



# Country of Origin Food Labelling Information Standard 2016

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I, Christopher Pyne, Minister for Industry, Innovation and Science, make the following information standard.

Dated 13 April 2016

CHRISTOPHER PYNE

Christopher Pyne  
Minister for Industry, Innovation and Science

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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 1 July 2016.

### 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 for human consumption 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

#### *Overview*

This information standard provides for mandatory country of origin labelling requirements for food that is sold (including offered or displayed for sale) in Australia. It does not impose labelling requirements on food sold outside Australia.

Under this information standard, most food for retail sale in Australia must be labelled with a country of origin. There are different labelling requirements depending on whether the food was:

- grown, produced or made in Australia
- packaged in Australia
- grown, produced or made in another country
- packaged in another country.

Most food grown, produced, made or packaged in Australia will need to carry a standard mark. There will generally be two or more marks from which to choose. In addition to a country of origin statement, the marks include an indication of the proportion of Australian ingredients by ingoing weight through text and a bar chart. If all of the food in a display or package was grown, produced or made in Australia, the mark will also include a kangaroo logo. In some circumstances, more detailed information can be voluntarily added to the text in a standard mark.

For most imported food (food grown, produced, made or packaged in a country other than Australia), the country of origin statement will need to be in a clearly defined box. Where imported food includes Australian ingredients, a standard mark showing the proportion of Australian ingredients by ingoing weight through text and a bar chart may be used voluntarily.

For non-priority foods, the requirements for standard marks and the placement of origin statements in a box are voluntary, rather than mandatory. Non-priority foods are set out in section 9, and are foods for which Australian consumers are least concerned about origin information.

### ***General provisions***

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. Any food that can be described as grown or produced in a country can also be described as made in that country. A food can be described as made in a country if it was last substantially transformed into the final food through one or more processes that occurred in that country.

All standard marks in the information standard include a bar chart showing the proportion of Australian ingredients by ingoing weight. Section 10 includes a table listing bar charts and the ranges of percentages of Australian ingredients to which they apply. Section 11 sets out the methods for calculating the percentages of Australian ingredients by ingoing weight. Section 12 sets out how water is to be treated when calculating the percentages. Section 13 sets out the methods by which businesses can communicate more accurate information when the average percentage of Australian ingredients by ingoing weight is used in a standard mark in accordance with sections 21 and 23.

The labelling requirements are set out in Part 2. With some exceptions, Part 2 applies to retail sales of food. The labelling requirements vary depending on whether the food falls within one of the following three categories of food:

- packaged food, other than fresh fruit and vegetables in transparent packages
- fresh fruit and vegetables in transparent packaging
- 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 Australia New Zealand Food Standards Code (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. Particular foods or classes of foods are defined in Part 3 of the Dictionary at the end of this information standard.

### ***Food grown, produced or made in Australia***

If the **food was grown, produced or made in Australia exclusively from Australian ingredients**, the information must be in the form of one of the standard marks set out in section 18. These marks include the following features:

- a logo to assist the consumer to easily identify that the food was grown, produced or made in Australia:



- a full bar chart to indicate that the food's ingredients are exclusively Australian:



- a statement indicating that the food was grown, produced or made in Australia and that its ingredients are exclusively Australian.

If the **food was grown, produced or made in Australia and some of its ingredients are not Australian**, the information must be in the form of one of the standard marks set out in section 19 (subject to section 21). The marks include the following features:

- a logo to assist the consumer to easily identify the food was grown, produced or made in Australia:



- one of the following bar charts to provide a visual indication of the proportion, by ingoing weight, of the food's Australian ingredients:



- a Made in Australia statement, together with a statement that aligns with the bar chart and clearly states the minimum proportion, by ingoing weight, of the food's Australian ingredients.

Where a particular ingredient is sourced exclusively from a particular country, text naming the origin of that ingredient can be added to the standard mark.

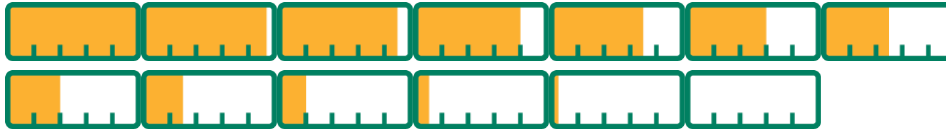
If **food grown, produced or made in Australia is exported and re-imported without substantial transformation, but with some processing overseas** (e.g. cleaning, shelling, packaging or re-packaging), then the processing that occurred overseas will have to be declared in the standard mark from section 18 or 19, as appropriate.

