



FOOD STANDARDS
Australia New Zealand
Te Mana Kōunga Kai – Ahitereiria me Aotearoa

Warning and Advisory Statements and Declarations

User Guide

to

**Standard 1.2.3 – *Mandatory Warning and Advisory Statements and
Declarations***

September 2010

Background

Food Standards in Australia and New Zealand

The Australia New Zealand food standards system is a cooperative arrangement between Australia, New Zealand and the Australian States and Territories to develop and implement uniform food standards.

The system is governed by food legislation in State, Territory, New Zealand and the Commonwealth of Australia including the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act). The FSANZ Act establishes the mechanisms for the development of joint food regulatory measures and creates Food Standards Australia New Zealand (FSANZ) as the agency responsible for the development and maintenance of the joint *Australia New Zealand Food Standards Code* (the Code).

Although food standards are developed by FSANZ, responsibility for enforcing food standards in Australia rests with authorities in the States and Territories, the Australia Quarantine and Inspection Service and in New Zealand with the New Zealand Food Safety Authority (NZFSA).

Responsibility of food manufacturers

The standards contained in the Code are legally binding. This user guide is not a legally binding document. If in any doubt about interpreting the standards, interested parties should seek independent legal advice.

As well as complying with food standards requirements, food businesses must also comply with other relevant legislation. In Australia, this legislation includes the *Trade Practices Act 1974*, the *Imported Food Control Act 1992*, and State and Territory Fair Trading Acts and Food Acts. In New Zealand, this legislation includes the *Food Act 1981* and *Fair Trading Act 1986*. Food Businesses should get independent legal advice if in any doubt about the application of any legislation.

Contents

Background.....	ii
Food Standards in Australia and New Zealand.....	ii
Responsibility of food manufacturers.....	ii
Purpose of the User Guide.....	1
What is the difference between mandatory warning statements, advisory statements and declarations?.....	1
Mandatory warning statements.....	1
Mandatory advisory statements.....	1
Mandatory declarations of certain substances in food.....	1
Other prescribed statements.....	1
How should this information be provided?.....	1
Mandatory warning statements.....	2
Which foods must have warning statements?.....	3
Bee pollen, propolis and royal jelly.....	4
Mandatory advisory statements.....	5
Other prescribed statements.....	5
Mandatory declarations of certain substances in food.....	8
Which substances must be declared when they are present in food?.....	8
Declaration of all products of the substances listed in the Table to Clause 4 of Standard 1.2.3 where there may be no detectable traces of the allergen protein.....	9
Use of 'may contain' statements for substances that require mandatory declaration.....	10
Mandatory declarations applicable to alcoholic beverages.....	10
Legibility requirements for mandatory declarations.....	10
Substitution of ingredients.....	11
Additional labelling requirements set out in Standard 1.2.4 – Labelling of Ingredients.....	11
Mandatory advisory statements for foods containing polyols or polydextrose.....	11
Labelling requirements for products exempt from the ingredient listing requirements in the Code.....	12

Individual portion packs.....	13
Where can I get more information?.....	14
Food Standards Australia New Zealand.....	14
See also.....	14
Other FSANZ User Guides:	
http://www.foodstandards.gov.au/foodstandards/userguides/	

Purpose of the User Guide

The purpose of this User Guide is to help food businesses and other users interpret the requirements of Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations. The guide may also be used by food officers to help interpret food standards in the Code.

What is the difference between mandatory warning statements, advisory statements and declarations?

For reasons of health and safety, the Code requires that you provide certain information about some foods. This information may be in the form of a warning statement, an advisory statement or a specific declaration depending on the degree of risk to the health and safety of consumers.

Mandatory warning statements

A warning statement is a prescribed labelling statement that you must express in the exact words and type size specified in the Code. Warning statements are defined in Standard 1.1.1 – Preliminary Provisions – Application, Interpretation and General Prohibitions. See page 2 for further information.

Mandatory advisory statements

Standard 1.2.3 requires mandatory advisory statements for certain foods or when certain substances are present in foods. The specific wording of advisory statements is not prescribed. See page 4 for further information.

