii) a school;
      (iv) a caterer or a self-catering institution;
      (v) a prison;
      (vi) a hospital or a medical institution; or
   (b) was made and packaged on the premises where it is sold; or
   (c) is delivered, packaged and ready for consumption, at the express order of the purchaser (other than when the food is sold from a vending machine); or
   (d) is sold at a fund-raising event.

Application to small packages

(3) If a provision of this Part requires labelling for a food to include a mark that includes a logo or a bar chart, the provision is satisfied in relation to a small package if a label attached to the package includes the words in the mark, enclosed in a box, without any logo or bar chart.

Division 2—Labelling requirements

15 Packaged food, other than fresh fruit and vegetables in transparent packaging

(1) This section applies in relation to food for sale (whether or not a retail sale) if it is in a package that is required to bear a label under a standard in the Food Standards Code.

Note: See Australia New Zealand Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information.

(2) If provisions in Division 3 apply to the food, the package must bear a label that meets the requirements of those provisions.

Note: Division 3 applies to food that was grown, produced, made or packaged in Australia.
16 Fresh fruit and vegetables in transparent packaging

(1) This section applies in relation to food for retail sale that:
   (a) consists solely of unprocessed fruit and vegetables, whether whole or cut; and
   (b) is displayed for sale in a package that does not obscure the nature or quality of the fruit and vegetables.

(2) If provisions in Division 3 apply to the food, the food must bear a label on the package, or have labelling that accompanies it or is displayed in connection with its sale, that meet the requirements of those provisions.

(3) Otherwise, the food must bear a label, or have labelling that accompanies it or is displayed in connection with its sale, that:
   (a) identifies the country of origin of the fruit and vegetables; or
   (b) if the fruit or vegetables are from more than one country—indicates that the fruit or vegetables are of multiple origins.

17 Unpackaged meat, fish, fruit and vegetables

(1) This section applies to food for retail sale that:
   (a) is any of the following:
      (i) fish, including fish that has been mixed or coated with 1 or more other foods;
      (ii) pork;
      (iii) beef;
      (iv) veal;
      (v) lamb;
      (vi) hogget;
      (vii) mutton;
      (viii) chicken;
      (ix) fruit and vegetables;
      (x) a mix of any of the above foods; and
   (b) is displayed for sale other than in a package.
(2) If provisions in Division 3 apply to the food, the food must bear a label, or have labelling that accompanies it or is displayed in connection with its sale that meets the requirements of those provisions.

Note: Division 3 applies to food that was grown, produced, made or packaged in Australia.

(3) Otherwise, the food must bear a label, or have labelling that accompanies it or is displayed in connection with its sale, that:

(a) identifies the country of origin of the food; or

(b) if the food is from more than one country—indicates that the food is of multiple origins.

Note 1: This subsection applies to food that was not grown, produced, made or packaged in Australia.

Note 2: Subsection 25(4) describes size requirements for labels displayed in connection with food.

(4) A reference to a food listed in paragraph (1)(a) includes a reference to a food that has been:

(a) cut, filleted, sliced, minced or diced; or

(b) pickled, cured, dried, smoked, frozen or preserved by other means; or

(c) marinated; or

(d) cooked.

Division 3—Labelling requirements for food grown, produced, made or packaged in Australia

18 Food grown, produced or made in Australia from Australian ingredients

(1) If food to which this Part applies was:

(a) grown, produced or made in Australia; and

(b) all of its significant ingredients were grown or produced in Australia;

the labelling must include one of the following marks:
where:
  (c) ‘X’ is the word ‘Produced’ or ‘Grown’ as appropriate; and
  (d) ‘Y’ is the kind of food.

(2) However, the labelling must not include the mark stating that the food is made
from 100% Australian ingredients unless all the food’s ingredients were grown or
produced in Australia.

19 Other food made in Australia

(1) This section applies to food that was made in Australia if some or all of the food’s
significant ingredients were not grown or produced in Australia.

