

Overview of Food Labelling

User guide to Food Labelling and Other Information Requirements

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Background

In this user guide, the ‘old Code’ means Volume 1 of the *Food Standards Code* (the *Australian Food Standards Code*). The ‘new Code’ means Volume 2 of the *Food Standards Code* (the *Australia New Zealand Food Standards Code*). The ‘New Zealand regulations’ means the *New Zealand Food Regulations 1984*.

In adopting the new Code in November 2000, the Ministerial Council agreed to a two-year transition period. After this, the new Code will replace both the old Code and the New Zealand regulations.

During this two-year phase-in period, foods in Australia may comply with either the old Code or the new Code (but not a combination of these). In New Zealand, foods may comply with the old Code or the new Code or the New Zealand regulations (but not a combination of these).

After this, the old Code and New Zealand regulations will be repealed and all food sold in Australia and New Zealand will have to comply with the new Code.

The new Code will mean changes in the way manufacturers and retailers make and present food for sale.

The Australia New Zealand Food Authority (ANZFA) has developed this user guide, in consultation with Australian and New Zealand government and industry representatives, to help manufacturers and retailers interpret and apply the information and labelling requirements in the new Code. The guide may also be used by food officers to help interpret food standards in the new Code.

This user guide, unlike the standard itself, is not legally binding. If in any doubt about interpreting the standards, you should seek independent legal advice.

As well as complying with food standards requirements, you must also continue to comply with other 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*.

Purpose

This guide provides background information on the general labelling requirements in the new Code. The information in this guide applies both to food for retail sale and to food for catering purposes.

Foods for catering purposes means those foods for use in restaurants, canteens, schools, caterers or self-catering institutions, where food is offered for immediate consumption.

Please note: Labelling and information requirements in the new Code apply both to food sold or prepared for sale in Australia and New Zealand and food imported into Australia and New Zealand.

This guide should be used in conjunction with other user guides developed for the labelling standards and for some general standards. These are the user guides on:

- Warning and Advisory Declarations
- Ingredient Labelling
- Date Marking
- Nutrition Information Requirements
- Legibility Requirements for Food Labels
- Percentage Labelling
- Food Additives
- Representations about Food
- Information Requirements for Foods Exempt from Bearing a Label
- Labelling Genetically Modified Food

Which of the new standards contain labelling and information requirements?

The new Code includes both general and commodity specific labelling requirements.

The following standards in Chapter 1 of the new Code specify the general labelling requirements.

Standard 1.1.1 – Preliminary Provisions—Application, Interpretation and General Prohibitions

Standard 1.1.3 – Transitional and Temporary Standards

Standard 1.2.1 – Application of Labelling and Other Information Requirements

Standard 1.2.2 – Food Identification Requirements

Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations

Standard 1.2.4 – Labelling of Ingredients

Standard 1.2.5 – Date Marking of Packaged Food

Standard 1.2.6 – Directions for Use and Storage

Standard 1.2.8 – Nutrition Information Requirements

Standard 1.2.9 – Legibility Requirements

Standard 1.2.10 – Characterising Ingredients and Components of Food

Standard 1.3.2 – Vitamins and Minerals

Standard 1.5.1 – Novel Foods

Standard 1.5.2 – Food Produced Using Gene Technology

Standard 1.5.3 – Food Irradiation

The commodity standards in Chapter 2 of the new Code include specific labelling requirements. These standards include:

Standard 2.2.1 – Meat and Meat Products

Standard 2.2.3 – Fish and Fish Products

Standard 2.4.1 – Edible Oils

Standard 2.6.1 – Fruit Juice and Vegetable Juice

Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks

Standard 2.6.3 – Kava

Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing Alcohol

Standard 2.7.4 – Wine and Wine Product

Standard 2.7.5 – Spirits

Standard 2.8.2 – Honey

Standard 2.9.1 – Infant Formula Products

Please note: Standard 2.9.1 is temporarily reserved and will set out specific provisions that apply to infant formula products. In the interim, the provisions of Standard R7 of the old Code apply to infant formula products.