If the **food was grown, produced or made in Australia and the proportion by ingoing weight of Australian ingredients varies over time**, the information may be in the form of a mark that includes a statement of the average content of Australian ingredients and a means for consumers to access further details off-pack, in accordance with section 21. The mark includes the following features:

- a logo to assist the consumer to easily identify the food was grown, produced or made in Australia:



- one of the following bar charts to provide a visual indication of the average proportion, by ingoing weight, of the food's Australian ingredients:



- a Made in Australia statement, together with a statement aligned with the bar chart that indicates the average proportion by ingoing weight of the food’s Australian ingredients and how to get further details about the Australian content of the food.

### ***Food packaged in Australia***

If the **food was packaged in Australia** (but not all of the food in the package was exclusively grown, produced or made in Australia), the labelling must include one of the standard marks set out in section 22 (subject to section 23). These marks do not include the kangaroo logo, but do include a bar chart, a Packed in Australia statement and an Australian ingredient statement, aligned with the bar chart, similar to that for food that was made in Australia. Where a particular ingredient is sourced exclusively from a particular country, text naming the origin of that ingredient can be added to the standard mark.

If all the food is from a single country, the label must at least state that the food in the package was grown, produced or made in that country, and may include a standard mark that also includes a statement that it was packed in Australia, together with an unfilled bar chart.

If the **food was packaged in Australia and the proportion by ingoing weight of the food’s ingredients varies over time**, the information may be in the form of a standard mark set out in section 23. These marks do not include the kangaroo logo, but do include a bar chart and a statement indicating the average proportion, by ingoing weight, of the food’s Australian ingredients and how to get further details about the Australian content of the food.

### ***Non-priority food grown, produced, made or packaged in Australia***

For non-priority foods (foods set out in section 9), the use of the standard marks in accordance with sections 18 to 23 is voluntary rather than mandatory. Where the kangaroo logo and/or a bar chart is used on non-priority food, they must be used as part of a standard mark in accordance with those sections.

### ***Imported food***

If the **food was not grown, produced, made or packaged in Australia**, 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:
  - the country where the food was packaged, if applicable; and
  - that the food is of multiple origins.

Unless the food is non-priority (see section 9), the country of origin information must be in a clearly defined box.

As an alternative to a simple statement about the origin of the food, if the **food was produced, made or packaged in a country other than Australia but with Australian ingredients**, the labelling may include one of the standard marks set out in section 26. These marks do not include the kangaroo logo, but do include a bar chart and a statement indicating the proportion, by ingoing weight, of the food’s Australian content. Where a particular ingredient is sourced

exclusively from a particular country, text naming the origin of that ingredient can be added to this standard mark.

### ***Other requirements***

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
- record keeping requirements for certain food
- requirements to provide information to regulators when requested.

Part 5 sets out transitional provisions to deal with foods that have already been labelled or are labelled within two years of 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) 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 chart, any of the following: 'Made in Australia from Australian ingredients'; 'Produced in Australia'; 'Grown 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) tea and coffee;
- (g) alcoholic beverages.



## 10 References to *the logo* and *appropriate bar chart*

- (1) In this information standard a reference to *the logo* is a reference to the following logo:



- (2) In this information standard, a reference to the *appropriate bar chart* for a mark is a reference to the bar chart in the following table that represents 'P%' in the mark:

Range for 'P%'	Bar chart that represents range
Less than 10%	
10% to 19%	
20% to 29%	
30% to 39%	
40% to 49%	
50% to 59%	
60% to 69%	
70% to 79%	
80% to 89%	
90% to 94%	
95% to 99%	
100%	

## 11 Meaning of proportion and average proportion of ingredients by weight

- (1) In this information standard, a reference to the proportion *by weight* of the Australian ingredients of a food is a reference to the total ingoing weight of the ingredients from Australia as a proportion of the total ingoing weight of all the ingredients of the food, expressed as a percentage.
- (2) In this information standard, a reference to the *average* proportion by weight of the Australian ingredients of a packaged food is a reference to the average determined over a continuous 1, 2 or 3 year period that ends no later than 2 years before the date the labelling is affixed to the package.
- (3) To avoid doubt, a substance or food used as a processing aid is not an ingredient for the purposes of subsection (1) or (2).

