

Standard 1.2.3 Information requirements – warning statements, advisory statements and declarations

Note 1 This instrument is a standard under the *Food Standards Australia New Zealand Act 1991* (Cth). The standards together make up the *Australia New Zealand Food Standards Code*. See also section 1.1.1—3.

Note 2 The provisions of the Code that apply in New Zealand are incorporated in, or adopted under, the *Food Act 2014* (NZ). See also section 1.1.1—3.

Division 1 Preliminary

1.2.3—1 Name

This Standard is *Australia New Zealand Food Standards Code – Standard 1.2.3 – Information requirements – warning statements, advisory statements and declarations*.

Note Commencement:

This Standard commences on 1 March 2016, being the date specified as the commencement date in notices in the *Gazette* and the *New Zealand Gazette* under section 92 of the *Food Standards Australia New Zealand Act 1991* (Cth). See also section 93 of that Act.

1.2.3—1A Definitions

Note In this Code (see section 1.1.2—2):

required name, of a particular food, means the name declared by section 1.2.3—5 as the required name for that food for the purposes of Division 3 of Standard 1.2.3.

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

Division 2 Mandatory statements

1.2.3—2 Mandatory advisory statements

- (1) For the labelling provisions, if a food is listed in Column 1 of the table in section S9—2, the corresponding advisory statement in Column 2 of that table is required.
- (2) For the labelling provisions, an advisory statement to the effect that excess consumption may have a laxative effect is required for a food that contains:
 - (a) one or more of the following substances, either alone or in combination, at a level of or in excess of 10 g/100 g:
 - (i) lactitol;
 - (ii) maltitol;
 - (iii) maltitol syrup;
 - (iv) mannitol;
 - (v) xylitol; or
 - (b) one or more of the following substances, either alone or in combination, at a level of or in excess of 25 g/100 g:
 - (i) erythritol;
 - (ii) isomalt;
 - (iii) polydextrose;
 - (iv) sorbitol; or
 - (c) one or more of the substances listed in paragraph (a), in combination with one or more of the substances listed in paragraph (b), at a level of or in excess of 10 g/100 g.

Note The labelling provisions are set out in Standard 1.2.1.

1.2.3—3 **Mandatory warning statement—royal jelly**

For the labelling provisions, if a food is or includes as an ingredient royal jelly, the following *warning statement is required: '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'.

Note The labelling provisions are set out in Standard 1.2.1.

Division 3 **Mandatory declarations**

1.2.3—4 **Mandatory declarations of certain foods**

- (1) For the labelling provisions, if a food to which this section applies is present in a food for sale in a manner listed in subsection (5), a declaration that the food is present is required.

Note The labelling provisions related to this requirement are set out in Standard 1.2.1, subparagraph 1.2.4—5(6)(b)(i), and paragraph 2.9.5—9(1)(d).

- (2) A declaration required by subsection (1) must comply with this Division.
- (3) This section applies to:
- (a) a food that is listed in Column 1 of the table to section S9—3; or
 - (b) a derivative of such a food.
- (4) Despite subsection (3), this section does not apply to:
- (a) a food that is listed in Column 2 of the table to section S9—3; or
 - (b) a derivative of such a food.
- (5) For the purposes of subsection (1), the food may be present as any of the following:
- (a) an ingredient or as an ingredient of a *compound ingredient; or
 - (b) a substance *used as a food additive, or an ingredient or component of such a substance; or
 - (c) a substance *used as a processing aid, or an ingredient or component of such a substance.

1.2.3—5 **Food name required for a mandatory declaration**

The *required name of a food listed in Column 1 of the table to section S9—3 is:

- (a) when listed in a statement of ingredients—the corresponding name or one of the corresponding names in Column 3 of that table;
- (b) in all other cases—the corresponding name or names in Column 4 of that table.