Standard 2.9.2 – Foods for Infants

Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods

Standard 2.9.4 – Formulated Supplementary Sports Foods

Standard 2.10.2 – Salt and Salt Products

Manufacturers, importers, retailers, caterers, and enforcement agencies must consider all the requirements of the new Code when making any decision about labelling food.

What has changed?

More comprehensive labelling requirements have been introduced in the new Code to ensure that consumers have adequate information in relation to food to enable them to make informed choices.

Labelling requirements for foods have been strengthened and extended. Initiatives such as allergen labelling, mandatory nutrition information labelling and percentage labelling aim to provide consumers with important information about the composition and nutritional value of the foods they eat. Date marking requirements have been extended and there are fewer exemptions from ingredient listing on food labels.

The new requirements also specify what information must be provided to consumers when food is sold unpackaged or in other special circumstances.

General labelling requirements

In most circumstances foods for retail sale or for catering purposes are required to bear a label setting out all the information prescribed in the new Code. **Foods for catering purposes** means those foods for use in restaurants, canteens, schools, caterers or self catering institutions, where food is offered for immediate consumption.

The label on a package of food for retail sale or for catering purposes generally must include the following core information.

1. **Prescribed name** or, where no name is prescribed, a name or a description of the food sufficient to indicate the true nature of the food.
2. **Lot identification.**
3. **Name and business address in Australia or New Zealand of the supplier.**
4. **Mandatory warning and advisory statements and declarations** specified in Standard 1.2.3 and any other warning and advisory statements specified elsewhere in the new Code.
5. **Ingredient listing.**
6. **Date marking.**
7. **Nutrition information panel.**
8. **Percentage labelling (characterising ingredient/s and component/s).**
9. **Directions for use or storage** where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food.
10. **Country of origin** must be stated on products made and sold in Australia, other than food products from New Zealand.

There are some circumstances where a food is exempt from these labelling requirements (see *Exemptions from labelling requirements*).

Clause 2 of Standard 1.2.1 describes the circumstances where food for retail sale or for catering purposes may be exempt from bearing a label.

Name or description of the food

The label on a package of food must include a name or a description of the food. If there is a prescribed name for the food, this must be included on the label. If there is no prescribed name for a food, the label must include a name or description of the food sufficient to indicate the true nature of the food. The name or description chosen should be specific enough to differentiate it from other foods. There is no specific requirement for where this information should appear on the label.

There are a few prescribed names in the new Code. A prescribed name is a name by which a food is defined or described in a standard and is declared to be a prescribed name in that Standard. Examples include ‘honey’, ‘formulated supplementary food’ and ‘formulated supplementary food for young children’.

In accordance with food law and fair trading law, manufacturers must not represent foods in a false, misleading or deceptive manner.

Clause 1 of Standard 1.2.2 – Food Identification Requirements includes the requirements for naming food.

For further guidance on naming foods see ANZFA’s user guide on representations about food.

Lot identification

Lot identification is required on packaged food to assist in the rare event of a food recall. A lot mark clearly identifies the ‘lot’ a food comes from as well as the premises where the food was packed or prepared.

A date mark and the supplier’s address details can help satisfy the requirements of a lot mark.

There are some specific exemptions from lot identification. These exemptions cover individual portions of ice cream/ice confection and food in small packages when the bulk packages and bulk container in which the food is stored or displayed for sale includes lot identification.

Clause 2 of Standard 1.2.2 – Food Identification Requirements includes the requirements for lot identification.

Name and business address of supplier

A supplier's name and Australian or New Zealand business address details are required on the label on a package of food to assist in the rare event of a food recall. This makes the identification and notification process easier. The term 'supplier' includes the packer, manufacturer, vendor or importer of the food.

A business address means the location of the premises from which a business is being operated, and includes the street number, the street name, the town or suburb and, in Australia, the state or territory. A post office box address is not sufficient.

Clause 3 of Standard 1.2.2 – Food Identification Requirements includes the requirements for the name and business address of the supplier.

Mandatory warning and advisory statements and declarations

The new Code requires that certain information be provided to consumers on labels on packages of food. This information may be in the form of a prescribed statement (which includes warning statements), an advisory statement or a specific declaration, depending on the degree of risk to the health and safety of consumers. Some of these statements and declarations are set out in general standards and some are set out in commodity standards.

