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## Australia

### Food and Agricultural Import Regulations and Standards

### Country Report

## 2004

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**Report Highlights:**

Australia is a major producer of raw materials and processed foods, but still imports a considerable volume of food and beverages. Imports have increased steadily over recent years. All foods must comply with the provisions of the joint Australia New Zealand Food Standards Code.

All sections of this report have been updated to reflect new or updated laws and regulations.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Canberra [AS1]  
[AS]

**AUSTRALIA: FOOD IMPORT REGULATIONS AND STANDARDS**

Last Updated: August 2004  
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**DISCLAIMER:** This report has been prepared by the Office of Agricultural Affairs, USDA, Foreign Agricultural Service in Canberra, Australia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was unavailable. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

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*Please note: Hyperlinks to various Internet sites are used extensively throughout this report. These links may not be usable in the Adobe Acrobat version of the report so we recommend that users download the Word version to have access to the most detailed and up-to-date information on accessing the Australian market.*

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## INTRODUCTION

In July 2002, the Australia New Zealand Food Authority (ANZFA) was restructured and its name was changed to Food Standards Australia New Zealand (FSANZ).

In 2000, the then Australia New Zealand Food Authority reviewed and rewrote the Australian and New Zealand food laws to bring them into conformance in a joint Australia New Zealand Food Standards Code (ANZFSC). The ANZFSC was adopted on November 24, 2000 and a phase-in period of two years ended in December 2002, when the old regulations were repealed. All foods must now comply with the provisions of the ANZFSC with the exception of a few transitional standards, which are still to be finalized.

Although Australia is a major producer of raw materials and processed foods, imports still represent a considerable proportion of available food and beverages. While locally based producers provide over 90 percent of domestic consumption, imports have increased steadily in recent years. There are a number of reasons for this:

- the changing population mix in a multicultural society, whereby people desire foods typical of their native cultures;
- the increasing variety of quality, low cost foods available from developing countries;
- the inability of domestic food producers to satisfy local demand; and
- Australian consumer tastes are changing - people are prepared to experiment with new foods and cuisines.

Many imported foods do not compete with domestic products either because Australia does not produce or process such foods or local production is insufficient to meet demand.

All foods sold in Australia must comply with a range of laws designed to protect public health and safety, to ensure plant and animal pests and diseases are not introduced, and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e. animal and plant health) requirements for foods imported into Australia.

All food imported into Australia must first comply with quarantine and imported food requirements and then with food safety requirements. Quarantine requirements are the first barriers that must be cleared for all imported food.

Information on various sectors of the Australian market is available from the [FAS Attache Reports](#) site on the Internet. Conduct a commodity search (option 1) for the following report subjects to obtain the latest available reports:

- Retail Sector Report
- Food Processing Ingredients Sector Report
- Hotel, Restaurant & Institutional (HRI) Sector Report
- Confectionery Market Brief
- Snack Food Market Brief
- Pet Food Market Brief
- Functional Food Market Brief
- Organic Food Report
- Exporter Guide

## SECTION I: FOOD LAWS

The Australia New Zealand food standards development system is a cooperative arrangement between the Commonwealth of Australia, New Zealand and the Australian States and Territories in order to develop and implement uniform food standards. The system for the development of joint Australia New Zealand food standards was established under a treaty between Australia and New Zealand signed in December 1995. Within Australia, the system is based on a 1991 Commonwealth, State and Territory Agreement in relation to the adoption of uniform food standards.

Food Standards Australia New Zealand (FSANZ) is a statutory authority operating under the *Food Standards Australia New Zealand Act 1991*. The Act provides a focus for cooperation between governments, industry and the community to establish and maintain uniform food regulations in Australia and New Zealand.

The food standards development system is implemented by food legislation in each State and Territory and in New Zealand, and by the *Australia New Zealand Food Authority Act 1991* (the ANZFA Act) of the Commonwealth of Australia. The ANZFA Act establishes the mechanisms for the development of joint food regulatory measures (a food standard or a code of practice) and creates Food Standards Australia New Zealand as the agency responsible for the development and maintenance of a joint Australia New Zealand Food Standards Code.

Although Food Standards Australia New Zealand (FSANZ) develops food standards, responsibility for enforcing and policing food standards rests with the States and Territories in Australia and the New Zealand government in New Zealand. Each government has one or more agencies within their health administrations responsible for food surveillance that are charged with the task of ensuring the requirements of the ANZFSC are met.

The ANZFSC is a collection of individual food standards. Standards on related matters are grouped together into Parts, which in turn are collected together into three Chapters. Chapter 1 deals with standards which apply to all foods; however, New Zealand regulates its own Maximum Residue Limits (MRLs) for food, so Standard 1.4.2 regulates MRLs in Australia only. Chapter 2 deals with standards affecting particular classes of foods. Chapter 3 deals with food hygiene issues in Australia only. New Zealand has its own food hygiene arrangements, and food hygiene is not part of the joint food standards system.

Food standards have the force of law. It is an offence in New Zealand and a criminal offence in Australia to supply food that does not comply with relevant food standards. Notwithstanding food standards, it is also an offence to sell food which is damaged, deteriorated or perished, which is adulterated, or which is unfit for human consumption. Because food standards are given legal effect by State, Territory and New Zealand laws, it is important to read the ANZFSC in conjunction with the relevant food legislation.

The ANZFSC should also be read in conjunction with other applicable laws, such as the *Australian Trade Practices Act 1974* and the New Zealand and State and Territory Fair Trading Acts. The provisions in these Acts, particularly relating to conduct which is false, misleading or deceptive, apply to the supply of food in trade and commerce. A plain English summary of the Trade Practices Act or an overview of the legislation is available on the [Australian Competition and Consumer Commission](#) (ACCC) web site.

Food standards are developed or varied by FSANZ, either by application from any individual, agency or body or by a proposal of its own initiative. Notices are published by FSANZ via

media release in Australia and New Zealand seeking comment from the public on applications and proposals.

When assessing a food regulatory matter, FSANZ is required to take into account:

- any submissions received from the public in response to its public notices;
- three statutory objectives listed in order of priority:
  - (a) the protection of public health and safety;
  - (b) the provision of adequate information relating to food to enable consumers to make informed choices;
  - (c) the prevention of misleading or deceptive conduct;
- Other factors set out in the Act:
  - (a) the need for standards to be based on risk analysis using the best available scientific evidence;
  - (b) the promotion of consistency between domestic and international food standards;
  - (c) the desirability of an efficient and internationally competitive food industry; and
  - (d) the promotion of fair trading in food.
- relevant New Zealand standards; and
- any other relevant matters.

The most recent version of the ANZFS Code is available at the following site:

<http://www.foodstandards.gov.au/foodstandardscode/>.

### **Food Standards Australia New Zealand (FSANZ)**

Food Standards Australia New Zealand (formerly the Australia New Zealand Food Authority) protects the health and safety of the people in Australia and New Zealand by maintaining a safe food supply. FSANZ is a bi-national independent statutory authority that develops food standards for composition, labeling and contaminants, including microbiological limits, that apply to all foods produced, or imported for sale, in Australia and New Zealand.

FSANZ works in partnership with Australia's Commonwealth, State and Territory governments and the New Zealand Government.

In Australia, FSANZ develops food standards to cover the whole of the food supply chain - from paddock [field] to plate - for both the food manufacturing industry and primary producers.