Mandatory declarations of certain substances in food

You must declare certain substances listed in Standard 1.2.3 when present in a food as a food ingredient, an ingredient of a compound ingredient, a food additive or component of a food additive, and a processing aid or component of a processing aid. See page 7 for further information.

Other prescribed statements

There are various other statements prescribed in the Code that must be provided in relation to certain foods, including for the protection of public health and safety. These are outlined in the tables.

How should this information be provided?

When and how mandatory warning statements, advisory statements and declarations must be provided, depends on the purpose of the food, that is, whether or not the food is for retail sale or for catering purposes, and whether any exemptions apply from the requirement for the food to carry a label. The specific requirements are outlined in the following sections.

Code Definitions

Standard 1.2.1 - Application of Labelling and other Information Requirements

Food for Retail Sale

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

Food for catering purposes

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

Further information

For further information on the application of labelling and information requirements for different foods, including exemptions from the requirement to bear a label, readers are advised to familiarise themselves with Standard 1.2.1.

Mandatory warning statements

Warning statements are defined in Standard 1.1.1 (see table on page 3). The exact wording and type size required is set out in the Code. You must always include these statements on the label attached to the food unless the food is exempt from the requirement to bear a label.

Where foods for retail sale are exempt from bearing a label (see subclause 2(1) of Standard 1.2.1), the warning statement must be displayed on or in connection with the display of the food.

Similarly, for foods that are sold from vending machines and are exempt from bearing a label, the warning statement must be displayed on or in connection with the food. This could be achieved through display on the outside of the vending machine, or in a leaflet, poster or brochure displayed in association with the food.

For foods for catering purposes that are exempt from bearing a label, the warning statement must be provided in documentation accompanying the food.

Clause 3 of Standard 1.2.9 – Legibility Requirements sets out the legibility requirements for warning statements on a label. Warning statements must be a minimum size of type of 3 mm and in the case of small packages, a minimum size of type of 1.5 mm. Clause 1 of Standard 1.2.1 defines a small package as a package with a surface area of less than 100 cm². The definition of 'label' in Standard 1.1.1 includes information that is 'used in connection with or accompanying any food or package'. This means that where warning statements are provided in connection with the display of the food (but not necessarily on a label attached to the food) the requirements of Standard 1.2.9 may apply. An example of this situation would be where a warning statement in relation to unpackaged foods was required to be provided.

Currently, the only mandatory warning statement prescribed in Standard 1.2.3 (see the table to clause 3 in that Standard) that is applicable across the food supply, is for royal jelly when presented as a food or food containing royal jelly as an ingredient ('ingredient' is defined in Standard 1.2.4).

Other standards in the Code contain prescribed warning statements that are applicable only to specific foods. For example, clause 14 of Standard 2.9.1 - Infant Formula Products includes the required warnings for the label on a package of infant formula product in powdered and 'ready to drink' form, and when the infant formula product is concentrated. Clause 15 of Standard 2.9.1 sets out the size of type for warning statements on infant formula products. This clause states that the required warning statements must be in a minimum size of type of 3 mm where the package has a net weight of more than 500 g, and, where the package has a net weight of 500 g or less, the warning statements must be in a minimum size of type of 1.5 mm.

Which foods must have warning statements?

The following table sets out the foods and the written warning statements that must accompany them.

Food	Reference in Code	Wording of mandatory warning statement
Royal jelly when presented as a food, or food containing royal jelly as an ingredient	Standard 1.2.3 – <i>Mandatory Warning and Advisory Statements and Declarations</i> , Clause 3	'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.'
Kava	Standard 2.6.3 – <i>Kava</i> , Clause 3	'Use in moderation.' 'May cause drowsiness.'
Infant formula products	Standard 2.9.1 – <i>Infant Formula Products</i> , Subclause 14(1)	For the label on a package of infant formula product in powdered form: 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of powder except on medical advice. Incorrect preparation can make your baby very ill.' For the label on a package of concentrated infant formula product: 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not change proportions of concentrate except on medical advice. Incorrect preparation can make your baby very ill.' For the label on a package of 'ready to drink' infant formula product: 'Warning – follow instructions exactly. Prepare bottles and teats as directed. Do not dilute or add anything to this 'ready to drink' formula except on medical advice. Incorrect preparation can make your baby very ill.'