PRESCRIBED STATEMENTS

A prescribed statement is a specific labelling statement that must be expressed on a label on a package of food in the exact words and in the format specified in the Code.

A warning statement is a type of prescribed statement.

Warning statements are required on:

- Condensed milk, modified milk and skim milk (Standard 1.1.3);
- Kava (Standard 2.6.3);

- Infant Formula Products (Standard 2.9.1).
Standard 2.9.1 is temporarily reserved and will set out any specific warning statements that apply to infant formula products. In the interim, the provisions of Standard R7 of the old Code apply;
- Foods for Infants (Standard 2.9.2);
- Formulated Supplementary Sports Foods (Standard 2.9.4); and
- Royal jelly presented as a food and food containing royal jelly (Standard 1.2.3).
(Clause 3 of Standard 1.2.3 is temporarily reserved. ANZFA is currently considering mandatory warning statements for the new Code in relation to royal jelly. Until this issue is resolved, the requirements that existed in Australia and New Zealand before the new Code, apply. See clause 4 of Standard 1.1.3).

Standard 1.1.1 – Preliminary Provisions defines warning statements.

Clause 3 of Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations deals with warning statements

Statements on food produced using gene technology

The label on a package of genetically modified foods requires a prescribed statement on the label that the food or ingredient is ‘genetically modified’.

Standard 1.5.2 – Food Produced Using Gene Technology defines ‘genetically modified food’, ‘novel DNA and/or novel protein’ and ‘altered characteristics’ and sets out labelling requirements for food produced using gene technology.

For further information on the labelling requirements for genetically modified foods see the user guide on labelling genetically modified food.

ADVISORY STATEMENTS

Advisory statements do not need to be expressed in the exact words set out in the new Code. Manufacturers are able to use their own words for advisory statements as long as the words are to the effect of the statement in the new Code, i.e. the words convey the intended meaning.

Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations clause 2 and clause 5, specify some advisory statements.

For guidance on the use and application of advisory statements see ANZFA's user guide on warning and advisory declarations.

DECLARATIONS OF CERTAIN SUBSTANCES IN FOOD

Certain substances, in the form of an ingredient, ingredient of a compound ingredient, or component of a food additive or a processing aid, or component of a processing aid, must be declared when present in a final food. This must be done in the circumstances outlined in Standard 1.2.3. The requirement to declare certain substances may be satisfied by the declarations in the ingredient list.

Clause 4 of Standard 1.2.3 lists substances to be declared.

For guidance on the use and application of all warning and advisory statements and the declaration of certain substances in food see ANZFA's user guide on warning and advisory declarations.

Ingredient listing

Unless specifically exempted, the label of a package of food must list all the ingredients and compound ingredients used in the manufacture of the food.

An ingredient means any substance, including a food additive, used in the preparation, manufacture or handling of a food.

A compound ingredient means an ingredient of a food that is itself made up of two or more ingredients, e.g. spaghetti, which is made up of flour, egg and water.

Ingredients and compound ingredients must be declared in a statement of ingredients in descending order of ingoing weight subject to limited exceptions. The names of ingredients should be sufficiently detailed to describe the ingredient, and accurate to ensure they are not false, misleading or deceptive, or likely to mislead or deceive.

Standard 1.2.4 – Labelling of Ingredients includes requirements for ingredient listing.

Clause 2 of Standard 1.2.4 lists exemptions from ingredient labelling.

For guidance on the labelling of ingredients see ANZFA's user guide on ingredient labelling. Additional guidance on the use of food additives is included in ANZFA's user guide on food additives.

Date marking

Packaged food is generally required to be date-marked.

A date mark will usually be in the form of a 'best-before' date. Food with a 'best-before' date of two or more years is exempt from date marking. Additional exemptions, including those for small packages, are set out in clause 2 of Standard 1.2.5.

When, for health and safety reasons, a food should not be consumed after a certain date, a 'use-by' date is required. There are very few foods that will be required to be labelled with a 'use-by' date.

