



# Food Act 2008 (WA) Fact Sheet 15 - Food labelling for food importers

Food may not be safe to eat if it is not labelled in the correct way, or has ingredients not allowed in food sold in Australia and New Zealand.

Having the correct label on food sold in Australia and New Zealand means food can be recalled if there are risks to consumers who eat it. For example, if there is an allergen in the food that is not listed on the label, to warn consumers it is in the food.

## Who

If you import food for retail sale into Australia or New Zealand, you are a 'food business' and legally responsible for the safety and correct labelling of the food you sell\*. This includes alcohol.

\* 'Food for retail sale' means food for sale to the public and includes food prior to retail sale. This includes food at the time it is manufactured or otherwise prepared or distributed where it is intended that no further processing, packaging or labelling will occur prior to sale to the public. Responsibility for labelling food for retail sale lies with the relevant food businesses in the food supply chain, including the manufacturer or importer of the food or the retailer.

## What

If you import food for retail sale, you must make sure that the food meets both the **compositional** and **labelling** requirements of the *Food Act 2008 (WA)*, *Food Regulations 2009 (WA)* and the *Australia and New Zealand Food Standards Code* (the Code).

As a food importer, you must not sell food that:

1. Contains ingredients/additives not permitted to be added or which have not been assessed for their safety as a food in Australia/New Zealand (for example some medicinal herbs); and/or
2. Is not correctly labelled with the information required by the Code.

If you do, you can face penalties such as prosecution, fines and/or seizure of the food. In some cases, your food may be directed to be destroyed or re-exported.

**NOTE:** The Australian Customs and Border Protection Service also has labelling requirements for imported food and beverages. Labels for these products must contain (i) 'Country of origin' information and (ii) a true description of the product.

### CORRECT LABELLING

See example of correct labelling on packaged food on page 2 of this fact sheet.

## When

As a food importer, you must make sure the food you import contains ingredients/additives that are permitted in Australian/New Zealand before the food is available for sale to the public.

You can do this by getting in touch with your supplier, who may be overseas, and getting ingredient information documents, product specification sheets and sample labels. It is good practice to check both the **compositional properties** and labelling information against the various requirements with the Code to ensure the food can be legally sold.

## How

To check that food for retail sale is compliant with the Code:

1. Review ingredient documents and/or a copy of the label from the supplier/manufacturer against the requirements in the Code.

If your importing business doesn't have the necessary expertise in-house, you may require the services of a suitably qualified expert (for example a lawyer, food consultant or technologist, consulting laboratory, or possibly the supplier or manufacturer of the food).

If the food does not meet the Code's **compositional** requirements ingredients and additives that are permitted, you cannot legally sell it in Australia and New Zealand unless it is reformulated.

2. If the food does not meet the Code's **labelling** requirements, it must be re-labelled to cover the incorrect information before it can be legally sold in Australia and New Zealand. Remember, the required information must be in English and include your business name, and Australian or New Zealand business address.

## Why

Government Food Safety Officers (also known as Authorised Officers) have the powers to inspect food businesses and food labels, to check that the food is allowed to be sold in Australian and New Zealand (by looking at the ingredients/additives) as well as other labelling requirements listed in the Code – see example of page 2 of this fact sheet.

If an Authorised Officer finds food that you plan to make available for sale to the public is NOT labelled correctly, you and/or your business may be prosecuted and/or fined.

### FOOD BUSINESS PROPRIETOR CONVICTED AND ORDERED TO PAY \$5,000.

The proprietor of a food business in Western Australia was charged with labelling non-compliances. The non-compliances related to food identification, name and address of supplier and country of origin requirements.

The proprietor of the business was **convicted and fined \$5,000**, and **ordered to pay a further \$2,000 in costs**.

## Where

The labelling and composition requirements of food sold in Australia and New Zealand are set out in the Code. The Code can be found at: <http://www.foodstandards.gov.au/foodstandards/foodstandardscode.cfm/>.

In addition, there is a user guide called 'Overview of Food Labelling' which gives you general advice and points you to other guides which go into more detail about each part of the mandatory labelling requirements. This user guide can be found at: <http://www.foodstandards.gov.au/foodstandards/userguides/>

## Further Information

For more information on the requirements in relation to labelling, please contact the Environmental Health Officer at the local government where the premises are located or the Department of Health Food Unit.

Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.

# What must be on a food label

If you sell food or food-related products in Australia or New Zealand, you are legally obliged to ensure it meets the labelling requirements set out in the Australia New Zealand Food Standards Code (the Code).



## Food labels must:

- tell the truth
- be easy to read
- **A B** and **C** must be in English

- A** Date marking  
For example 'best before date'. See Standard 1.2.5 of the Code for full details.
- B** Name or description of the food  
See Standard 1.2.2 of the Code for full details.
- C** Name and physical address of the business (supplier, importer, manufacturer in Australia or New Zealand).  
See Standard 1.2.2 of the Code for full details.

# Extra information that might need to be on a food label



## Food labels must:

- tell the truth
  - be easy to read
  - **D E F G H** and **I** must be in English
- D** Warning and advisory statements  
For example, allergens. See Standard 1.2.3 of the Code for full details.
- E** Ingredients list  
See Standard 1.2.4 of the Code for full details.
- F** Percentage labelling  
See Standard 1.2.10 of the Code for full details.
- G** Nutrition information panel  
See Standard 1.2.8 of the Code for full details.
- H** Directions for use and storage  
See Standard 1.2.6 of the Code for full details.
- I** Country of Origin  
Australia and New Zealand have different country of origin labelling requirements. In Australia, packaged and some unpackaged, foods must state the country where the food was made or produced.  
See Standard 1.2.11 of the Code for full details.

The information contained in this document is only intended as a guide.