1.2.3—6 **What a mandatory declaration must state**

- (1) A declaration other than a declaration to which subsection (2) or (4) applies must be made by stating the *required name of the food to be declared.
- (2) A declaration made for the purposes of paragraph 1.2.1—8(1)(d) or subparagraph 1.2.4—5(6)(b)(i) must be made by:
- (a) listing in the statement of ingredients of the food for sale:
 - (i) the *required name of the food to be declared; and
 - (ii) if the food to be declared is a substance *used as a processing aid or an ingredient or component of such a substance, the words 'processing aid' in conjunction with that required name; and

Examples: processing aids (**wheat, egg**); processing aid containing **wheat**.
 - (b) including a summary statement on the label of the food for sale.

Note Statement of ingredients provisions are set out in Standard 1.2.4.

- (3) Subsection (2) does not apply to a food for sale to which subsection 1.2.4—2(2) or subsection 1.2.4—2(3) applies.

Note Subsections 1.2.4—2(2) and (3) provide that certain foods are not required to have a statement of ingredients on their label.

- (4) A declaration made in relation to any of the following foods for sale must be made by stating the name of the food to which subsection 1.2.3—4(1) applies and that is present in the food for sale:

- (a) a food for special medical purposes; or
(b) an infant formula product that is:
(i) specifically formulated for premature or low birthweight infants;
(ii) specifically formulated to satisfy particular metabolic, immunological, renal, hepatic or malabsorptive conditions;
(iii) represented as lactose free formula or low lactose formula; or
(iv) based on a *protein substitute.

Note 1 Paragraph 2.9.5—9(1)(d) applies to food for special medical purposes and provides that a label that is required for such food must make (among other things) any mandatory declarations required by section 1.2.3—4.

Note 2 Division 4 of Standard 2.9.1 applies to infant formula products for special dietary use and sets out compositional and labelling requirements for such food.

- (5) For the purposes of subsection (4), the name to be stated must be:
(a) the name listed for that food in Column 1 of the table to section S9—3; or
(b) any other name by which that food is commonly known.

1.2.3—7

Form of a mandatory declaration

- (1) A *required name in a statement of ingredients must be printed:
(a) in a bold font that provides a distinct contrast with any other text in the statement of ingredients which is not a required name; and
(b) in a *size of type that is not less than the size of type of the other text in the statement of ingredients that is not a required name.
- (2) A *required name in a statement of ingredients must be listed:
(a) separately for each ingredient that is or contains the relevant food; and
Example kamut (**wheat**), maltodextrin (**wheat**)
(b) as a separate word or as separate words if the required name is contained in the name of the ingredient that is or contains the relevant food; and
Examples **milk** powder, **sesame** seeds, but not buttermilk
(c) separately from but next to the name of the ingredient that is or contains the relevant food unless the required name:
(i) is identical to the name of the ingredient; or
(ii) is contained in the name of the ingredient.
Examples sodium caseinate (**milk**) or sodium caseinate (from **milk**); pasta (**wheat, egg**)
- (3) A summary statement must:
(a) commence with the word 'Contains' and then list the *required name of each food to be declared; and
(b) contain no other words.
- (4) A summary statement must:
(a) appear on the label of the food for sale:
(i) in the same field of view as the statement of ingredients; and

- (ii) directly next to the statement of ingredients; and
 - (b) be distinctly separated from the statement of ingredients.
- (5) A summary statement must be printed:
 - (a) in the same typeface and *size of type as any *required name in the Statement of ingredients of the food for sale; and
 - (b) in a bold font that provides a distinct contrast with any other text in the statement of ingredients which is not a required name.
- (6) In this section, a **summary statement** means a summary statement required by paragraph 1.2.3—6(2)(b).

1.2.3—8 Compliance with requirement for required name

If a provision of this Division requires a *required name to be declared or stated, that required name may be declared or stated in either the singular or plural form as required.

Application, saving and transitional provisions

The table below details information on application, saving or transitional provisions in instruments affecting this Standard.