Food	Reference in Code	Wording of mandatory warning statement
Infant formula products	Standard 2.9.1 – <i>Infant Formula Products</i> , Subclause 14(3)	For the label on a package of all infant formula product except infant formula products for metabolic, immunological, renal, hepatic or malabsorptive conditions: 'Breast milk is best for babies. Before you decide to use this product, consult your doctor or health worker for advice.' This statement must be under a heading that states 'Important notice' or any word or words having the same or similar effect.
Infant formula products	Standard 2.9.1 – <i>Infant Formula Products</i> , Subclause 26(1)	For the label on a package of pre-term formula: 'Suitable only for pre-term infants under specialist medical supervision.'
Infant foods	Standard 2.9.2 – <i>Foods for Infants</i> , Subparagraph 5(3)(c)	For the label on a package of infant foods, where the food is recommended for infants between the ages of 4–6 months: 'Not recommended for infants under the age of 4 months.'
Infant foods	Standard 2.9.2 – <i>Foods for Infants</i> , Subclause 6(2)	For the label on a package of infant foods, where a food for infants contains more than 3 g/100 kJ protein: 'Not suitable for infants under the age of 6 months.'
Formulated supplementary sports foods	Standard 2.9.4 – <i>Formulated Supplementary Sports Foods</i> , Subclause 3(3)	For the label on a package of formulated supplementary sports food: 'Not suitable for children under 15 years of age or pregnant women: Should only be used under medical or dietetic supervision.'
Formulated supplementary sports foods	Standard 2.9.4 – <i>Formulated Supplementary Sports Foods</i> , Subclause 3(4)	If a formulated supplementary sports food contains added phenylalanine: 'Phenylketonurics: Contains Phenylalanine'.

Bee pollen, propolis and royal jelly

The Code requires a warning statement on royal jelly when you present it as a food, and on food containing royal jelly as an ingredient as defined in Standard 1.2.4. Similarly, the Code requires advisory statements about bee pollen and propolis and foods containing bee pollen and propolis. Consumers can also obtain these substances as dietary supplements or complementary medicines and in these cases; any inquiries should be directed to authorities responsible for regulating these products.

Mandatory advisory statements

Clause 2 of Standard 1.2.3 requires you to provide mandatory advisory statements on certain foods or when certain substances are present in foods. You must always include these statements on the label attached to the food unless the food is exempt from the requirement to bear a label.

You may use your own words for these statements as long as they convey the intended effect. However clause 2 of Standard 1.2.9 requires that any statement prescribed to be contained on the label must be 'set out legibly and prominently such as to afford a distinct contrast to the background' and in the English language. Listing the relevant substance in the statement of ingredients may not of itself fulfil the requirements of clause 2 of Standard 1.2.3.

Where a food for retail sale is exempt from bearing a label, you must display the advisory statement on or in connection with the food or provide it to the purchaser upon request, either verbally or in writing.

For foods that are sold from vending machines and are exempt from bearing a label, the advisory statement must be displayed on or in connection with the food. This could be achieved through display on the outside of the vending machine, or in a leaflet, poster or brochure displayed in association with the food.

For foods for catering purposes that are exempt from carrying a label (under subclause 5(2) of Standard 1.2.1), the advisory statement must be provided in documentation accompanying the food.

Other prescribed statements

The following table outlines specific mandatory statements of an advisory nature that must accompany certain foods, as prescribed in other standards in the Code.