There are also prescribed forms for date marks and dates, and requirements to include statements of specific storage conditions on labels of packaged food.

Standard 1.2.5 – Date Marking of Packaged Food defines date marking and regulates the use of 'best-before' and 'use-by' dates.

For specific guidance on the use and application of 'best-before' and 'use-by' dates see ANZFA's user guide on date marking.

Nutrition labelling

Subject to specific exemptions, a label on a package of food must display a nutrition information panel setting out the energy, protein, fat, saturated fat, carbohydrate, sugars and sodium content of the food.

A nutrition information panel must be in the prescribed format and must include the number of servings of the food in the package as well as the average quantity of the food in a serving and the unit quantity of the food.

Additional nutrition labelling requirements generally apply if a specific nutrition claim is made.

Standard 1.2.8 - Nutrition Information Requirements sets out the requirements for nutrition labelling.

Clause 3 of Standard 1.2.8 lists exemptions from nutrition information requirements.

For guidance on the use and application of nutrition information panels see ANZFA's user guide on nutrition information requirements.

Percentage labelling (characterising ingredient/s and component/s)

Subject to specific exemptions, foods that have characterising ingredients or components are required to be labelled with a percentage declaration of the characterising ingredients and components.

The percentage declaration is calculated on the basis of the ingoing weight of the characterising ingredient or component. The percentage declaration may be an actual amount or a minimum amount, provided that a minimum declaration is clearly labelled to show it is a minimum.

The location of the percentage declaration on the label is not prescribed. However, where it is included in the ingredient list, it must appear immediately after the name of the ingredient in the list.

Standard 1.2.10 – Characterising Ingredients and Components of Food sets out the labelling requirements for characterising ingredients and components.

Clause 2 of Standard 1.2.10 lists exemptions from percentage declarations.

For specific guidance on labelling characterising ingredients and components of food see ANZFA's user guide on percentage labelling.

Directions for use and storage

Directions for use and storage are mandatory where, because of the nature of the food and reasons of public health and safety, consumers need directions about the use or storage of the food. For example, the directions for use for infant formula to reduce the chance of microbial contamination and ensure the nutritional adequacy of the formula for an infant. Without directions for use there is a potential concern for public health and safety.

The requirements in Standard 1.2.6 operate in addition to the date marking requirements in Standard 1.2.5 – Date Marking of Packaged Food.

The commodity standards in Chapter 2 of the new Code may prescribe additional specific requirements for directions for use and/or storage.

Standard 1.2.6 regulates labelling requirements for directions for use and storage.

Country of origin labelling

During the phase-in period, country of origin labelling requirements from the old Code have been included in the new Code. This means that generally a label on a package of food must include a statement that identifies the country in which the food was made or produced. This provision **does not** apply to food produced in or imported into New Zealand.

Standard 1.1.3 – Transitional and Temporary Standards describes the requirements for country of origin labelling

Additional general information requirements

In addition to those core information requirements, there are the following labelling requirements.

- Health claims. See clause 1 of Standard 1.1.3.
- Nutrition claims. See division 3 of Standard 1.2.8.
- Labelling in relation to the vitamin and mineral content. See Standard 1.3.2.
- Labelling of irradiated food or food containing ingredients that have been irradiated. See Standard 1.5.3.
- Legibility. See Standard 1.2.9.
- Novel foods. See Standard 1.5.1.

Commodity specific labelling requirements

In some cases, the commodity standards in Chapter 2 of the joint Code require that specific information be provided on the label of certain classes or types of foods. Manufacturers and retailers should consult the commodity standards to determine any additional labelling requirements for individual foods.

The following are some examples of the labelling required for certain commodities.