FSANZ's responsibilities include:

- Developing standards for food manufacturing, labeling, processing and primary production;
- Providing information to consumers to enable better consumer choice;
- Coordinating national food surveillance, enforcement and food recall;
- Conducting consumer and industry research;
- Undertaking dietary exposure modeling and scientific risk assessments; and
- Providing risk assessment advice on imported food.

The Australia and New Zealand Food Regulation Ministerial Council develops policy guidance. The Australian Government, States and Territories and the New Zealand Government are represented by their Health Ministers on this Council. Health Ministers are joined by Ministers from other relevant portfolios such as agriculture and consumer affairs, to ensure a whole-of-government approach to food safety regulation.

Policy guidance agreed by the Ministerial Council is used by Food Standards Australia New Zealand to guide the development of food standards for the Australia and New Zealand Food Standards Code.

The Food Standards Code is adopted under the Food Acts of each of the States and Territories and New Zealand. The Food Standards Code is also enforced through these government agencies. It is a criminal offence in Australia to supply food that does not comply with the relevant food standard.

Foods available for sale in Australia and New Zealand must also comply with relevant fair-trading and trade practice laws, food laws, and other laws such as those protecting the environment and controlling the use of poisons, etc.

Food standards can be varied through a process which starts either by receipt of an application (which may be initiated by individuals, companies or bodies representing an industry or consumer group) or a proposal (initiated by FSANZ and usually covering more complex public health and safety issues). Manufacturers wanting to introduce a new food, make a food using a new process, or use a new additive should first check to see whether the ANZFSO already has suitable standards. Where it doesn't, FSANZ can be requested to develop a new standard or vary an existing one.

Detailed information on the process of applications and proposals is available on FSANZ's Information for Applicants page on the FSANZ web site at:

<http://www.foodstandards.gov.au/standardsdevelopment/informationforapplic559.cfm>

If you wish to apply for the development of a new standard or variation of an existing standard, detailed information is available from:

Standards Management Officer  
Food Standards Australia New Zealand  
P.O. Box 7186  
Canberra Mail Centre ACT 2610  
Australia  
Tel: +61-2-6271 2222  
Fax: +61-2-6271 2278  
E-mail: [slo@foodstandards.gov.au](mailto:slo@foodstandards.gov.au)  
Web Site: <http://www.foodstandards.gov.au/standardsdevelopment/>

In Australia, FSANZ also:

- Coordinates surveillance of food available in Australia;
- Coordinates food product recalls in cooperation with the States and Territories;
- Conducts research on matters that may be included in a food standard;
- Undertakes food safety education initiatives in cooperation with the States and Territories;
- Develops Codes of Practice for industry on any matter that may be included in a food standard;
- Develops risk assessment policies for foods imported into Australia.

FSANZ can be contacted at the following address:

Food Standards Australia New Zealand  
P.O. Box 7186  
Canberra Mail Centre, ACT 2610  
Australia  
Tel: +61-2-6271-2222  
Fax: +61-2-6271-2278  
E-mail: [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au)  
Web Site: <http://www.foodstandards.gov.au>

### Accessing the Australian Market

All foods sold in Australia must comply with a range of laws designed to protect public health and safety, uphold Australia's quarantine regulations, and to assist consumers. These laws apply equally to imported and locally produced foods. The following information deals with both public health and quarantine (i.e., animal & plant health) requirements for foods imported into Australia. The requirements for each are quite different, but the Import Clearance of foods is the responsibility of Australian Quarantine and Inspection Service (AQIS) and is coordinated under the Imported Food Inspection Scheme (IFIS).

All food imported into Australia must in the first instance comply with quarantine requirements and then the requirements of the *Imported Food Control Act 1992*. A release issued after the quarantine inspection is **NOT** a clearance from the IFIS inspection.

All incoming shipments of food must be declared to the Australian Customs Service using the international harmonized tariff schedules. AQIS has a direct link to the Customs computer network and is able to place impediments on foods that require clearance.

Importers of targeted foods are obliged to go to AQIS to secure the release of the goods. With risk category foods, the criterion for the release of goods and whether or not the food needs to be inspected is based on the compliance history of the producer.

AQIS maintains its own computer network linking inspectors in all States and Territories. The system holds records of the inspection status of all overseas suppliers of risk foods and, through the network inspection staff can be notified as to whether or not an inspection for a particular shipment is required.

While the focus of the IFIS is on food safety, imported foods must comply with all requirements of the ANZFSC. It is the legal responsibility of the importer to ensure they do so. **U.S. exporters should not assume that because their products are accepted in other markets (e.g. European Union, Japan) that they will be automatically accepted in Australia.** Often the Australian standards differ in such areas as the description of the product; its composition; the use of preservatives, if any preservatives are permitted (and what residual levels may remain); and what colorings are permitted and at what levels.

AQIS inspectors check the food against the requirements of the ANZFSC. Inspectors examine all referred foods for labeling compliance and a visual inspection. The visual inspection involves, where necessary, opening the packages and examining the food for contamination and the package for defects that may impact on food safety.



Inspectors will ensure that the label:

- is in English;
- has an accurate trade description;
- has manufacturer/importer details;
- has the Country of Origin declared;
- has batch/lot codes;
- has date marking (in the correct format);
- has net weight – contents; and
- has statement of ingredients (where appropriate).

AQIS has introduced a managed process whereby importers will be given the opportunity to check labeling for compliance with the requirements of the ANZFSC and, where necessary, to make corrections to the labeling prior to arranging an IFIS inspection. Importers must ensure that the consignment has cleared quarantine before undertaking any examination of their food for IFIS purposes.

Rather than reject foods for import entry, AQIS will allow corrective action to be taken for significant breaches. Minor defects will generally be cleared on an undertaking from the importer that the problem will be fixed. However, repeated failures could result in a Holding Order being issued against the offending supplier.

At the time of the inspection, the AQIS officer may take samples for laboratory analysis to determine the food's microbiological status, levels of any pesticide residues, the correct use of additives and the food's composition.

It is the importer's responsibility to ensure that the foods they import comply with the requirements of the ANZFSC. The requirements of the ANZFSC can be complex and if U.S. exporters are not sure if their foods will comply, they should check with their importer and have them seek legal advice or ask a consultant food technologist. Having a food assessed prior to importation reduces the risk of any unnecessary delays and any additional expense if food is found not to comply after arrival in Australia.

Where U.S. exporters are in any doubt about what quarantine prohibitions or restrictions may apply to foods that they are interested in exporting to Australia, they are encouraged to contact AQIS prior to shipment.