Food or substance in food	Reference in Code	Mandatory statement
Food product containing genetically modified food	Standard 1.5.2 – Food Processed Using Gene Technology, clauses 4 to 7	<p>The label must include the prescribed wording 'genetically modified' in conjunction with the name of that food or ingredient or processing aid.</p> <p>Where an unpackaged food is sold for retail sale, and is therefore exempt from carrying a label, you must display this information on or in connection with the display of the food. Foods intended for immediate consumption that you prepare and sell from your food premises or vending vehicles do not require this statement on a label.</p> <p>For foods for catering purposes that are exempt from bearing a label, this statement must be provided in documentation accompanying the food.</p>

Food or substance in food	Reference in Code	Mandatory statement
Irradiated food	Standard 1.5.3 – Irradiation of Food, clause 6	<p>A statement that the food, ingredient or component has been treated with ionising radiation, for example:</p> <ul style="list-style-type: none"> • ‘Treated with ionising radiation’, • ‘Treated with ionising electrons’, or • ‘Irradiated (name of food)’. <p>For foods other than for retail sale, the label on a package of irradiated food must include:</p> <ol style="list-style-type: none"> a) a statement that the food has been irradiated; and b) the minimum and maximum dose of the irradiation; and c) the identity of the facility where the food was irradiated; and d) the date or dates of irradiation.
Formulated caffeinated beverages	<p>Standard 2.6.4 – Formulated Caffeinated Beverages, Subclause 3(3)</p> <p>See also subclause 3(5) for how this information must be provided.</p>	A statement to the effect that the food contains caffeine and is not recommended for children, pregnant or lactating women or individuals sensitive to caffeine.
Formulated caffeinated beverages	<p>Standard 2.6.4 – Formulated Caffeinated Beverages, Subclause 3(4)</p> <p>See also subclause 3(5) for how this information must be provided.</p>	<p>Where the beverage includes one or more of the substances thiamin, riboflavin, niacin, vitamin B₆, vitamin B₁₂, pantothenic acid, taurine, glucuronolactone and inositol, a statement to the effect that:</p> <p>‘Consume no more than [amount of one-day quantity (as cans, bottles or mL)] per day.’</p>
Infant formula products	Standard 2.9.1 – Infant Formula Products, Subclause 14(5)	<p>The label on a package must contain statements indicating that:</p> <ol style="list-style-type: none"> a) the infant formula product may be used from birth, in the case of infant formula; and b) the infant formula product should not be used for infants aged under 6 months in the case of follow-on formula; and c) except in the case of packages of pre-term formula, it is recommended that infants over the age of 6 months should be offered foods in addition to the infant formula product.
Infant formula products	Standard 2.9.1 – Infant Formula Products, Clause 18	The label on a package of infant formula product must contain a statement of the specific source or sources of protein in the infant formula product. This statement must be located immediately

Food or substance in food	Reference in Code	Mandatory statement
		adjacent to the name of the infant formula product.
Infant formula products	Standard 2.9.1 – Infant Formula Products, Clause 19	If an infant formula product contains more than a specified amount of fluoride (refer to subclause 19(1), the label on the package must contain statements: a) indicating that consumption of the formula has the potential to cause dental fluorosis; and b) recommending that the risk of dental fluorosis should be discussed with a medical practitioner or other health professional.
Formulated meal replacement	Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods, Subclause 3(4)	The label on a package must include a statement to the effect that the product must not be used as a total diet replacement.
Formulated supplementary foods	Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods, Subclause 5(3)	The label on a package must include a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.
Formulated supplementary foods (young children)	Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods, Subclause 7(3)	The label on a package must include a description of the role of the food as a supplement to a normal diet to address situations where intakes of energy and nutrients may not be adequate to meet an individual's requirements.
Formulated supplementary sports foods	Standard 2.9.4 – Formulated Supplementary Sports Foods, Subclause 3(1)	The label on a package must include statements to the effect that: a) the food is not a sole source of nutrition and should be consumed in conjunction with a nutritious diet; and b) the food should be used in conjunction with an appropriate physical training or exercise program.
Formulated supplementary sports foods	Standard 2.9.4 – Formulated Supplementary Sports Foods, Subclause 3(2)	The label on a package must include: a) directions stating the recommended quantity and frequency of intake of the food; and b) a statement of the recommended consumption in one day; and c) a nutrition information panel in accordance with Standard 1.2.8.
Particular Formulated supplementary sports foods	Standard 2.9.4 – Formulated Supplementary Sports Foods, Subclauses 7(2), 8(2),	Statements to the effect that: a) in the case of high carbohydrate and energy supplements, if used during exercise, the food should be consumed in accordance with directions, to avoid the possibility of

Food or substance in food	Reference in Code	Mandatory statement
	9(2), 9(3)	gastrointestinal upset; and the food must be consumed with an appropriate fluid intake; b) in the case of a protein energy supplement: the food must be consumed with an appropriate fluid intake; and c) in the case of energy supplements with more than 30% of the energy yield derived from fat: the product is a high fat food and should be used for special fat loading strategies rather than everyday use.