Food Standards (Proposal P1026 – Lupin as an Allergen) Variation				
Instrument items affected	A'ment No.	FRL registration Gazette	Instrument's transitional provision	Description of transitional arrangement
Item [1] of the Schedule	169	F2017L00585 23 May 2017 FSC112 25 May 2017	Subsection 1.2.3—1A(1)	<p>Subsection 1.2.3—1A(1) establishes a transitional arrangement for variations to the Code made by Item [1] of the Schedule.</p> <p>The transition period is the period of time that commences on 25 May 2017 and ends on 26 May 2018.</p> <p>1.2.3—1A(2) provides that section 1.1.1—9 of the Code does not apply to the above variation.</p> <p>1.2.3—1A(3) provides that, during the transition period, a food may comply with either:</p> <ul style="list-style-type: none"> (a) the Code as in force without the prescribed variation; or (b) the Code as amended by the prescribed variation; <p>but not a combination of both.</p>
Food Standards (Proposal P1044 – Plain English Allergen Labelling) Variation				
Item [3] of the Schedule	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	Clause 4	<p>Clause 4 a transitional arrangement for variations to the Code made by Item [3.1], [3.2], [3.3], [3.4] and [3.5] of the Schedule.</p> <p>The transition period is the period of time that commences on 25 February 2021 and ends on 25 February 2024.</p> <p>The post-transition period is the period of time that commences 26 February 2024 and ends on 26 February 2026.</p> <p>Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations.</p> <p>Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following:</p> <ul style="list-style-type: none"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations. <p>Subclause 4(3) provides that a food product packaged and labelled before the end of the transition period may be sold during the post-transition period if the product complies with one of the following:</p> <ul style="list-style-type: none"> (a) the Code as in force without the above variations; (b) the Code as amended by the above variations.

Amendment History

The Amendment History provides information about each amendment to the Standard. The information includes commencement or cessation information for relevant amendments.

These amendments are made under section 92 of the *Food Standards Australia New Zealand Act 1991* unless otherwise indicated. Amendments do not have a specific date for cessation unless indicated as such.

About this compilation

This is compilation No. 4 of Standard 1.2.3 as in force on **25 February 2021** (up to Amendment No. 197). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **1 March 2021**.

Uncommenced amendments or provisions ceasing to have effect

To assist stakeholders, the effect of any uncommenced amendments or provisions which will cease to have effect, may be reflected in the Standard as shaded boxed text with the relevant commencement or cessation date. These amendments will be reflected in a compilation registered on the Federal Register of Legislation including or omitting those amendments and provided in the Amendment History once the date is passed.

The following abbreviations may be used in the table below:

ad = added or inserted
 exp = expired or ceased to have effect
 rs = repealed and substituted
 am = amended
 rep = repealed

Standard 1.2.3 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00389 — 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.3—1A	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	ad	Section. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(1)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	am	References to cereals, milk and soybeans.
1.2.3—4(1)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Insert 'or' after section 1.2.3—4(1)(b)(i)(B)(b).
1.2.3—4(1)	170	F2017L00585 23 May 2017 FSC112 25 May 2017	25 May 2017	am	Paragraph (b) to include reference to lupin. <i>For application, saving and transitional provisions, see above table.</i>
1.2.3—4(3)	163	F2016L00783 12 May 2016 FSC105 19 May 2016	19 May 2016	ad	Subsection to clarify application of subsection 1.2.3—4(1).
1.2.3	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting 'Division 1', 'Division 2' and 'Division 3' <i>For application, saving and transitional provisions, see above table.</i>

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.3—1A	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting definitions for 'required name' and 'size of type'. <i>For application, saving and transitional provisions, see above table</i>
1.2.3—4 – 1.2.3—8	197	F2021L00145 24 Feb 2021 FSC138 25 Feb 2021	25 Feb 2021	ad	Inserting subsections 1.2.3—4 to 1.2.3—8 <i>For application, saving and transitional provisions, see above table</i>