Standard	Requirement
Standard 2.2.1 – Meat and Meat Products	Declaration of offal; fat declarations in relation to minced meat; labelling of formed/joined meat; prescribed names and the labelling of fermented comminuted meat products.
Standard 2.2.3 – Fish and Fish Products	Labelling of formed/joined fish.
Standard 2.4.1 – Edible Oils	A declaration of any process used to alter the fatty acid composition of any specifically named edible oil.
Standard 2.6.1 – Fruit Juice and Vegetable Juice	Labelling of juice blends.
Standard 2.6.2 – Non-Alcoholic Beverages and Brewed Soft Drinks	Labelling of electrolyte drinks and electrolyte drink bases; prohibition on labelling/presenting non-alcoholic beverages as alcoholic beverages.
Standard 2.6.3 – Kava	Warning statement.
Standard 2.7.1 – Labelling of Alcoholic Beverages and Food Containing	Alcohol by volume statements; standard drinks labelling; representations of ‘low alcohol’, ‘non-intoxicating’ and ‘non-

Alcohol	alcoholic’.
Standard 2.7.4 – Wine and Wine Product	Wine and wine products produced in Australia must comply with the requirement in Standards P4 and P6.
Standard 2.7.5 – Spirits	Geographical indication requirements apply to labelling of spirits.
Standard 2.8.2 – Honey	Prescribed name.
Standard 2.9.1 – Infant Formula Products (Standard 2.9.1 is temporarily reserved. In the interim, the provisions of Standard R7 of the old Code apply)	Specific labelling requirements and prohibitions on representations, claims, directions for use and storage; and warning statement.
Standard 2.9.2 – Foods for Infants	Claims, directions for use and storage; and warning statement.
Standard 2.9.3 – Formulated Meal Replacements and Formulated Supplementary Foods	Labelling of and limits on claims about vitamins and minerals; advisory statements in relation to use and prescribed names.
Standard 2.9.4 – Formulated Supplementary Sports Foods	Advisory statements in relation to use; warning statement and prescribed name.
Standard 2.10.2 – Salt and Salt Products	Labelling of reduced sodium salt mixtures and salt substitutes.

Exemptions from labelling requirements

The following foods for retail sale or for catering purposes are generally exempt from bearing a label setting out all the information prescribed by the new Code:

- food not in a package;
- food in an inner package not designed for sale without an outer package, other than individual portion packs which contain certain substances which must be declared (either verbally or in writing) under clause 4 of Standard 1.2.3,
- food made and packaged from the premises from which it is sold;
- food packaged in the presence of the purchaser;
- whole or cut fresh fruit and vegetables (except sprouting seeds or similar products) in packages that do not obscure the nature or quality of the fruit or vegetables;
- food delivered packaged, and ready for consumption, at the express order of the purchaser; and
- food sold at a fundraising event.

Clause 2 of Standard 1.2.1 – Application of Labelling and Other Information Requirements describes the circumstances where food for retail sale or for catering purposes may be exempt from bearing a label.

Please note: Even when exempt from bearing a label, the new Code requires that certain information about a food be available to the consumer, either verbally or in writing, at the point of sale.

For more detailed information on the specific information requirements for foods exempt from bearing a label see ANZFA's user guide on the information requirements for foods exempt from bearing a label.

Small packages

A small package is defined in clause 1 of Standard 1.2.1 – Application of Labelling and other Information Requirements as 'a package with a surface area of less than 100 cm².

Foods in small packages are exempt from the following core labelling requirements:

- lot identification of food, where the bulk package and bulk container in which the food is stored or displayed for sale includes lot identification (Standard 1.2.2, clause 2(b));
- ingredient labelling (Standard 1.2.4, clause 2(c));
- date marking, except where the food should not be consumed after a certain date because of health and safety reasons (Standard 1.2.5, clause 2(1)(d)(ii));
- nutrition information panels, where *no* nutrition claim is made in relation to the food (Standard 1.2.8, clause 3(j)); and
- percentage labelling (characterising ingredient and component labelling) (Standard 1.2.10, clause 2(3)(f)).

Mandatory warning and advisory statements and declarations *are* required on small packages. In the case of warning statements, the statements must be in a type size not less than 1.5 mm on small packages, rather than the prescribed 3 mm for other packages (Standard 1.2.9, clause 3(b)).

Frequently asked questions

What type size and type style is required on labels?

Manufacturers and retailers can choose any type style or type size provided that the information displayed is in English and is legible and prominent so as to afford a distinct contrast to the background. The one exception to this is where warning statements are required. Warning statements must be in a type size no less than 3 mm unless the food is in a small package.