Mandatory declarations of certain substances in food

Medical experts recognise that certain substances frequently cause severe systemic reactions resulting in significant morbidity or mortality. Clause 4 of Standard 1.2.3 requires that you must declare these substances on labels when present in a food as:

- an ingredient
- an ingredient of a compound ingredient
- a food additive or component of a food additive
- a processing aid or component of a processing aid.

The Code requires these declarations to alert those consumers affected by these substances that the food products contain substances that may cause adverse reactions.

Where a food for retail sale is exempt from the requirement to bear a label (under subclause 2(1) of Standard 1.2.1), subclause 4(2) of Standard 1.2.3 requires the declaration of the information specified in the Table to clause 4 on or in connection with the display of the food, or its declaration to the purchaser verbally or in writing, upon request.

For all food sold from vending machines, the declaration must be provided on or in connection with the food. This could be achieved through display on the outside of the vending machine, or in a leaflet, poster or brochure displayed in association with the food.

For foods sold for catering purposes that are exempt from carrying a label (under subclause 5(2) of Standard 1.2.1) this information must be provided in documentation accompanying the food.

Which substances *must* be declared when they are present in food?

The following list from the Table to clause 4 sets out the substances that you must declare when present in a food:

- cereals containing gluten and their products, namely, wheat, rye, barley, oats and spelt and their hybridised strains (other than where the substances are present in beer and spirits standardised in Standards 2.7.2 and 2.7.5 respectively)
- crustacea and their products
- egg and egg products
- fish and fish products, except for isinglass derived from swim bladders and used as a clarifying agent in beer and wine
- milk and milk products
- peanuts and soybeans, and their products
- added sulphites in concentrations of 10 mg/kg or more
- tree nuts and sesame seeds and their products other than coconut.

Including these substances in a statement of ingredients would fulfil the declaration requirements.

Clause 16 of Standard 1.2.8 – Nutrition Information Requirements sets out the criteria for claims about gluten.

Expressions such as ‘crustacea and their products’ or ‘egg and egg products’ include all products derived from the substance listed in the Table to clause 4.

Where sulphites are added to food in concentrations of 10 mg/kg or more, they may be added as food additives numbered from 220 to 228 as identified in Schedule 2 of Standard 1.2.4, or added as part of compound ingredients or processing aids.

Clause 8 of Standard 1.2.4 – Labelling of Ingredients sets out the requirements for the declaration of food additives.

Tree nuts include almonds, brazil nuts, cashews, chestnuts, hazelnuts, hickory nuts, macadamia nuts, pecans, pine nuts, pistachios and walnuts.

Coconut is the fruit of the palm (*Cocos nucifera*) and is not generally considered to be a tree nut. Additionally, the scientific literature indicates that coconut is not associated with severe adverse reactions. Therefore, for the purposes of Standard 1.2.3, the presence of coconut in a food does not require mandatory declaration.

Declaration of all products of the substances listed in the Table to clause 4 of Standard 1.2.3 where there may be no detectable traces of the allergenic protein

You must declare any products of the substances listed in the Table to clause 4 of Standard 1.2.3 (except for specific exemptions provided within the Table) whenever they are present in the food, irrespective of the degree of refinement or modification of the substance. This declaration is necessary because there may be allergenic proteins present in the final product which may still cause adverse reactions in highly sensitive individuals.

Example:

Dextrose can be derived from sucrose, maize, potato or wheat and in its final form, dextrose produced from each of these sources is chemically indistinguishable and has no detectable presence of gluten. However, the declaration required by clause 4 of Standard 1.2.3 is for cereals containing gluten and their products, therefore, if dextrose derived from wheat is present in the final food, you must declare this as a statement on the label (e.g. 'contains products from wheat' or 'wheat dextrose').