(2) If at least 25%, [OR: at least 10%, ] of the food’s ingredients by weight were
grown, produced or made in Australia, the labelling must include one of the
following marks:

Note: ‘P’ must be a multiple of 25 [OR: 10]—see section 11.
(3) If some, but less than 25%, [OR: less than 10%, ] of the food’s ingredients by weight were grown, produced or made in Australia, the labelling must include one of the following marks:

[Image: Made in Australia from less than 25% Australian ingredients]

[OR, for the 10%:

[Image: Made in Australia from less than 10% Australian ingredients]

(4) If none of the food’s ingredients were grown, produced or made in Australia, the labelling must include one of the following marks:

[Image: Made in Australia from 0% Australian ingredients]
20 Seasonal food made in Australia

(1) This section applies to food that was made in Australia if the proportion of the food’s ingredients has seasonal variations that would, apart from this section, require different labels to comply with section 19 at different times of the year.

(2) The labelling of the food complies with this information standard if:
   (a) it includes the mark that would apply under section 19 for the lowest proportion of Australian ingredients during the year; or
   (b) it includes:
      (i) one of the appropriate seasonal marks under this section; and
      (ii) a batch number for the food; and
      (iii) a barcode or similar device that a consumer may use with a smartphone app or other software to determine, for that batch of food, information about the proportion of the food’s ingredients that are produced or grown in Australia.

(3) If the average proportion of the food’s ingredients by weight grown, produced or made in Australia over a year is at least 25%, [OR: at least 10%, ] the following are the appropriate seasonal marks:

   Note: ‘P’ must be a multiple of 25 [OR: 10]—see section 11.

(4) If the average proportion of the food’s ingredients by weight grown or produced in Australia over a year is less than 25%, [OR: less than 10%, ] the following are the appropriate seasonal marks:
21 Food packaged in Australia

(1) This section applies to food that:
   (a) was packaged in Australia; and
   (b) was not packed using food that was exclusively grown, produced or made in Australia.

(2) If:
   (a) none of the food in the package was grown, produced or made in Australia; and
   (b) the food in the package was grown, produced or made from ingredients from a single country;
the labelling must include:
   (c) a statement that the food was grown, produced or made in that country, as appropriate; or
   (d) one of the following marks:
where:

(e) ‘X’ is:
   (i) if the food was produced in that country— the word ‘Produced’; or
   (ii) if the food was grown in that country— the word ‘Grown’;
   (iii) if the food was made in that country— the word ‘Made’; and

(f) ‘C’ is the name of that country.

(3) If:
   (a) none of the food in the package was grown, produced or made in Australia;
   and
   (b) the food in the package was:
      (i) grown or produced in more than one country; or
      (ii) made in another country from ingredients from more than one country;

the labelling must include one of the following marks:

(4) If:
   (a) some of the food in the package was grown, produced or made in Australia;
   and
   (b) some, but less than 25% [OR: less than 10%] of the food’s ingredients, by weight, were grown, produced or made in Australia;

the labelling must include one of the following marks:
(5) If:
   (a) some of the food in the package was grown, produced or made in Australia; and
   (b) at least 25% [OR: at least 10%] of the food’s ingredients, by weight, were grown, produced or made in Australia;
the labelling must include one of the following marks:

Note: ‘P’ must be a multiple of 25 [OR: 10]—see section 11.

22 Non-priority food grown, produced or made in Australia

(1) This section applies to non-priority food that was grown, produced or made in Australia.

(2) A requirement under section 18, 19 or 20 for the labelling to include a specified mark is taken to be satisfied if the labelling instead includes a statement indicating:
   (a) if the food was grown in Australia—that the food was grown in Australia; or
   (b) if the food was produced in Australia—that the food was produced in Australia; or
   (c) if the food was made in Australia—that the food was made in Australia.
23 Non-priority food packaged in Australia

(1) This section applies to non-priority food that:
   (a) was packaged in Australia; and
   (b) was not packed using food that was exclusively grown, produced or made in Australia.

(2) A requirement under section 21 for the labelling to bear a specified mark is taken to be satisfied if the labelling instead includes:
   (a) if the food in the package is from a single country—a statement of the country of origin of the food (whether or not it also includes a statement that the food was packaged in Australia); or
   (b) if the food in the package is from more than one country:
      (i) a statement that the food was packaged in Australia; and
      (ii) a statement that indicates that the food is of multiple origins.
Part 3—Other sales where country of origin information must be provided

24 Sales for which labelling is not required but in relation to which information must be made available

(1) This section applies if food is sold to a purchaser in Australia, other than in a retail sale.