- (4) For this section:
- (a) an ingredient that was exclusively grown or produced in Australia is from Australia; and
  - (b) if a compound ingredient of a food is itself made from ingredients from more than one country (*sub-ingredients*), the ingoing weight of that ingredient is attributed to the different countries, one of which is Australia, in accordance with the proportion by weight of the sub-ingredients in that compound ingredient.

Example: A pasta sauce is made in Australia from 70% Australian ingredients by weight. It is then used to make a lasagne. The ingoing weight of the pasta sauce is attributed 70% to Australia and 30% to other countries in calculating the proportion by weight of the Australian ingredients of the lasagne.

- (5) In this section:

*used as a processing aid* has the meaning given by section 1.1.2—13 of the Food Standards Code.

## 12 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) Where a liquid packing medium for a food is not generally consumed as part of the food, water that forms part of the liquid packing medium is not to be counted when determining the proportion by weight of specified ingredients.

Examples: This subsection would apply to water that forms part of a pickling brine in a jar of pickled onions, but not to water that is an ingredient of a syrup in a can of peaches.

- (5) For this section a *liquid packing medium* includes, but is not limited to, 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.

## 13 Varying Australian content—methods for providing consumers with content information

- (1) The following are the methods that may be used to provide a consumer with information about Australian content of food for purposes of section 21 or 23:
  - (a) the consumer may use a smartphone app or other software to scan a barcode or similar device;
  - (b) the consumer may contact a telephone number and get the information by providing an identifier for the food that is included on the label, such as a barcode, batch number, date of manufacture or date mark; or

- (c) the consumer may use a website and get the information by providing an identifier for the food that is included on the label, such as a barcode, batch number, date of manufacture or date mark.
- (2) The following are the identifying phrases that may be used in the mark to indicate a method mentioned in subsection (1):
- (a) for use of an app or software—‘- Scan barcode for details’;
  - (b) for use of telephone—‘- Call [phone number] for details’ where ‘[phone number]’ is a phone number that may be contacted during business hours;
  - (c) for use of a website—‘- Visit [website] for details’, where ‘[website]’ is the website address.

## 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.
- (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);
  - (d) is sold at a fund-raising event; or
  - (e) is food for special medical purposes.

#### *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, in a clearly defined box, without any logo or bar chart.
- (4) In this section:

***food for special medical purposes*** has the meaning given by section 1.1.2—5 of the Food Standards Code.

***small package*** has the meaning given by section 1.1.2—2 of the Food Standards Code.

### 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. For labelling requirements where the food for sale has more than 1 layer of packaging, see sections 1.2.1—6 and 1.2.1—20.
- (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.

- (3) Otherwise, the package must bear a label with:
- (a) a statement of the country of origin of the food in the package; or
  - (b) if the food was packaged using food from more than one country—a statement that:
    - (i) identifies the country where the food was packaged; and
    - (ii) indicates that the food is of multiple origins or that it is comprised of imported ingredients.

Note: This subsection applies to food that was not grown, produced, made or packaged in Australia.  
If some or all of its significant ingredients were made in Australia, section 26 permits the use of a mark with a bar chart to indicate this. Using the mark will satisfy this subsection and subsection (4).

- (4) For food other than non-priority food, the statement mentioned in subsection (3) must be in a clearly defined box.

## 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.

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

- (3) Otherwise, the food must bear a label on the package, 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 or that it is comprised of imported ingredients.

Note: This subsection applies to food that was **not** grown, produced, made or packaged in Australia.  
If some or all of its significant ingredients are Australian, section 26 permits the use of a bar chart and a statement to indicate this. Using the mark will satisfy this subsection.

- (4) If the statement mentioned in subsection (3) is on the package, it must be in a clearly defined box.

## 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.

*Food grown, produced or made in Australia*

- (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.

*Food not grown, produced or made in Australia*

- (3) If provisions in Division 3 do not 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:
- (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 or that it is comprised of imported ingredients.