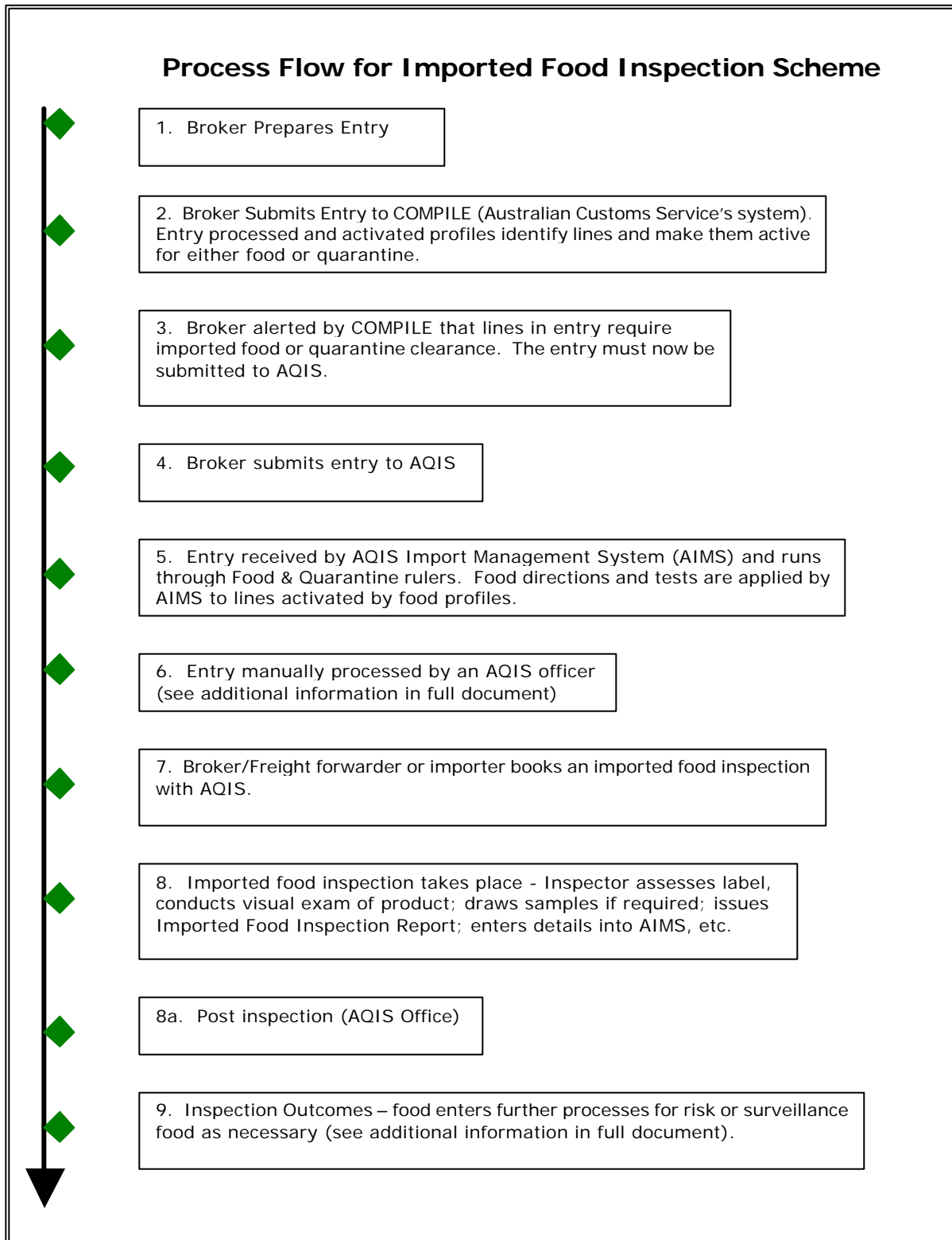
Imported Food Inspection Scheme  
Australian Quarantine & Inspection Service

Tel: +61-2-6272-5515

Fax: +61-2-6272-5888

E-mail: [foodimp@aqis.gov.au](mailto:foodimp@aqis.gov.au)

Below is a basic flow chart of the process flow for the Imported Food Inspection Scheme. A much more detailed chart is available on the [AQIS web site](#).



The IFIS is jointly run by the AQIS and FSANZ, with FSANZ advising on food risk assessment policy for the program and AQIS having operational responsibility for inspection and sampling.

Authorized AQIS offices carry out inspections of food against Australian requirements. The standards applied are those set down in the ANZFSC and these same standards apply to foods manufactured in Australia.

When food is imported into Australia, it is placed into one of three inspection categories. These categories determine the frequency with which the food will be inspected. The categories are: (1) risk, (2) active surveillance and (3) random surveillance. FSANZ advises AQIS, based on a risk assessment process, which food belongs in which category. These food inspection categories are regularly reviewed by FSANZ.

All risk-categorized foods are inspected and tested against a pre-determined list of potential hazards, such as microbial risks, contaminants, pesticide residues, etc. All surveillance foods referred to IFIS are inspected, however, only some of these will have tests applied.

**Risk categorized food:** Food is risk categorized if it has the potential to pose a high or medium risk to public health. The Australian Customs Service (ACS) refers 100% of risk-categorized foods to AQIS for inspection.

A performance-based approach applies for risk-categorized foods. This means food products from overseas producers with a consistent history of meeting the requirements of the ANZFSC are inspected with less frequency than products from new suppliers or those with a history of failure against Australian standards. Any failure results in an immediate increase in the inspection rate. Risk-categorized food is not released for sale until analytical results are known. The performance-based inspection levels are as follows:

1. The first five shipments of a particular food first arriving from a particular producer are inspected; after five consecutively cleared shipments, inspection intensity drops to the next level;
2. One in four shipments is then inspected (the other three are automatically released); after 20 cleared inspections and if importation follows a steady pattern inspection intensity drops to the next level;
3. One in 20 shipments is then inspected (the other 19 are automatically released).

The list of risk-categorized foods is subject to change at any time and AQIS may inspect and analyze other foods which it has reason to believe may not comply with the requirements of the ANZFSC.

Examples of the current risk categorized foods are:

- Beef & beef products & all food containing beef or beef products
- Cheese (fresh, curd, soft or surface ripened cheeses) – presence of *Listeria monocytogenes*.
- Cinnamon - presence of *Salmonella*
- Cooked crustaceans (including cooked peeled prawns) - microbiological tests for Standard Plate Count, *Salmonella*, *E.coli*, coagulase positive staphylococcus, vibrio cholera
- Cooked chicken meat and cooked chicken meat products - microbiological tests for Standard Plate Count, *Salmonella*, *E.coli*, coagulase positive staphylococcus and *Listeria monocytogenes*

- Cooked manufactured meat, including meat pastes and pate – E.coli, salmonella, coagulase positive staphylococcus, Listeria monocytogenes, and Standard Plate Count.
- Dried (desiccated) coconut - presence of Salmonella
- Fish whether whole, filleted or further processed, whether dried or not (all shark, including dogfish, Rexea solandri) - mercury
- Marinara mix - microbiological tests for Standard Plate Count, Salmonella, E.coli, coagulase positive staphylococcus, paralytic shellfish poison and domoic acid.
- Molluscs (ready for consumption) - microbiological tests for Standard Plate Count, Vibrio cholera, E.coli and paralytic shellfish poison and domoic acid.
- Mushrooms canned - pressure test
- Paprika - presence of Salmonella
- Peanuts, satay & peanut sauces and peanut products and food containing greater than 30% peanuts or peanut products as an ingredient - aflatoxin.
- Pepper - presence of Salmonella
- Cooked pig meat and pig meat products including cooked cured pig meat products - microbiological tests for Standard Plate Count, Salmonella, E.coli, coagulase positive staphylococcus
- Smoked vacuum-packed fish & smoke flavored vacuum-packed fish – Listeria monocytogenes.
- Soy sauce, oyster sauce and soy sauce powder – 3-MCPD, 1,3-DCP.
- Tuna – mercury, histamines.
- Uncooked processed manufactured meat (ready for consumption) – E.coli, salmonella, coagulase positive staph, and Listeria monocytogenes.

**Active surveillance category:** Ten percent of shipments of designated active surveillance foods, from every supplying country, are referred to AQIS for inspection. These products are released upon sampling. The test results of active surveillance foods are periodically analyzed by FSANZ to review for the appropriate category classification.

**Random surveillance category:** Five percent of all consignments of all foods not included in the risk or active categories are referred to AQIS for inspection. These products are released upon sampling. Neither AQIS nor the importer has the ability to predict which shipment or which foods will be held for inspection.