Use of 'may contain' statements for substances that require mandatory declaration

It is noted that 'may contain' statements are sometimes used on labels. In the absence of a definitive declaration, the statement 'may contain ['X' substance]' may not meet the requirements of clause 4 of Standard 1.2.3, where the relevant substance is present as an ingredient, or an ingredient of a compound ingredient, or a food additive or component of a food additive, or a processing aid or component of a processing aid.

Mandatory declarations applicable to alcoholic beverages

Beer and spirits (as standardised in Standards 2.7.2 and 2.7.5 respectively) are exempt from the requirement to declare the presence of cereals containing gluten and their products.

For all alcoholic beverages, if any of the substances listed in the Table to clause 4 of Standard 1.2.3 are present in the final product (except for specific exemptions relating to cereals containing gluten in beer and spirits and isinglass used for beer and wine provided within the Table), then the substances must be declared.

Example:

Egg products and milk products are commonly used in the refining process of some alcoholic beverages. Where required, you must declare them on the label if they are present in the final product.

Legibility requirements for mandatory declarations

Although mandatory declarations of substances have no minimum size of type requirement, clause 2 of Standard 1.2.9 requires that any statement prescribed to be contained on the label must be 'set out legibly and prominently such as to afford a distinct contrast to the background' and in the English language. Note that clause 3 of Standard 1.2.9 prescribes the legibility requirements for mandatory warning statements.

Example:

Some manufacturers use a bold font to ensure that the mandatory declaration of certain substances stands out from other substances listed in the ingredient list.

Ingredients:

Ingredient 1, ingredient 2, ingredient 3, **peanuts**, ingredient 5.

Substitution of ingredients

Occasionally, you may substitute one ingredient with a similar ingredient within the same class of foods, for a range of reasons including seasonal availability and price of ingredients. If the substituted ingredient is a substance listed in the Table to clause 4 of Standard 1.2.3, you must declare this substance.

Additional labelling requirements set out in Standard 1.2.4 – Labelling of Ingredients

Clause 4 of Standard 1.2.4 specifies conditions for the use of generic names of ingredients in the statement of ingredients, some of which relate to known allergens. These include:

- for the generic name 'cereals', where the cereal is wheat, rye, barley, oats or spelt or their hybridised strains, you must declare the specific name of the cereal;
- for the generic names 'fats' or 'oils', qualification as to whether the source is animal or vegetable and where the source of the oil is peanut, soy bean or sesame, you must declare the specific source name;
- for the generic name 'fish' and if the ingredient is crustacea you must declare the specific name of the crustacea;
- for the generic name 'nuts' you must declare the specific name of the nut; and
- for the generic name 'starch', where the source of the starch is wheat, rye, barley, oats or spelt, then you must declare the specific name of the cereal.

Mandatory advisory statements for foods containing polyols or polydextrose

Clause 5 of Standard 1.2.3 requires foods containing polyols or polydextrose above certain levels to include an advisory statement on the label where the food contains any of the substances listed below.

Group	Substance	Level	Advisory Statement
A	Lactitol, maltitol, maltitol syrup, xylitol, mannitol (alone or in combination)	≥ 10 g/100 g	Statement to the effect that excess consumption of the food containing these substances may have a laxative effect.
B	Sorbitol, erythritol, isomalt, polydextrose (alone or in combination)	≥ 25 g/100 g	
	Combination of any of the substances in Group A with any substance in Group B	≥ 10 g/100 g	

Where a food for retail sale is exempt from the requirement to carry a label (under clause 2(1) of Standard 1.2.1), paragraph 5(2) requires display of the required information on or in connection with the display of the food, or provision of it to the purchaser verbally or in writing, upon request.

For foods sold from vending machines that are not required to carry a label, paragraph 5(2)(c) requires that the advisory statement must be displayed on in or connection with the dispensed food.

For foods for catering purposes that are exempt from carrying a label (under subclause 5(2) of Standard 1.2.1), this information must be provided in documentation accompanying the food.