Note: Subsection 28(4) describes size requirements for labels displayed in connection with food.

*Mixed bins of single ingredient foods*

- (4) Despite subsection (2) and Division 3, if a single ingredient food is displayed for sale in a mixed bin that contains both Australian and imported items, the food complies with this section if labelling that is displayed in connection with its sale indicates that fact.

Note: If the seller chooses to rely on labels on individual items, each label will need to comply with subsection (2) or (3), as appropriate.

*Interpretation*

- (5) 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 exclusively from Australian ingredients**

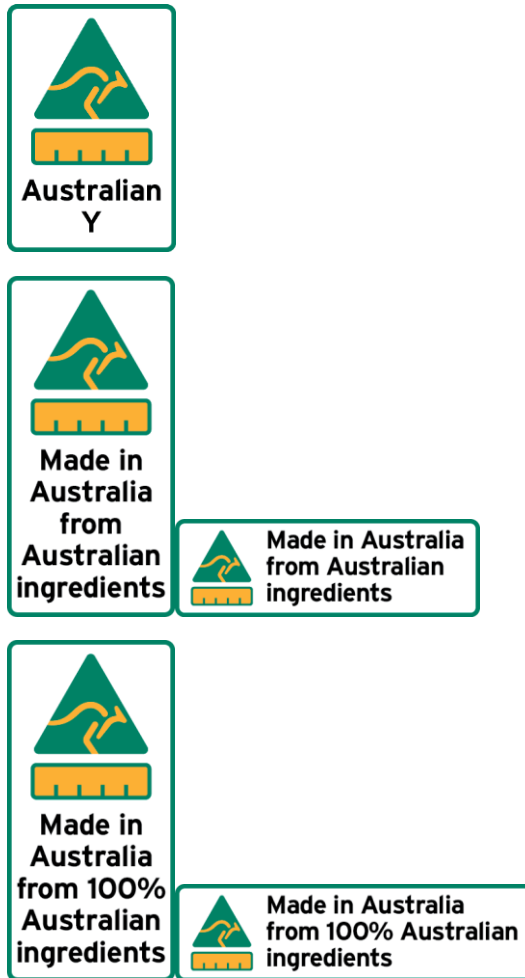
- (1) This section applies to food if:
- (a) it was grown, produced or made in Australia; and
  - (b) its ingredients are exclusively of Australian origin.

Note: This section will not apply if any ingredient, or any ingredient of a compound ingredient, is not grown or produced in Australia.

For definition of compound ingredient, please refer to subsection 11(4).

- (2) The labelling must include one of the following marks:



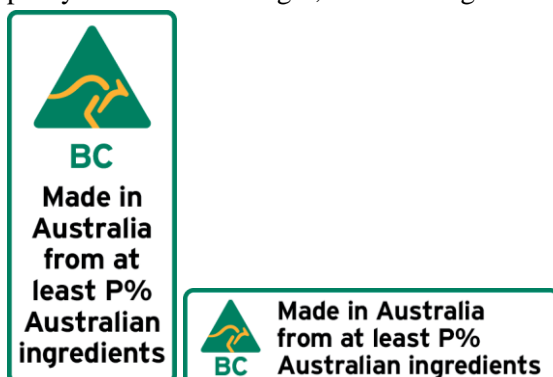


where:

- (a) 'X' is the phrase 'Grown in', 'Produced in', 'Produce of' or 'Product of' as appropriate; and
- (b) 'Y' is the word 'Grown', 'Produce', 'Product' or the kind of food, as appropriate.

## 19 Other food made in Australia

- (1) This section applies to food if:
  - (a) it was grown, produced or made in Australia; and
  - (b) some of its ingredients are not exclusively of Australian origin.
- (2) Subject to subsection (3), if some of the food's ingredients are of Australian origin, or partly of Australian origin, the labelling must include one of the following marks:



where:

- (a) 'BC' is the appropriate bar chart to represent P% of Australian ingredients (see section 10); and
  - (b) 'P%', in which P is a whole number, is not more than the proportion by weight of the Australian ingredients of the food.
- (3) If less than 10% of the food's ingredients by weight are Australian, the labelling may include one of the following marks:



- (4) If none of the food's ingredients are Australian, the labelling must include one of the following marks:



*Reference in mark to an ingredient from a particular country*

- (5) In a mark required or permitted under this section, a phrase may be added at the end that names one or more of the ingredients of the food and specifies the country of origin of each ingredient named, provided:
- (a) the phrase starts with the word 'with'; and
  - (b) each ingredient named originates exclusively in the country specified as the origin of that ingredient.