(2) The seller of the food must provide the purchaser, on request, with any information about the origins of the food or its ingredients that will be necessary to enable the purchaser to comply with a requirement under this information standard in relation to:
   (a) on-selling the food to another purchaser; or
   (b) selling another food that uses the food as an ingredient.

(3) If the purchaser requests the information in writing, the information must be provided in writing.
Part 4—Legibility requirements, prohibitions and providing additional information

25 General legibility requirements

(1) This section sets out general legibility requirements that must be satisfied in relation to a requirement in this information standard.

(2) If this information standard requires a word, statement, expression or design to be contained, written or set out on a label—any words must be in English and any word, statement or expression must, wherever occurring:
   (a) be legible; and
   (b) be prominent so as to contrast distinctly with the background of the label.

(3) If a language other than English is also used on a label, the information in that language must not negate or contradict the information in English.

(4) If the information required by subsection 17(3) is displayed in connection with the food when it is sold, the size of type must be:
   (a) if the food is in a refrigerated assisted service display cabinet—at least 5 mm; or
   (b) otherwise—at least 9 mm.

(5) For the purposes of Part 2, the mark that is applied to food that is required to bear a label on the package or have labelling that accompanies it must be consistent with details specified in the style guide approved for the purposes of this section on the website of the Commonwealth agency that deals with country of origin labelling, including any colour specifications.

Note: See [Department’s website address to be inserted], which provides a Style Guide setting out specifications for the labels required or permitted by this Information Standard. The specifications:
   (a) allow labels to use monochrome or reverse colours, or have a transparent background colour as long it provides sufficient contrast and legibility; and
   (b) otherwise require the labels to use standard green and gold colours, as far as practicable.

26 Restrictions on other uses of logo and bar chart in relation to food sold in Australia

(1) A person must not use the logo or the bar chart in relation to food sold in Australia unless it is a permitted use.

(2) For this section:
   (a) a use of the logo or the bar chart in the labelling of food being sold is a permitted use if:
      (i) the use is required or permitted by Part 2; or
      (ii) in relation to a sale to which Part 2 does not apply, either:
         (A) the use would be required or permitted by Part 2 if Part 2 applied to the sale; or
(B) the use is in circumstances that the Minister has approved in writing for this section and published on the Department’s website; and

(b) a use of the logo or the bar chart in relation to food being sold, other than in the labelling, is a permitted use if that use of the logo or the bar chart in the labelling would be a permitted use under paragraph (a).

27 Provision of additional material not prevented

Nothing in this information standard is intended to prevent additional information from being provided about the country of origin of a food, including:

(a) on the package; or
(b) an accompanying label; or
(c) in a display in connection with its sale; or
(d) on a website; or
(e) through a smartphone application; or
(f) through any other means.

Note: Section 18 of the Australian Consumer Law deals with misleading or deceptive conduct. Paragraphs 29(1)(a) or (k) or 151(1)(a) or (k) of the Australian Consumer Law deal with false or misleading representations.

28 Record-keeping

(1) If:

(a) a person makes a sale of food to a purchaser; and
(b) Part 2 or Part 3 applies to the sale; and
(c) the person provides information about the country of origin of the food or its ingredients that is required or permitted by this information standard to be provided in relation to such a sale;

the person must keep the records that the person relied on to provide the information.

(2) The records must be kept for:

(a) if the food is unpackaged—1 year after the sale; and
(b) otherwise—the shelf-life of the food plus 1 year, up to a maximum of 3 years.
Part 5—Transitional provisions

29 Food that complies with the Food Standards Code country of origin labelling requirements

[(1) This section applies to food to which section 15, 16 or 17 applies if its labelling complies with the country of origin labelling requirements in the Food Standards Code, as they stood immediately before the commencement day.

(2) Food that bears a label is taken to comply with the labelling requirements of this information standard if the label was attached:
   (a) before the commencement day; or
   (b) on or after the commencement day but before the day that is 24 months after the commencement day.

(3) Food that has labelling that accompanies it or is displayed in connection with its sale is taken to comply with the labelling requirements of this information standard if the sale is made before the day 24 months after the commencement day.

Use of logo

(4) Despite section 26, food that is taken, under this section, to comply with this information standard may also bear the logo if it is applied by a person in accordance with a licence from Australian Made Campaign Limited to use the logo.