Labelling requirements for products exempt from the ingredient listing requirements of the Code

Standard 1.2.4 provides a number of exemptions from ingredient labelling (i.e., clauses 2 and 6). These exemptions do not affect the mandatory declaration requirements under clause 4 of Standard 1.2.3. If a product contains any of the substances which require mandatory declaration under clause 4 of Standard 1.2.3, you must declare them regardless of an exemption to ingredient labelling under Standard 1.2.4 that may apply. You can declare the presence of these substances anywhere on the label, providing that you meet the legibility requirements of Standard 1.2.9.

Clause 6 of Standard 1.2.4 does not require you to list all the ingredients of a compound ingredient where that compound ingredient is declared and the compound ingredient makes up less than 5% of the final food. In this situation, the food additives performing a technological function in the final food are still required to be declared. However, if a compound ingredient contains any of the substances which require mandatory declaration under clause 4 of Standard 1.2.3, then the presence of these substances must be declared, irrespective of any exemptions in Standard 1.2.4. A statement such as 'contains X' could be sufficient to comply with Standard 1.2.3.

Example:

Clause 4 of Standard 1.2.3 requires that where a substance listed in the Table to clause 4 is present in a food, then the presence of the substance must be declared. Where yoghurt coated raisins are present at 4.5% of a breakfast cereal, options for declaring the substances in the Table to clause 4, in the ingredient list, could be:

Option 1

Ingredients:

Ingredient 1, Ingredient 2, **yoghurt coated raisins** [whey powder, yoghurt powder, emulsifier (soya lecithin)], Ingredient 4.

Option 2

Ingredients:

Ingredient 1, Ingredient 2, **yoghurt coated raisins**, Ingredient 4.

(With an additional statement) '**Contains milk and soy (lecithin) products**'

Individual portion packs

Food for retail sale that is 'in an **inner package** not designed for individual sale' is exempt from bearing a label under Standard 1.2.1, paragraph 2(1)(b). This exemption is designed for packages of food that are contained within an outer package, that would not normally be removed from, and stored or used separately from, that outer package, for example, cellophane wrapped cracker biscuits. Although certain inner packages are not required to bear a label, the outer package must be labelled in accordance with the Code, as applicable to that food. This includes relevant warning and advisory statements and declarations in subclauses 2(2), 3(2), 4(2) and 5(2) of Standard 1.2.3.

However, paragraph 2(1)(b) of Standard 1.2.1 requires that, despite the exemption outlined above, food for retail sale that is sold in '**individual portion packs**' with a surface area of 30cm² or greater, must bear **on a label** on the inner package any relevant warning statements prescribed in clause 3 of Standard 1.2.3, and declarations of the presence of any substances listed in the Table to clause 4 of Standard 1.2.3. This is in addition to any declarations on the outer package of the food.

Although not defined in the Code, the term 'individual portion packs' may include single serve packages that would normally be removed from the outer package and consumed separately as an individual serve, for example: muesli bars, fruit bars, cheese sticks and single serve chocolates.

Even though these individual portion packs would be offered for sale within outer packages, you must include declarations on the label of each individual portion pack, where required. This ensures that the warning statements and declarations of certain substances remain available to the consumer in the event that an individual portion pack is separated from its outer package and stored or used in isolation from the outer package. Individual portion packs with a surface area of less than 30 cm² are exempt from bearing a label containing these declarations.

Example:

If you sell individually wrapped muesli bars containing nuts in an outer package, you must label each muesli bar individually with a declaration of the presence of nuts even though the individual bars are not intended for retail sale.

Code reference

Paragraph 2(1)(b) of Standard 1.2.1

Where can I get more information?

Food Standards Australia New Zealand

FSANZ website:

www.foodstandards.gov.au (Australia)

or

www.foodstandards.govt.nz (New Zealand)

See also

Food Industry Guide to Allergen Management and Labelling

Contact the:

Australian Food and Grocery Council

Locked Bag 1

Kingston ACT 2604

Ph (02) 6273 1466

<http://www.afgc.org.au/>

See other user guides that are on the FSANZ website:

www.foodstandards.gov.au/foodstandards/userguides/