#### Holding Orders

In the event of an active or random surveillance food not complying with the ANZFSFC, a Holding Order may be issued. A Holding Order against a foreign supplier effectively means that the inspection category of the food has been raised to “risk” status. This means that all future shipments of that food from the offending supplier will be automatically detained and held until compliance with Australia's requirements is confirmed. After five clear inspections, the food reverts back to its prior surveillance category.

#### Trade Samples

The amounts of food that may be imported as trade samples for the purposes of scientific or commercial evaluation are:

- For foods in liquid form, up to 20 liters;
- For foods not in liquid form, up to 20 kilograms;
- For concentrated liquid foods (however packed), that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 liters;

- For moisture reduced foods (however packed), other than liquid foods, that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 kilograms net weight;
- For spices (however packed) that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 1 kilogram.

***Food imported as trade samples must not be consumed by any person.***

### Quarantine

When any food is imported into Australia it must first comply with quarantine requirements.

Through quarantine measures, Australia aims to minimize the chances of exotic pests and diseases entering Australia by strictly controlling the entry of animals and goods, including biological and genetic material. Food is an area of particular concern. Fresh and partially processed foods brought into Australia are seen to have the potential to introduce exotic pests and diseases.

Control in Australia is achieved by the total prohibition of some foods, or foods from certain countries. Additionally, Australia has strictly controlled import conditions that require various treatments (e.g. fumigation, time/temperature controls, etc.) that must be supported by import permits and attestations on export certificates from authorities in the country of origin.

Australia requires attestations from authorities in the country of origin particularly with regard to:

- chicken meat
- pork
- beef
- egg and egg products
- fruits and vegetables
- dairy products
- salmon (fresh), and
- oysters

All of these products are either not permitted, or are permitted under strict supervision. Generally, if a food is processed to an extent that would eliminate the hazard that is of quarantine concern to Australia, there is no restriction.

U.S. exporters need to determine exactly what restrictions exist on the foods they wish to export to Australia. In some cases a prohibition exists simply because an import risk analysis from which appropriate control measures can be determined has not been requested.

The Australian government has a formal mechanism in place for evaluating the degree of risk associated with the importation of certain products or produce from foreign countries. The evaluation procedure involves other governments, industry groups, academia and consumers. The evaluation is often a protracted exercise and can take some years to complete, particularly for foods that are unprocessed or only partially processed, as these represent the greatest danger of carrying pests and diseases into Australia

AQIS maintains a searchable import conditions database for agricultural products entering Australia (known as ICON) at the following site.

[http://www.aqis.gov.au/icon/asp/ex\\_querycontent.asp](http://www.aqis.gov.au/icon/asp/ex_querycontent.asp).

## SECTION II: LABELING REQUIREMENTS

Food Standards Australia New Zealand (FSANZ) has responsibility for the administration of the Australia New Zealand Food Standards Code (ANZFSC), which is subject to frequent amendment. The labeling requirements stated below are subject to change, so the ANZFSC should be consulted for definitive information on current food labeling requirements. The most up-to-date version of the ANZFSC is available on the [FSANZ](#) website. FSANZ has also developed '[User Guides](#)' for various parts of the ANZFSC to assist with interpretation and provide examples. Where a User Guide is available, a link has been provided from this document. The User Guides, unlike the ANZFSC itself, are not legally binding. If in any doubt about interpreting the standards, you should seek independent legal advice. Please note that the user guides are in Adobe Acrobat format so you will need Adobe Acrobat Reader to read them.

[Chapter 1](#) of the ANZFSC covers the general standards that apply to all foods.

[Chapter 2](#) contains standards for a number of specific commodity groups. These are:

- Part 2.1 - Cereals
- Part 2.2 - Meat, eggs & fish
- Part 2.3 - Fruit & vegetables
- Part 2.4 - Edible oils
- Part 2.5 - Dairy products
- Part 2.6 - Non-alcoholic beverages
- Part 2.7 - Alcoholic beverages
- Part 2.8 - Sugars & honey
- Part 2.9 - Special purpose foods
- Part 2.10 - Standards for other foods (vinegars & salt)

Chapter 3 relates to food safety standards that apply to Australia only.

### General Labeling Standard

There is [User Guide](#) available which gives an overview for Labeling of Food for Retail Sale & for Catering Purposes.

[Standard 1.2](#) of the ANZFSC sets out the application of general labeling and other information requirements, and labeling and information requirements specific to certain foods in Chapter 2 of the ANZFSC. This Part sets out the labeling requirements for food for sale and information that must be provided in conjunction with the sale of certain foods, where labeling is not required. Food Product Standards in Chapter 2 may impose additional labeling and information requirements for specific classes of food.

Unless specifically exempted, the label on a package of food for retail sale or for catering purposes must include the following core information:

- **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
- **Lot identification**
- **Name and business address in Australia or New Zealand of the supplier**
- **Mandatory warning and advisory statements and declarations**, specified in Standard 1.2.3 and any other warning and advisory statements specified elsewhere in the ANZFSC
- **Ingredient listing**

- **Date marking**
- **Nutrition information panel**
- **Percentage labeling** (characterizing ingredient/s and component/s)
- **Directions for use or storage** where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food
- **Country of Origin** must be stated on products made and sold in Australia, other than food products from New Zealand.

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.

### The Name of the Food

The label on a package of food must include:

- the prescribed name of the food, where the name is declared in the ANZFSC to be a prescribed name; and
- in any other case, a name or a description of the food sufficient to indicate its true nature.

The name or description of the food should be sufficiently specific to differentiate it from other foods and reflect its true nature. There is no specific requirement as to where this information should appear on a label.

There are a few *prescribed names* in the ANZFSC. 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, suppliers 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.

### Lot Identification

Lot marking is required on packaged food to assist in the event of a food recall. A lot mark identifies the 'lot' a food comes from as well as the premises from where the food was packed or prepared. A date mark and 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 or ice confection; and
- Food in small packages when the bulk packages and the 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

The label on a package of food must include the name and business address in Australia of the supplier of the food. The term 'supplier' includes the packer, manufacturer, the vendor or importer of the food. Business address means a description of the location of the premises from which the business in question is being operated, but does not include a postal address.

*Clause 3 of [Standard 1.2.2](#) - Food Identification Requirements includes the requirements for the name and business address of the supplier.*

Mandatory Warning & Advisory Statements and Declarations ([Standard 1.2.3](#))

There is a [User Guide](#) available for this Standard.

The ANZFSO requires that certain information be provided to consumers on labels on packaged 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. U.S. exporters should make certain that they understand the requirements and have all the required statements on their labels.

*For guidance on the use and application of all warning and advisory statements and the declaration of certain substances in food see the [User Guide](#) on warning and advisory declarations.*

**Prescribed statements:** A prescribed statement is a specific labeling statement that must be expressed on a label on a package of food in the exact words and in the format specified in the ANZFSO. 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);
- 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](#) – Mandatory Warning and Advisory Statements and Declarations deals with warning statements.*

Prescribed 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'.

For further information on the labeling requirements for genetically modified foods see the [User Guide](#) on labeling genetically modified food.

*[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 labeling requirements for food produced using gene technology.*

**Advisory statements:** Advisory statements do not need to be expressed in the exact words set out in the ANZFS. 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 ANZFS, 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.*

**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.*

#### Ingredient Listing ([Standard 1.2.4](#))

There is a [User Guide](#) available for this standard.