Interpretation

(5) In this section:
   (a) the commencement day is the day on which this information standard commences; and
   (b) a reference to a label being attached to food includes a reference to any means by which a label becomes part of the packaging of the food.]

[OR:

Packaged food

(1) Subsection (2) applies to food to which section 15 applies if it bears a label that complies with the country of origin labelling requirements in the Food Standards Code, as they stood immediately before the commencement day.

(2) The food is taken to comply with the labelling requirements of this information standard if the label was attached:
   (a) before the commencement day; or
   (b) on or after the commencement day but before the day that is:
      (i) if the food has a shelf-life of 6 months or less—6 months after the commencement day; or
      (ii) if the food has a shelf-life of more than 6 months and less than 12 months—12 months after the commencement day; or

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(iii) if the food has a shelf-life of 12 months or more—24 months after the commencement day.

Unpackaged food and fresh fruit and vegetables in transparent packages

(3) Subsections (3) and (4) apply to food to which section 16 or 17 applies if it bears a label, or has labelling that accompanies it or is displayed in connection with its sale, that complies with the country of origin labelling requirements in the Food Standards Code, as they stood immediately before the commencement day.

(4) If the food bears a label that complies with those provisions, the food is taken to comply with the labelling requirements of this information standard if the label was attached:
   (a) before the commencement day; or
   (b) on or after the commencement day but before the day 3 months after the commencement day.

(5) If the food is sold in reliance on labelling that accompanies it or is displayed in connection with its sale, the food is taken to comply with the labelling requirements of this information standard if the sale is made before the day 3 months after the commencement day.

Use of logo

(6) Despite section 26, food that is taken, under this section, to comply with this information standard may also bear the logo if it is applied by a person in accordance with a licence from Australian Made Campaign Limited to use the logo.

Interpretation

(7) In this section:
   (a) the commencement day is the day on which this information standard commences; and
   (b) a reference to the shelf-life of a packaged food is a reference to the period that begins when the food is packaged and ends:
      (i) if the label on the food includes a use-by date or a best-before date—on the later of those dates; and
      (ii) if paragraph (i) does not apply, but the label includes a baked on date or a baked-for date—after 6 months; and
      (iii) otherwise—after 12 months; and
   (c) a reference to a label being attached to food includes a reference to any means by which a label becomes part of the packaging of the food. ]
Dictionary

Note: Where a definition is taken from the Food Standards Code it is marked with an asterisk.

1 Definitions—general

In this information standard:

**Act** means the *Competition and Consumer Act 2010*.

Note: Other words and expressions used in this information standard have the meaning given by the Act. These terms include:

*Australian Consumer Law*

**assisted service display cabinet** means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

**batch number**, for a food for sale, means a number or other information that identifies:

(a) the premises where the food was prepared or packed; and

(b) the lot of which the food is a part.

Note: Batch number is equivalent to the term lot identification in the Food Standards Code.

**bear a label**: a food for sale is taken to *bear a label* of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food:

(a) a label of that kind or with that content; or

(b) labels that together are of that kind or have that content.

**bulk cargo container**:

(a) means an article of transport equipment, being a lift van, movable tank, shipping container, aircraft cargo container or other similar structure:

(i) of a permanent character and accordingly strong enough to be suitable for repeated use; and

(ii) specifically designed to facilitate the carriage of goods by one or more modes of transport, without immediate repacking; and

(iii) fitted with devices permitting its ready handling and its transfer from one mode of transport to another; and

(iv) so designed as to be easy to fill and empty; and

(v) having an internal volume of one cubic metre or more; and

(b) includes the normal accessories and equipment of the container, when imported with the container and used exclusively with it; and

(c) does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing.

**caterer** means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

**comminuted** means chopped, diced or minced.
country of origin means:
(a) the country where the food was made; or
(b) the country where the food was produced; or
(c) the country where the food was grown.

food has the same meaning as in s 5 of the Food Standards Australia New Zealand Act 1991.

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Food Standards Australia New Zealand Act 1991.

*fund raising event means an event that raises funds solely for a community or charitable cause and not for personal financial gain.

grown—see section 8.

*label, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:
(a) is attached to the food or is a part of or attached to its packaging; or
(b) accompanies and is provided to the purchaser with the food; or
(c) is displayed in connection with the food when it is sold.