Examples: ‘Made in Australia from at least 60% Australian ingredients with prawns and peanuts from Thailand.’

‘Made in Australia from at least 60% Australian ingredients with prawns from Thailand, pineapples from Vietnam and peanuts from Malaysia.’

‘Made in Australia from at least 60% Australian ingredients with Australian beef.’

## **20 Food grown, produced or made in Australia that is exported and re-imported**

If food to which section 18 or 19 applies was:

- (a) grown, produced or made in Australia; and
- (b) exported from Australia and then re-imported to Australia:

the mark required to be included in the labelling must also include a description, in brackets, of the processing that occurred outside Australia.

Note: Section 18 or 19 will apply only if the food was grown, produced or made in Australia, so that it cannot have undergone a substantial transformation when abroad, nor can it have been combined with non-Australian ingredients outside Australia. However, it may have undergone some processing (e.g. cleaning, shelling, packaging, re-packaging) and it may have been combined with other Australian ingredients.

For example, the label for Australian macadamias sent to Fiji for shelling, sorting and packing before being returned to Australia would include a statement ‘(shelled, sorted and packed in Fiji)’.

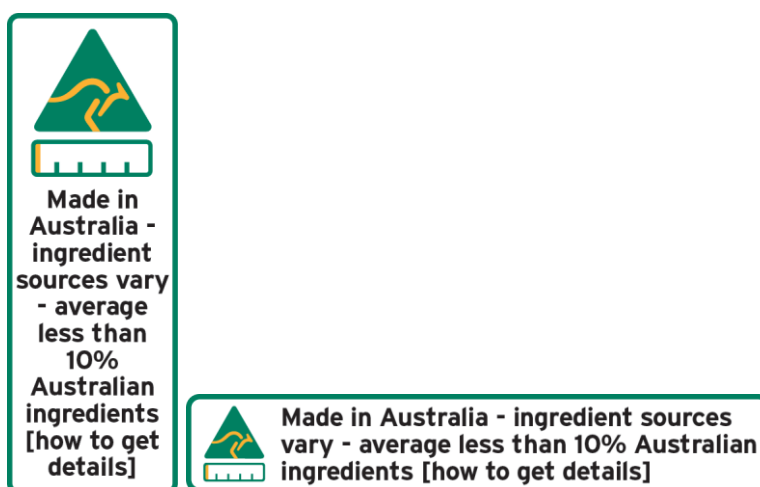
## **21 Varying Australian content—food made in Australia**

- (1) This section applies to packaged food that was made in Australia if the proportion by weight of the Australian ingredients of the food varies over time.
- (2) Despite sections 18 and 19, the labelling of the food complies with this information standard if:
  - (a) the labelling includes:
    - (i) one of the appropriate marks under this section; and
    - (ii) any information, such as a barcode or other device, batch number, lot, date of manufacture or date mark, that is needed to enable a consumer to obtain information by a method in accordance with section 13; and
  - (b) a consumer who follows the method indicated by the mark is able to find out:
    - (i) the proportion by weight of Australian ingredients of the food in the package; and
    - (ii) if the period that was used to calculate the average specified in the mark does not appear on the labelling—that period.
- (3) If the average proportion by weight of the Australian ingredients of the food is not less than 1%, the following are appropriate marks:



where:

- (a) 'BC' is the appropriate bar chart to represent P% of Australian ingredients (see section 10); and
  - (b) 'P%', in which P is a whole number, is not more than the average proportion by weight of the Australian ingredients of the food; and
  - (c) '[how to get details]' is the identifying phrase for an information method that satisfies section 13.
- (4) If the average proportion by weight of the Australian ingredients of the food is less than 10%, the following are also appropriate marks:



where '[how to get details]' is the identifying phrase for an information method that satisfies section 13.