Unless specifically exempted, packaged foods are required to list all the ingredients and compound ingredients used in the manufacture of that food. An ingredient means any substance, including food additives, used in the preparation of food. A compound ingredient means an ingredient of a food, which 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.

*Clause 2 of [Standard 1.2.4](#) lists exemptions from ingredient labeling.*

#### Date Marking ([Standard 1.2.5](#))

There is a [User Guide](#) available for this standard.

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 labeled 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.*

Nutrition Labeling ([Standard 1.2.8](#))

There is a [User Guide](#) available for this standard.

Subject to specific exemptions, food required to bear a label **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 set out in the prescribed format and must include the number of servings in the package and the average quantity of the food in a serving.

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

Clause 3 of this Standard lists **exemptions** from nutrition information requirements.

U.S. exporters should work closely with their importer to get the nutritional panel correct, as this is an area where problems are often encountered. The U.S. style nutrition panel is not acceptable for the Australian market.

A [Nutrition Panel Calculator](#) is available to assist with calculating amounts for the Nutrition Panel.

Percentage labeling (characterizing ingredients and components) ([Standard 1.2.10](#))

There is a [User Guide](#) available for this standard.

Foods that have a characterizing ingredient(s) and/or component(s) must be labeled with a percentage declaration of the characterizing ingredient or component. The percentage declaration is calculated on the basis of the ingoing weight of the characterizing ingredient or component. The percentage declaration may be an actual amount or a minimum amount, provided that a minimum declaration is clearly labeled. Placement of the declaration on the label is not prescribed. Where it is included in the ingredient list, it must appear immediately after the name of the ingredient in the list.

Clause 2 of this Standard lists **exemptions** from percentage declarations.

Directions for Use and Storage ([Standard 1.2.6](#))

Directions for use and storage are mandatory where, because of the nature of the food and for reasons of public health and safety, consumers need directions about specific use or storage requirements.

This standard operates in addition to the date marking requirements in Standard 1.2.5. The commodity standards in Chapter 2 of the ANZFSC may prescribe additional specific requirements for directions for use and/or storage.

Country of Origin Labeling ([Standard 1.1A.3](#))

During the transition period, country of origin labeling requirements from the previous Australian Food Standards Code have been included in Standard 1.1A.3, Transitional and Temporary Standard for Country of Origin Labeling.

The label must include the country in which the food was made or produced. If the address of the overseas manufacturer includes the name of the country, then no additional country of origin labeling is required.

### Weights and Measures Requirements

Package weight is not governed by the ANZFSC. Each State and Territory has its own legislation dealing with the declared weight labeling requirements of packaged food.

All packaged food must show the net weight of the food within the package. Shippers or outer cartons must show the net weight of individual packages as well as a count of packages within the shipper or outer carton. U.S. exporters should be aware that in Australia the net weight is the **minimum** allowed weight of the package. All weights should be declared in metric terms.

### **Labeling of Genetically Modified foods** ([Standard 1.5.2](#))

There is a [User Guide](#) available for this standard.

Mandatory labeling of foods of agricultural biotechnology ('genetically modified'), where introduced DNA or protein is present in the final food, came into force on December 7, 2001.

Under the Standard, food or ingredients labeled 'genetically modified' contain new genetic material or protein as a result of the genetic modification or have altered characteristics, e.g. changed nutritional values, compared to the conventional food. Some flavorings may also be derived from genetically modified organisms, but labeling is only required if they are in a concentration of more than 1 gram per kilogram (0.1%). Food additives and processing aids do not need to be labeled unless the introduced genetic material is present in the final food.

Claims about foods not produced using gene technology - for example, "GM-free", must be consistent with the provisions of the overarching consumer protection laws in the Trade Practices Act in Australia and the Fair Trading Act in New Zealand, as well as food legislation in both countries.

Under the labeling standard, for packaged foods the words '**genetically modified**' must be used in conjunction with the name of the food, or in association with the specific ingredient within the ingredient list; and for unpackaged foods for retail sale (such as unpackaged fruit and vegetables, or unpackaged processed or semi-processed foods) the words '**genetically modified**' must be displayed in association with the food, or in association with the particular ingredient within that food.

Food prepared for immediate consumption - for example, in restaurants and take-outs - does not need to have genetically modified ingredients identified.

## SECTION III: PACKAGING AND CONTAINER REQUIREMENTS

### Packaging Size

There are no packaging or container size regulations for food products in Australia. Manufacturers may pack food in any size container.

The Australia New Zealand Food Standards Code (ANZFSC) does not regulate the manufacture of packaging materials. Consequently, the ANZFSC 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 ANZFSC which relate to contaminants ([Standard 1.4.3](#), Articles and Materials in Contact with Food).

### Legibility Requirements ([Standard 1.2.9](#))

There is a [User Guide](#) available for this standard.

Any information required in or on a food label needs to comply with legibility requirements as set out in [Standard 1.2.9](#). The ANZFSC requires that all food labels must present information so that it is:

- legible
- prominent (such as to afford a distinct contrast to the background), and
- in English.

This approach allows manufacturers flexibility in label presentation but requires them to ensure that the information is clearly and readily accessible to the consumer. Additional legibility requirements apply to warning statements. These are discussed below.

In order to be legible, information on food labels should be:

- **Indelible**—Printing that under normal conditions of use and storage fades, runs, or is rubbed off would no longer be legible or prominent. A label with such printing would not comply with Standard 1.2.9.
- **Distinct**—Decorations and embellishments such as logos should not interfere with the legibility of the words on the label. Text printed on complex or pictorial or otherwise multicolored backgrounds is unlikely to be adequately legible in many cases.
- **Easy to read**—The use of all lower case or all capitals is not prescribed in the new Code as it has been in the past. However, statements in sentence or title case are usually easier to read than statements in upper case or in mixed case.

A minimum size of type is no longer required for most information required to be on food labels (except warning statements – see below). It is up to the manufacturer to determine which type size is best for such information, provided the label is legible.

Other regulations may also impose conditions on the positioning or placement of certain information. For example, in Australia the positioning of some information on a food label is prescribed in the *Trade Measurement (Pre-Packed Articles) Regulations* in some States and Territories. Regulations may be downloaded from the Internet (either from the relevant State/Territory government website or a general legal website such as the Australasian Legal Information Institute (Austlii) at [www.austlii.edu.au](http://www.austlii.edu.au)).

All the labeling information required by the ANZFSO must be in English. Information in other languages is permitted on a label of a package of food or in association with a display of food, so long as the information does not negate or contradict the information on the label in English.

#### Further legibility requirements for warning and other statements

**Warning statements:** Certain warning statements are required to be expressed on the label of packages of specific foods. The words for each warning statement are prescribed and **must** be written on the label using the text required under the ANZFSO. For most packages, each letter or numeral must be at least 3 mm in size when measured from the base to the top of the letter or numeral. Separate requirements apply to small packages. Manufacturers may choose the type and style of lettering of a warning statement, ensuring that the statement is legible and prominent so as to afford a distinct contrast to the background.

**Advisory statements or mandatory declarations:** The ANZFSO also requires information to be provided about certain foods and substances in the form of mandatory declarations or advisory statements. The Code does not prescribe exact wording or a minimum type size for these statements. Where such statements are required, in presenting them manufacturers must comply only with the general legibility requirements of Standard 1.2.9.

#### Legibility requirements for warning statements on small packages

Because of their small size, small packages are permitted to have warning statements written in a minimum type size of 1.5 mm. A small package is a package with a surface area of less than 100<sup>cm</sup><sup>2</sup>.