*labelling:
(a) in relation to a food being sold, labelling means all of the labels for the food together; and
(b) a requirement for the labelling of a food to include specified content is a requirement for at least one of the labels to have that content.

liquid packing medium has the meaning given by section 13(5).

*lot means an amount of a food that the manufacturer or producer identifies as having been prepared, or from which foods have been packaged or otherwise separated for sale, under essentially the same conditions, for example:
(a) from a particular preparation or packing unit; and
(b) during a particular time ordinarily not exceeding 24 hours.

made—see section 8.

*medical institution has the meaning given by section 2 of this Dictionary.

non-priority food—see section 9.

*package:
(a) means any container or wrapper in or by which food for sale is wholly or partly encased, covered, enclosed, contained or packaged; and
(b) if food is carried or sold or intended to be carried and sold in more than one package—includes each package; and
(c) does not include:
   (i) a bulk cargo container; or
   (ii) a pallet overwrap; or
   (iii) a crate and packages which do not obscure labels on the food; or
   (iv) a transportation vehicle; or
   (v) a vending machine; or

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(vi) a hamper; or
(vii) a container or wrapper (including a covered plate, cup, tray or other food container) in which food is served in a prison, hospital or medical institution.

produced—see section 8.

sell includes offer or display for sale.

Note: The Food Code adopts, for each State and Territory, the definition of "sell" in the legislation that applies the Code in that State or Territory. These all have a similar effect but some may be slightly broader than the definition here.

*size of type means the measurement from the base to the top of a letter or numeral.

*small package means a package with a surface area of less than 100 cm².

substantial transformation has the same meaning as in the Australian Consumer Law, from time to time.

2 Meaning of Medical Institution

(1) In this information standard:

*medical institution means any of the following:
  (a) an acute care hospital;
  (b) a hospice;
  (c) a low-care aged care establishment;
  (d) a nursing home for the aged;
  (e) a psychiatric hospital;
  (f) a respite care establishment for the aged;
  (g) a same-day aged care establishment;
  (h) a same-day establishment for chemotherapy and renal dialysis services.

(2) In this section:

*acute care hospital:
  (a) means an establishment that provides:
    (i) at least minimal medical, surgical or obstetric services for inpatient treatment or care; and
    (ii) round-the-clock comprehensive qualified nursing services as well as other necessary professional services;
    to patients most of whom have acute conditions or temporary ailments, and have a relatively short average stay; and
  (b) includes:
    (i) a hospital specialising in dental, ophthalmic aids and other specialised medical or surgical care; and
    (ii) a public acute care hospital; and
    (iii) a private acute care hospital.

*hospice means a freestanding establishment (whether public or private) that provides palliative care to terminally ill patients.
*low-care aged care establishment* means an establishment where aged persons live independently but on-call assistance, including the provision of meals, is provided when needed.

*nursing home* for the aged means an establishment (whether private charitable, private for-profit, or government) that provides long-term care involving regular basic nursing care to aged persons.

*psychiatric hospital* means an establishment (whether public or private) devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders.

*respite care establishment for the aged* means an establishment that provides short-term care, including personal care and regular basic nursing care, to aged persons.

*same-day aged care establishment* means an establishment where aged persons attend for day or part-day rehabilitative or therapeutic treatment.

*same-day establishment for chemotherapy and renal dialysis services* means:

(a) a day centre or hospital, being an establishment (whether public or private) that provides a course of acute treatment, in the form of chemotherapy or renal dialysis services, on a full-day or part-day non-residential attendance basis at specified intervals over a period of time; or

(b) a free-standing day surgery centre, being a hospital facility (whether public or private) that provides investigation and treatment, in the form of chemotherapy or renal dialysis services, for acute conditions on a day-only basis.

3 Definitions—particular foods

In this information standard:

*alcoholic beverages* include any beverage with more than 0.5% by weight/volume of alcohol, however described.

*biscuits and snack foods:*

(a) includes the following:

(i) chips, crackers, rice cakes, biscuits, cookies, crackers, pretzels, cones or wafers;

(ii) ready to eat savoury snacks such as potato or other vegetable crisps, sticks or straws, bacon or pork crackling or prawn chips;

(b) does not include the following:

(i) cakes;

(ii) muesli bars;

(iii) processed nuts, including coated nuts and nut mixtures (for example, mixed with dried fruit).