## 22 Food packaged in Australia that includes food not grown, produced or made in Australia

- (1) This section applies to food that:
  - (a) was packaged in Australia; and
  - (b) was not packaged using food that was exclusively grown, produced or made in Australia.
- (2) Subject to subsection (3), if some of the food's ingredients are Australian, the labelling must include one of the following marks:



where:

- (a) 'BC' the appropriate bar chart to represent P% of Australian ingredients (see section 10); and
- (b) 'Packed' may be replaced by 'Packaged'; and
- (c) 'P%', in which P is a whole number, is not more than the proportion by weight of the Australian ingredients of the food.

- (3) If less than 10% of the food's ingredients by weight are Australian, the labelling may include one of the following marks:

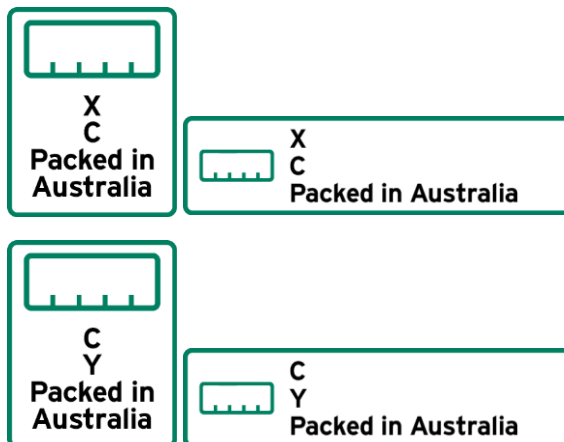


where 'Packed' may be replaced by 'Packaged'.

- (4) If:
  - (a) none of the food in the package was grown, produced or made in Australia; and
  - (b) the ingredients of the food originate exclusively in a single country;

the labelling must include:

- (c) a statement that the food was grown, produced or made in that country, as appropriate, in a clearly defined box, in a clearly defined box; or
- (d) one of the following marks:



where:

- (e) 'X' is the phrase 'Grown in', 'Produced in', 'Produce of' or 'Product of' as appropriate; and
  - (f) 'Y' is the word 'Grown', 'Produce', 'Product' or the kind of food, as appropriate; and
  - (g) 'C' is the name of the relevant country, or the adjectival form of that name, as appropriate; and
  - (h) 'Packed' may be replaced by 'Packaged'.
- (5) If:
- (a) none of the food in the package was grown, produced or made in Australia; and
  - (b) ingredients of the food originate in more than one country;

the labelling must include one of the following marks:



where 'Packed' may be replaced by 'Packaged'.

*Reference in mark to an ingredient from a particular country*

- (6) In a mark required or permitted under this section, a phrase may be added at the end that names one or more of the ingredients of the food and specifies the country of origin of each ingredient named, provided:
- (a) the phrase starts with the word 'with'; and
  - (b) each ingredient named originates exclusively in the country specified as the origin of that ingredient.

Examples: 'Packed in Australia from at least 80% Australian ingredients with walnuts from the United States of America'

'Packed in Australia from imported ingredients with lychees from Thailand, pineapples from Malaysia and mangoes from the Philippines'

'Packed in Australia from 0% Australian ingredients with Canadian blueberries.'

## 23 Varying Australian content—food packaged in Australia

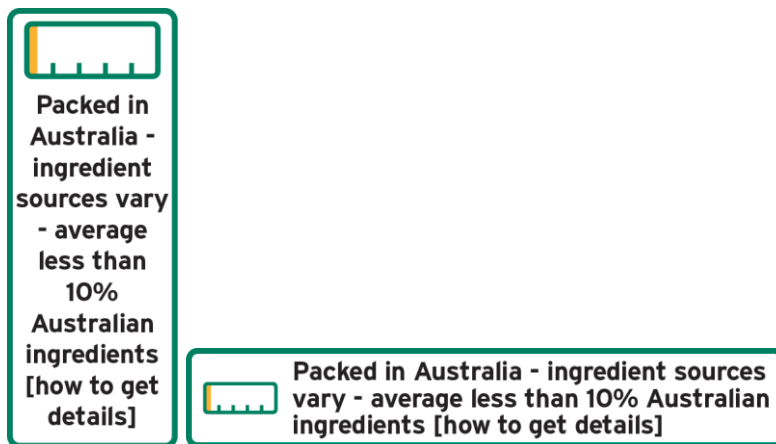
- (1) This section applies to food to which section 22 applies if the proportion by weight of the ingredients of the food varies over time.
- (2) Despite section 22, the labelling of the food complies with this information standard if:
  - (a) the labelling includes:
    - (i) one of the appropriate marks under this section; and