Standard 1.2.9 – Legibility Requirements outlines these information requirements.

ANZFA's user guide on legibility requirements for food labels contains information to assist with compliance.

Where are weights and measures declarations prescribed?

Weights and measures declarations are regulated by the Australian State and Territory and New Zealand agencies responsible for trade measurement. In Australia, the *Trade Measurement (Pre-Packed Articles) Regulations* in some States and Territories regulate the declaration of the quantity statement on pre-packed food. New Zealand measurement legislation is regulated in the *Weights and Measures Amendment Act 1991* and the *Measurements Standards Act 1992*.

For further information about weights and measures declarations, contact the agency responsible for administering the relevant regulation.

What about health claims?

Unless specifically permitted in Standard 1.1.3 – Transitional and Temporary Standards, health claims in food labels and advertisements are prohibited in both Australia and New Zealand. Standard 1.1.3 provides temporary permission for a health claim in relation to folate and neural tube defects (NTDs) only. The provisions in Standard 1.1.3 as they relate to the folate/NTD health claim cease to have effect on 13 August 2002. The outcomes of the pilot have been used to inform a review of health claim regulations in Australia and New Zealand. The outcome of the review is now pending a decision by Ministers which might result in changes to the current standard.

Which labelling requirements apply to imported foods?

Labelling and information requirements in the new Code apply to food imported into Australia and New Zealand. Consequently, all the labelling requirements included in the new Code and summarised in this user guide apply to imported foods.

Who approves labels?

It is the responsibility of suppliers to ensure that food labelling complies with requirements in the new Code. ANZFA and the State and Territory and New Zealand enforcement agencies do not provide approvals for food labels. When providing labelling information, manufacturers and retailers must also comply with the general requirements in food law and fair trading law

as they relate to false, misleading, or deceptive conduct. Manufacturers and retailers should seek independent legal advice if they are concerned about matters of compliance.

Is it permissible to alter a label?

Clause 11 of Standard 1.1.1 – Preliminary Provisions allows for the alteration of a label where a new label is placed over an incorrect one. Any other alteration of a label is allowed only with the specific permission of a relevant authority. A relevant authority means the authority responsible for the enforcement of the new Code. In Australia, this is the State and Territory Health Departments, and in New Zealand, the Ministry of Health. The Australian Quarantine and Inspection Service (AQIS) oversees the importation of food into Australia. In New Zealand, the Ministry of Health enforces the requirements for imported food.

Do the restrictions on labelling apply to advertising?

Advertisements for a food must not contain any statement, information, design or representation that is prohibited by the new Code from being included on a label for that food. This prohibition is set out in clause 13 of Standard 1.1.1 – Preliminary Provisions.

Are there specific requirements in the new Code for packaging?

The new Code does not regulate the manufacture of packaging materials. Consequently, the Code does not specify which materials may be added to or used to produce food packaging materials or any articles and materials in contact with food. It is the responsibility of food manufacturers and retailers to ensure that the products used in association with food are safe and that the food complies with the general requirements in the Australian and New Zealand Food Acts and with the specific requirements in the Code that relate to contaminants.

In the new Code, Standard 1.4.3 – Articles and Materials in Contact with Food provides that articles and materials may be placed in contact with food only if there is no possibility of them being swallowed or obstructing airways, or otherwise causing bodily harm if taken into the mouth. In Australia the manufacture of plastic packaging materials are addressed in Australian Standard AS2070 – 1999, Plastic Materials for Food Contact Use. A copy of this standard may be obtained from Standards Australia, PO Box 1055, Strathfield 2135 or by phoning 1300 654 646.

Where can I get more information?

For more information on the new standards call the:

Standards Information Unit

1300 652 166 (Australia)

0800 441 571 (New Zealand), or

Email: advice@anzfa.gov.au

See also

ANZFA's user guides on:

- Representations about Food
- Warning and Advisory Declarations
- Ingredient Labelling
- Food Additives
- Date Marking
- Legibility Requirements for Food Labels
- Nutrition Information Requirements
- Percentage Labelling
- Information Requirements for Foods Exempt from Bearing a Label.

See also the user guide on Labelling Genetically Modified Food.