**SECTION IV: FOOD ADDITIVE REGULATIONS**

There is a [User Guide](#) available for this standard.

Unless expressly permitted in [Standard 1.3.1](#), food additives must not be added to food.

A food additive may be used only where permitted by Standard 1.3.1 and only where it performs a technological function. These functions are listed in Schedule 5 of the standard. The following criteria are guiding principles that FSANZ uses in assessing whether a food additive is listed in Standard 1.3.1 and therefore is permitted for use in foods, i.e. that:

- it poses no unacceptable risk to health when used in amounts up to the specified permitted limits;
- there is a demonstrable need for the substance and it fulfils a technological function that benefits consumers; and
- it is used in any food only up to the level that achieves the technological function, even if higher levels might pose no threat to health.

Food additives should always be used in accordance with Good Manufacturing Practice (GMP). Manufacturers are responsible for justifying the use of additives, and the level of additive used. The Codex Alimentarius Commissions Procedural Manual sets out the following relevant criteria for use in assessing compliance with GMP:

- the quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect;
- the quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical, or other technical effect in the food itself, is reduced to the extent reasonably possible; and
- the additive is prepared and handled in the same way as a food ingredient.

Specifications for food additives are listed in the schedules of Standard 1.3.1. [Schedule 1](#) contains information on the permitted uses of food additives by food type; [Schedule 2](#) contains miscellaneous additives permitted to GMP in processed foods specified in Schedule 1; [Schedule 3](#) contains colors permitted to GMP in processed foods specified in Schedule 1; [Schedule 4](#) contains colors permitted to specified levels in processed foods specified in Schedule 1; and, [Schedule 5](#) contains technological functions which may be performed by food additives.

For the purposes of ingredient labeling, food additives are treated the same as other ingredients in a food. Schedule 1 of Standard 1.2.4 lists about twenty class names for additives based on their technical function. Schedule 2 of Standard 1.2.4 lists all permitted additives by their prescribed name and code number. An additive must be declared in the ingredient list in its correct place by using its appropriate class name (from Schedule 1), followed by the additive's specific name or code number (from Schedule 2). One exception to this rule is that enzymes need only be declared by the class name 'enzyme' and not by specifically declaring the name of the enzyme.

Where a food additive is capable of being classified in more than one class, the class name used must be the class name that best reflects the function of the additive in the food. A food additive that cannot be classified in one of the classes specified in Schedule 1 must be declared by using its prescribed name (from Schedule 2).

Special note should be taken for additives that are genetically modified. For more information on the declaration of genetically modified ingredients see the information which appeared earlier in this report.



**SECTION V: PESTICIDE AND OTHER CONTAMINANTS**

[Standard 1.4.2](#) lists the maximum permissible limits for agricultural and veterinary chemical residues present in food. [Schedule 1](#) lists all of the agricultural and veterinary chemical limits in particular foods. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in Schedule 1 there must be no detectable residues of that agricultural or veterinary chemical in that food. [Schedule 2](#) lists all extraneous agricultural chemical limits in particular foods. If an extraneous residue limit for an agricultural chemical in a food is not listed in Schedule 2, there must be no detectable residues of that agricultural chemical in that food. [Schedule 3](#) groups certain agricultural or veterinary chemicals according to their chemical groups. Commodity and commodity groups that are referred to in this Standard are listed in [Schedule 4](#). Schedule 4 also specifies the part of the commodity to which the maximum or extraneous residue limit refers.

*Maximum residue limits are constantly being reviewed and updated. Often these limits will not be the same as Codex.*

## SECTION VI: OTHER REGULATIONS AND REQUIREMENTS

### Advertising

Labeling rules apply also to advertising of the product. Anything required or prohibited on a label must either appear or not appear in any printed, oral or televised advertisement for that product.

It is an offence to label or to advertise food in a manner that is false or misleading in any particular, or deceptive. This is spelled out in the State and Territory Food Acts and Trade Practices Act of the Federal Government.

### Foods Requiring Pre-Market Clearance

#### Novel Foods ([Standard 1.5.1](#))

This Standard regulates the sale of novel food and novel food ingredients. This Standard prohibits the sale of these foods unless they are listed in the Table to Clause 2 of the Standard (currently no foods are approved), and comply with any special conditions of use in that Table. The specific permission may impose conditions relating to matters such as the need for preparation or cooking instructions, warning statements or other advice, or the need to meet specific requirements of composition or purity.

The purpose of this Standard is to ensure that non-traditional foods that have features or characteristics that raise safety concerns will undergo a risk-based safety assessment before they are offered for retail for direct consumption in Australia and/or New Zealand. FSANZ will assess the safety for human consumption of each novel food prior to its inclusion in the Table. The safety assessment will be performed in accordance with the Authority's safety assessment guidelines.

Information regarding applying for approval for a novel food is available on the Standards Development page of the FSANZ web site or by clicking [here](#)

#### Genetically Modified Foods ([Standard 1.5.2](#))

*There is a [User Guide](#) for labeling of Genetically Modified Foods (Standard 1.5.2) that should be read in conjunction with this Standard.*

Division 1 of this Standard addresses health and safety requirements, regulating the sale of food produced using gene technology, other than additives and processing aids.

FSANZ will assess the safety for human consumption of each food produced using gene technology or such class of food prior to its inclusion in the Table. The safety assessment will be performed according to FSANZ's approved safety assessment criteria. Additives and processing aids that are produced using gene technology are not regulated in Division 1 of this Standard. Other Standards in the ANZFSO regulate additives and processing aids (see Section IV of this report) and require pre-market approval for these substances.

Division 2 of this Standard specifies labeling and other information requirements for foods, including food additives and processing aids, produced using gene technology.

### Food Irradiation (Standard 1.5.3)

This Standard prohibits the irradiation of food, or ingredients or components of food, unless a specific permission is given. The specific permission may impose conditions relating to matters such as dose, packaging materials, approved premises or facilities.

Even where this Standard permits irradiation, food should only be processed by irradiation where such processing fulfils a technological need or is necessary for a purpose associated with food safety. Food should not be processed by irradiation as a substituted procedure for good manufacturing practices.

The absorbed radiation dose applied for the purpose of irradiating food should be the minimum that is reasonably commensurate with the technological and public health purposes to be achieved. It should also be in accordance with good radiation processing practice.

Food to be processed by irradiation, and the packages and packing materials used or intended for use in connection with food so processed, should be of suitable quality and in an acceptable hygienic condition appropriate for the purpose of such processing. They should also be handled before and after irradiation according to good manufacturing practices, taking into account, in each case, the particular requirements of the technology of the process.

The operation of irradiation facilities and control of the irradiation process should be undertaken in accordance with any relevant State, and Territory, and New Zealand law governing radiation control. They should also be undertaken in accordance with an appropriate Code of Practice such as the 1983 Codex Alimentarius General Standard for Irradiated Foods and its associated Code of Practice for the Operation of Irradiation Facilities Used for the Treatment of Foods.

This Standard also sets out permitted sources of radiation, requires the keeping of certain records in relation to the irradiation of food, and requires the labeling of food which has been irradiated.

### **Approval of Genetically Modified Foods**

Information for people wishing to apply to FSANZ to introduce a new food produced using gene technology as provided for in the ANZFSO is available on the Standards Development page of the FSANZ web site or by clicking [here](#).

### **Government-to-Government Certification Arrangements**

Imported foods legislation permits AQIS to enter into arrangements with Government authorities in other countries. Before recognizing any certification issued by other authorities, AQIS must be satisfied that there is a system in place that is monitored by the authorities and that it ensures that foods will comply with Australian requirements.