- (ii) any information, such as a barcode or other device, batch number, lot, date of manufacture or date mark, that is needed to enable a consumer to obtain information by a method in accordance with section 13; and
  - (b) a consumer who follows the method indicated by the mark is able to find out:
    - (i) the proportion by weight of Australian ingredients of the food in the package ; and
    - (ii) if the period that was used to calculate the average specified in the mark does not appear on the labelling—that period.
- (3) If the average proportion by weight of the Australian ingredients of the food is at least 10%, the following are appropriate marks:



where:

- (a) ‘BC’ is the appropriate bar chart to represent P% of Australian ingredients (see section 10); and
  - (b) ‘Packed’ may be replaced by ‘Packaged’; and
  - (c) ‘P%’, in which P is a whole number, is not more than the average proportion by weight of the Australian ingredients of the food; and
  - (d) ‘[how to get details]’ is the identifying phrase for an information method that satisfies section 13.
- (4) If the average proportion of the Australian ingredients of the food is less than 10%, the following are also appropriate marks:



where:

- (a) '[how to get details]' is the identifying phrase for an information method that satisfies section 13; and
- (b) 'Packed' may be replaced by 'Packaged'.

## 24 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 or 19 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.

## 25 Non-priority food packaged in Australia

- (1) This section applies to non-priority food that:
  - (a) was packaged in Australia; and
  - (b) was not packaged using food that was exclusively grown, produced or made in Australia.
- (2) A requirement under section 22 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 or that it is comprised of imported ingredients.

## Division 4—Imported foods with Australian ingredients

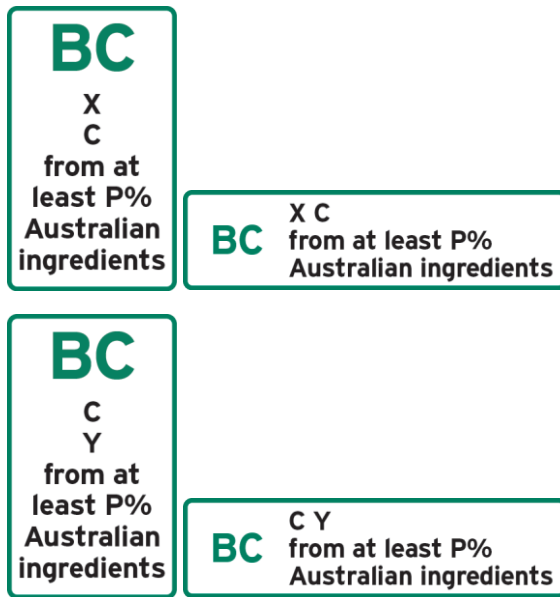
### 26 Imported foods that have Australian ingredients

- (1) This section applies to a food if:
  - (a) Division 3 does not apply (this is therefore food that was grown, produced, made or packaged in a country other than Australia); and
  - (b) some or all of the food's ingredients were grown, produced or made in Australia.
- (2) If the food is made in a country other than Australia, but the food's ingredients are exclusively of Australian origin, the labelling may include one of the following marks:



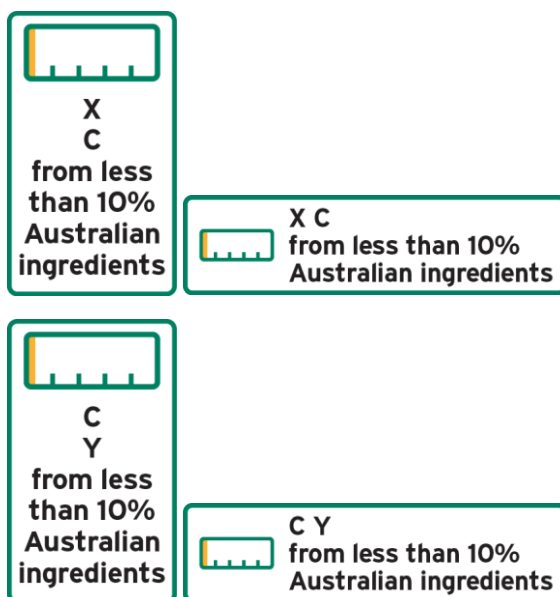
where 'C' is the name of the relevant country.