*bottled water* includes natural mineral water, non-carbonated water, mineral and source waters, soda water, and carbonated mineral water.
confectionery:
(a) includes the following:
   (i) chewing gum;
   (ii) cocoa and chocolate products;
   (iii) ice-cream, edible ices (including sherbet and sorbet), flavoured ice blocks and other frozen confectionery;
   (iv) popcorn;
   (v) crystallised fruit, glace fruit and edible cake decorations;
   (vi) products that primarily contain sugars and their dietetic counterparts, apart from those mentioned in paragraph (b); and
(b) does not include the following:
   (i) sugar, icing sugar or icing sugar mixes;
   (ii) jams, honey, marmalades or other spreads apart from cocoa or chocolate spreads.

*fish means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles.

*fruit and vegetables means any of fruit, vegetables, nuts, spices, herbs, fungi, legumes and seeds.

fruit and vegetable juices and drinks means:
(a) drinks consisting of:
   (i) one or more of the following:
      (A) fruit juice or vegetable juice, including liquid elements of a fruit or vegetable, such as coconut water;
      (B) fruit or vegetable purée;
      (C) concentrated fruit juice or vegetable juice;
      (D) concentrated fruit or vegetable purée;
      (E) comminuted fruit or vegetables;
      (F) orange peel extract; and
   (ii) one or more of the following:
      (A) water;
      (B) mineralised water;
      (C) sugars; and
(b) milk-like drinks made from cereals, nuts and legumes (including soy) that are sold as dairy analogues.

*jam:
(a) means:
   (i) a product prepared by processing one or more of the following:
      (A) fruit;
      (B) concentrated fruit juice;
      (C) fruit juice;
      (D) water extracts of fruit; or
   (ii) such a product processed with sugars or honey; and
(b) includes conserve; and
(c) does not include marmalade.
*honey* means the natural sweet substance produced by honey bees from the nectar of blossoms or from secretions of living parts of plants or excretions of plant sucking insects on the living parts of plants, which honey bees collect, transform and combine with specific substances of their own, store and leave in the honey comb to ripen and mature.

*ice cream* means a sweet frozen food that is made from cream or milk products or both, and other foods, and is generally aerated.

*milk* means:
(a) the mammary secretion of milking animals, obtained from one or more milkings for consumption as liquid milk or for further processing, but excluding colostrums; or
(b) such a product with phytosterols, phytostanols and their esters added.

**seasoning:**
(a) includes the following:
   (i) salt and salt substitutes, pepper, dried herbs and spices;
   (ii) blends of spices and other seasonings or flavourings in powder or paste forms;
   (iii) dry cures or rubs that are applied to external surfaces of meat or fish;
   (iv) meat tenderizers; and
(b) does not include the following:
   (i) mustards;
   (ii) sauces, chutneys or relishes.

**soft drinks and sports drinks:**
(a) include the following:
   (i) water based carbonated and non-carbonated flavoured drinks;
   (ii) drinks sold as ‘sport’, ‘energy’ and ‘electrolyte’ drinks;
   (iii) carbonated fruit or vegetable drinks;
   (iv) powder, syrup, liquid and frozen concentrates for the preparation of carbonated or non-carbonated water-based non-alcoholic beverages by addition of water or carbonated water, such as fountain syrups, fruit syrups for soft drinks, and frozen or powdered concentrate for lemonade and iced tea;
(b) do not include the following:
   (i) non-carbonated fruit or vegetable drinks;
   (ii) milk;
   (iii) cereal, nut or legume based drinks sold as milk substitutes.

*sugar* means any of the following:
(a) white sugar;
(b) caster sugar;
(c) icing sugar;
(d) loaf sugar;
(e) coffee sugar;
(f) raw sugar.
*sugars* means:

(a) hexose monosaccharides and disaccharides, including dextrose, fructose, sucrose and lactose; or
(b) starch hydrolysate; or
(c) glucose syrups, maltodextrin and similar products; or
(d) products derived at a sugar refinery, including brown sugar and molasses; or
(e) icing sugar; or
(f) invert sugar; or
(g) fruit sugar syrup;

derived from any source, but does not include:

(h) malt or malt extracts; or

(i) sorbitol, mannitol, glycerol, xylitol, polydextrose, isomalt, maltitol, maltitol syrup or lactitol.