Foods accompanied by certificates from approved agencies are quickly cleared by IFIS, assuming quarantine requirements are met. Minimum fees apply to foods cleared under certification. Random audit inspections and analyses are conducted on certified shipments and, at present, these are carried out at the expense of AQIS.

If something is later found to be wrong with a food certified by an AQIS approved overseas authority, AQIS resolves the problem with the certifying agency without taking action against the importer or the supplier. The approved foreign country authority is required to resolve the problem and if problems continue AQIS may suspend the arrangement.

### **Quality Assurance Systems**

The *Imported Food Control Act 1992* allows for AQIS to enter into arrangements with overseas manufacturers in the form of Quality Assurance programs based on the principles of HACCP or ISO9000 systems that will ensure foods are prepared to equivalent standards. AQIS must assess applications and supporting information from relevant authorities in overseas countries before agreeing to a system of certification for overseas food suppliers who are operating under quality assurance systems.

For further details on AQIS Quality Assurance services, see the [AQIS Quality Assurance Services](#) page.

## SECTION VII: OTHER SPECIFIC STANDARDS

### Specific Commodity Standards

[Chapter 2](#) of the ANZFSC contains standards for a number of specific commodity groups. These are:

- Part 2.1 - Cereals
- Part 2.2 - Meat, eggs & fish
- Part 2.3 - Fruit & vegetables
- Part 2.4 - Edible oils
- Part 2.5 - Dairy products
- Part 2.6 - Non-alcoholic beverages
- Part 2.7 - Alcoholic beverages
- Part 2.8 - Sugars & honey
- Part 2.9 - Special purpose foods
- Part 2.10 - Standards for other foods (vinegars & salt)

### Nutrition Claims

Where a nutrition claim is made, the Nutrition Information Panel must include seven mandatory nutrients:

- Energy
- Protein
- Fat
- Saturated fat
- Carbohydrate
- Sugars, and
- Sodium

The Panel must also include any claimed nutrient or biologically active substance, or any other nutrients that may be triggered.

Information regarding the type of nutrition claims that can and cannot be made, as well as examples of Nutritional Information Panels for each type of claim, is contained in the [User Guide](#) to [Standard 1.2.8](#). A [nutrition panel calculator](#) is also available to assist in calculating mandatory nutrition information for the panels.

### Permitted Health Claims

Unless specifically permitted in [Standard 1.1A.2](#), Transitional and Temporary Standard for Health Claims, health claims in food labels and advertisements are currently **prohibited** in Australia. Standard 1.1A.2 implements a pilot trial for the management of health claims in relation to folate only. The provisions in Standard 1.1A.2 are still in place.

In December 2003 the Australia New Zealand Food Regulation Ministerial Council agreed to a new Nutrition, Health and Related Claims framework that will allow food manufacturers to make factual claims regarding the health benefits of their product on labels and in advertising. FSANZ is currently in the process of developing a standard for inclusion in the Food Standards Code on permitted health claims to replace the transitional standard. Until such a standard is finalized, the transitional standard will remain in force.

## Words and Expressions

The use of certain words and expressions are restricted. Words such as polyunsaturated, 'pure', 'natural', 'organic', 'low alcohol', 'non alcoholic', 'health' and 'vitamin enriched,' etc are restricted and guidance should be sought from the relevant product standard or in the [User Guide to Representations About Food](#).

## Pictures and Designs

Manufacturers should ensure that their pictorial representations do not give a misleading overall impression about their products. Things to be considered by manufacturers using pictorial representations include:

- A manufacturer should not give a pictorial representation that an insignificant ingredient is present in significant amounts; or that a significant ingredient is not present or present in insignificant amounts. The manufacturer must do this so that the picture of one ingredient does not imply the absence of another important ingredient.
- Food labels may include pictures that are not foods or ingredients but which may imply the presence of foods or ingredients related to the pictures, or imply an origin to the food.
- Many foods are flavored either with flavorings or with small amounts of foods. If the flavoring of an ingredient has been added and a picture of the ingredient is used by a manufacturer, then the manufacturer must ensure that the consumer can determine that a flavoring of the ingredient has been added and not the actual ingredient.
- A pictorial representation may demonstrate the use or serving suggestion of a food. This can be useful information for consumers and useful for marketing the food, providing the label does not mislead consumers into thinking that the foods illustrated are contained in the product. To avoid this confusion, the pictorial representations for the purposes of demonstrating the use or serving suggestion of a food should be clear that the pictorials are for demonstration purposes only and that the pictorials are not representing the ingredients of the food.

Pictures or designs may be prohibited on certain foods and manufacturers and importers should familiarize themselves with the restrictions in the ANZFSC in the [User Guide for Representations About Food](#).

**SECTION VIII: COPYRIGHT/TRADEMARK LAWS**

Australian law protects patents, trademarks and copyright. Australia is a member of the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Patent Cooperation Treaty, the Trans-Tasman Mutual Recognition Agreement for the Patent Attorney Profession, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, the Strasbourg Agreement Concerning the International Patent Classification, Nice Agreement for the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights.

IP Australia is the Federal Government agency responsible for registrations of patents, trademarks and designs. IP Australia incorporates the Patent, Trade Mark and Designs Offices which administer the *Patents Act 1990*, the *Trade Marks Act 1995*, the *Designs Act 1906* and associated regulations as well as the *Olympic Insignia Protection Act 1987* and the *Scout Association Act 1924*. More information and links to the legislation are available on the [IP Australia](#) web site. Contact details for IP Australia are:

IP Australia  
P.O. Box 200  
Woden, ACT 2606  
Australia  
Tel: (+61-2) 6283-2999  
Fax: (+61-2) 6283-7999  
Email: [assist@ipaaustralia.gov.au](mailto:assist@ipaaustralia.gov.au)  
Web Site: <http://www.ipaustralia.gov.au/>

**Patents:** Patents are available for inventions in all fields of technology and are the principle system for protecting ownership of any device, substance, method of process that is new or inventive. They are protected under the *Patents Act, 1990*, which offers coverage for 20 years, subject to renewal. Biotechnological methods of breeding and biotechnologically produced plants and animal products are protectable under the Patents Act (s.18).

**Trademarks:** Trademarks may be protected for ten years and renewed indefinitely upon request by registration under the *Trademarks Act, 1995*. It is wise for any U.S. exporter intending to market a product in Australia to check with the trademarks office at IP Australia to ensure that its mark or name is not already in use.

**Designs:** A new or original design may be registered for up to sixteen years. Registration gives the owner the exclusive rights to make, use and sell articles incorporating the registered design.

**Copyright:** Copyrights are protected under the *Copyright Act 1968*. The Attorney-General's Department administers the legislation for automatic rights to copyright and circuit layout rights.

Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600  
Web Site: <http://www.law.gov.au>

**SECTION IX: IMPORT PROCEDURE**

There is no pre-market approval of either the composition or labeling of any food in Australia. Imported food must comply with all aspects of the Australia New Zealand Food Standards Code (ANZFS) at the point of entry into Australia. The Australian Quarantine and Inspection Service performs random inspections on any food imported. High-risk foods can be targeted for inspection at a higher frequency.

All goods imported into Australia must be cleared by Customs, whether they are imported by air, sea or mail. While imports of low value will generally be released by Customs for delivery direct to consignees, importers are responsible for obtaining a formal Customs clearance for consignments of goods above set value limits (currently A\$250 for goods imported by sea or air cargo and A\$1,000 for goods imported through the postal system).