- (3) If some, but not all of the food's ingredients by weight are Australian, the labelling may include one of the following marks:



where:

- (a) 'BC' the appropriate bar chart to represent P% of Australian ingredients (see section 10); and
  - (b) 'X' is the phrase 'Made in', 'Packed in' or 'Packaged in', as appropriate; and
  - (c) 'Y' is the word 'Made' or the kind of food, as appropriate; and
  - (d) 'C' is the name of the relevant country, or the adjectival form of that name, as appropriate; and
  - (e) P%', in which P is a whole number, is not more than the proportion by weight of the Australian ingredients of the food.
- (4) If less than 10% of the food's ingredients by weight are Australian, the labelling may include one of the following marks:



where:

- (a) 'X' is the phrase 'Grown in', 'Produced in', 'Produce of', 'Product of', 'Made in', 'Packed in' or 'Packaged in', as appropriate; and
- (b) 'Y' is the word 'Grown', 'Produce', 'Product', 'Made' or the kind of food, as appropriate; and
- (c) 'C' is the name of the relevant country, or the adjectival form of that name, as appropriate.

*Reference in mark to an ingredient from a particular country*

- (5) In a mark required or permitted under this section, a phrase may be added at the end that names one or more of the ingredients of the food and specifies the country of origin of each ingredient named, provided:
  - (a) the phrase starts with the word 'with'; and
  - (b) each ingredient named originates exclusively in the country specified as the origin of that ingredient.

Examples: 'Made in New Zealand from less than 10% Australian ingredients with New Zealand lamb and Australian rosemary and mint'

'Packed in Mexico from at least 20% Australian ingredients with Almonds from the United States of America, pecans from Canada, and macadamias from Australia'

'Made in Vietnam from at least 10% Australian ingredients with prawns from Thailand.'



## **Part 3—Other sales where country of origin information must be provided**

### **27 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**

### **28 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 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.

Note: To ensure country of origin labels for food are consistent with this information standard, a style guide has been published on the website of the Commonwealth agency that deals with country of origin labelling.

The Style Guide provides guidance on how the labels should be placed on products, their packaging or displays, and how those labels should look, including any colour specifications.

This guidance is based on the requirements of this information standard.

### **29 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 a 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 a 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, the use would be required or permitted by Part 2 if Part 2 applied to the sale; and
  - (b) a use of the logo or a 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).
- (3) In this section, a reference to using a bar chart in relation to a food is a reference to using a bar chart to indicate the proportion by weight of the ingredients of the food that originate in a particular country (including Australia) or group of countries.

### **30 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 or its ingredients, 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.

### **31 Record-keeping**

- (1) If:
  - (a) a person makes a sale of food to a purchaser other than the sale of an unpackaged single ingredient food from a single country of origin; 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.

Note: This includes maintaining records in relation to the calculation of an average determined in accordance with section 13.

- (2) The records must be kept for 1 year after the sale.

### **32 Provision of information to the regulator**

- (1) This section applies to the sale of food covered by this information standard.
- (2) The seller of the food must provide the regulator, on request, with any information:
  - (a) that is relevant to an assessment of whether the sale complied with this information standard; and
  - (b) that the seller holds or is able to access at the time of the request.

Note: See section 2 of the Australian Consumer Law for the meaning of 'regulator'.

## Part 5—Transitional provisions

### 33 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.

#### *Stock in trade*

- (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 29, 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.

# 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*

*appropriate bar chart*—see subsection 10(2).

*\*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 packaged; 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.

*compound ingredient* is defined at subsection 11(4).

*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 3A 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 12(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
  - (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 Standards Code adopts, for each State and Territory, the definition of 'sell' in the legislation that applies the food Standards 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.

**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, glaze 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

***tea and coffee*** means the following:

- (a) coffee and coffee substitutes, including instant coffee and decaffeinated coffee;
- (b) tea and herbal infusions, including instant tea;
- (c) other similar cereal and grain beverages, excluding cocoa;

whether in dry form or in a ready to drink form.