Cost recovery charges apply for the processing of entries. The cost will depend on whether the entry is an electronic entry or a documentary (manual) entry.

The minimum documentation required to be submitted with customs import entries or Informal Clearance Documents includes an airway bill or bill of lading, invoices, and any other papers (including packing lists, insurance documents, import permits, etc.) relating to the shipment.

Importers are required to ensure that goods entering the commerce of Australia are correctly marked. Customs administers truth in labeling provisions that makes it an offence to knowingly apply, or for imported goods to carry, false trade descriptions.

Customs import entry procedures are based on self-assessment by importers who should be aware of all their obligations: penalties may be imposed for the submission of incorrect or misleading information or for the omission of information to mislead. Therefore, while it is not a requirement, it is recommended that importers use the services of a customs broker to complete customs import entries and related clearance formalities. Brokers specialize in the clearance of imported goods and are licensed by the Australian Customs Service.

More information on importing goods into Australia is available from the Australian Customs Service on their Internet Site - <http://www.customs.gov.au/>

**The use of local agent representation is highly recommended.**



**APPENDIX I: GOVERNMENT REGULATORY AGENCY CONTACTS**

Local government authorities that have responsibility for administering and evaluating imported products:

Imported Food Program  
Australian Quarantine & Inspection Service  
GPO Box 858  
Canberra, ACT 2601  
Australia  
Tel: (+61-2) 6272-3097  
Fax: (+61-2) 6272-3682  
E-mail: [foodimp@aqis.gov.au](mailto:foodimp@aqis.gov.au)

Food Standards Australia New Zealand  
P.O. Box 7186  
Canberra Mail Centre, ACT 2610  
Australia  
Tel: +61-2-6271 2222  
Fax: +61-2-6271 2278  
E-mail: [info@foodstandards.gov.au](mailto:info@foodstandards.gov.au)  
Web: <http://www.foodstandards.gov.au>

Australian Customs Service  
5-11 Constitution Avenue  
Canberra, ACT 2601  
Australia  
Tel: (+61-2) 6275-6666  
Fax: (+61-2) 6275-6999  
Web: <http://www.customs.gov.au>

Office of the Gene Technology Regulator (MDP54)  
GPO Box 100  
Woden, ACT 2606  
Australia  
Fax: (+61-2) 6271-4202  
Email: [ogtr@health.gov.au](mailto:ogtr@health.gov.au)  
Web: <http://www.ogtr.gov.au>

IP Australia  
P.O. Box 200  
Woden, ACT 2606  
Australia  
Tel: (+61-2) 6283-2999  
Fax: (+61-2) 6283-7999  
Email: [assist@ipaaustralia.gov.au](mailto:assist@ipaaustralia.gov.au)  
Web: <http://www.ipaustralia.gov.au>

Australian Department of Health & Aged Care  
GPO Box 9848  
Canberra City, ACT 2601  
Australia  
Web: <http://www.health.gov.au>

State Departments of Health

ACT Department of Health & Community Care  
GPO Box 825  
Canberra, ACT 2601  
Australia

Web: <http://www.health.act.gov.au/c/health/>

NSW Department of Health  
Locked Mail Bag 961  
North Sydney, NSW 2059  
Australia

Web: <http://www.health.nsw.gov.au>

Victorian Department of Human Services  
555 Collins Street  
Melbourne, VIC 3001  
Australia

Web: <http://www.dhs.vic.gov.au>

Queensland Department of Health  
GPO Box 48  
Brisbane, QLD 4001  
Australia

Web: <http://www.health.qld.gov.au>

South Australian Department of Human Services  
11 Hindmarsh Square  
Adelaide, SA 5000  
Australia

Web: <http://www.dhs.sa.gov.au>

Health Department of Western Australia  
P.O. Box 8172  
Perth Business Centre WA 6849  
Australia

Web: <http://www.health.wa.gov.au>

Tasmanian Department of Health & Human Services  
34 Davey Street  
Hobart, TAS 7000  
Australia

Web: <http://www.dhhs.tas.gov.au/index.html>

Northern Territory Health & Community Services  
PO Box 40596  
Casurina, NT 0811  
Australia

Web: <http://www.health.nt.gov.au/>

## SPS & TBT Contacts

Each member government is responsible for the notification procedures associated with agreement under the World Trade Organization (WTO). Examples here relate to the Sanitary and Phytosanitary Agreement (SPS) and Technical Barriers to Trade (TBT) Agreement. WTO obligations include notifying any trade significant proposals that are not substantially the same as international standards to the WTO; providing copies of the proposed regulation upon request; allowing time for comments; and also to provide upon request copies of other relevant documents on existing regulations related to food and agriculture. Information on the country's regulations, standards and certification procedures can also be obtained through the Enquiry Point(s) listed below:

SPS Contact Point  
Market Access & Biosecurity  
Agriculture, Fisheries & Forestry Australia  
GPO Box 858  
Canberra, ACT 2601  
Australia  
E-mail: [sps.contact@affa.gov.au](mailto:sps.contact@affa.gov.au)

TBT Enquiry Point  
Trade Negotiations Division  
Department of Foreign Affairs & Trade  
RG Casey Building  
John McEwen Crescent  
Barton, ACT 2601  
Australia  
E-mail: [tbt.enquiry@dfat.gov.au](mailto:tbt.enquiry@dfat.gov.au)

**APPENDIX II: OTHER IMPORTANT SPECIALIST CONTACTS**

Office of the Agricultural Counselor  
U.S. Embassy  
Moonah Place  
Yarralumla, ACT 2600  
Australia  
Tel: (+61-2) 6214-5854  
Fax: (+61-2) 6273-1656  
E-Mail: [AgCanberra@usda.gov](mailto:AgCanberra@usda.gov)

Food & Beverage Importers Association  
181 Drummond Street  
Carlton, ACT 3053  
Australia  
Tel: (+61-3) 9639-3644  
Fax: (+61-3) 9639-0638  
E-mail: [ajb@sprint.net.au](mailto:ajb@sprint.net.au)  
Web: <http://www.fbia.org.au>

American Chamber of Commerce in Australia (Head Office & NSW State Office)  
Suite 4, Gloucester Walk,  
88 Cumberland Street  
Sydney, NSW 2000  
Australia  
Tel: (+61-2) 9241-1907  
Fax: (+61-2) 9251-5220  
E-mail: [nsw@amcham.com.au](mailto:nsw@amcham.com.au)  
Web: <http://www.amcham.com.au>

American Chamber of Commerce State Offices

Victoria  
Level 26, 500 Collins Street  
Melbourne, VIC 3000  
Australia  
Tel: (+61-3) 9614-7744  
Fax: (+61-3) 9614-8181  
E-mail: [vic@amcham.com.au](mailto:vic@amcham.com.au)

Queensland  
Please contact the NSW/Head Office for any Queensland inquiries.  
E-mail: [qld@amcham.com.au](mailto:qld@amcham.com.au)

Western Australia  
Level 6, 231 Adelaide Terrace  
Perth, WA 6000  
Australia  
Tel: (+61-8) 9325-9540  
Fax: (+61-8) 9221-3725  
E-mail: [wa@amcham.com.au](mailto:wa@amcham.com.au)

South Australia

Level 1, 300 Flinders Street

Adelaide, SA 5000

Australia

Tel: (+61-8) 8224-0761

Fax: (+61-8) 8224-0628

E-mail: [sa@amcham.com.au](mailto:sa@amcham.com.au)