Standard 1.2.1 Requirements to have labels or otherwise provide information

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

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

Division 1 Preliminary

1.2.1—1 Name

This Standard is *Australia New Zealand Food Standards Code* – Standard 1.2.1 – Requirements to have labels or otherwise provide information.

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

1.2.1—2 Outline of Standard

(1) This Standard sets out when a food for sale is required to *bear a label or have other information provided with it, and sets out the information that is to be provided.

(2) Division 2 sets out the labelling and information requirements for a food that is for retail sale.

(3) Division 3 sets out the labelling and information requirements for food that is sold to *caterers.

(4) Division 4 sets out the labelling and information requirements for all other sales of food.

(5) Division 5 sets out general prohibitions relating to labels.

(6) Division 6 sets out legibility requirements.

1.2.1—3 Definitions

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

bear a label: a food for sale is taken to ***bear a label*** of a specified kind or with specified content if either of the following are part of or attached to the packaging of the food:

(a) a label of that kind or with that content; or

(b) labels that together are of that kind or have that content.

caterer means a person, establishment or institution (for example, a catering establishment, a restaurant, a canteen, a school, or a hospital) which handles or offers food for immediate consumption.

label, in relation to a food being sold, means any tag, brand, mark or statement in writing or any representation or design or descriptive matter that:

(a) is attached to the food or is a part of or attached to its packaging; or

(b) accompanies and is provided to the purchaser with the food; or

(c) is displayed in connection with the food when it is sold.

labelling:

(a) in relation to a food being sold, ***labelling*** means all of the labels for the food together; and

(b) a requirement for the labelling of a food for sale to include specified content is a requirement for at least one of the labels to have that content.

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Division 2 Retail sales

1.2.1—4 When this Division applies

This Division applies to:

(a) a retail sale of a food; and

(b) a sale of a food that is not a retail sale, if the food is sold as suitable for retail sale without any further processing, packaging or labelling.

1.2.1—5 Outline of Division

This Division sets out:

(a) the circumstances in which food for sale is required to *bear a label—see section 1.2.1—6;

(c) the other information the label must state—see section 1.2.1—8;

(d) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1—9.

1.2.1—6 When the food for sale must bear a label

(1) If the food for sale is in a package, it is required to *bear a label with the information referred to in subsection 1.2.1—8(1) unless it:

(a) is made and packaged on the premises from which it is sold; or

(b) is packaged in the presence of the purchaser; or

(c) is whole or cut fresh *fruit and vegetables (other than seed sprouts or similar products) in a package that does not obscure the nature or quality of the food; or

(d) is delivered packaged, and ready for consumption, at the express order of the purchaser (other than when the food is sold from a vending machine); or

(e) is sold at a *fund raising event; or

(f) is displayed in an *assisted service display cabinet.

Note 1 See section 1.2.1—9 for information requirements for food for sale that does not need to bear a label.

Note 2 See Division 4 of Standard 2.7.1 for the requirements relating to a *pregnancy warning label.

(2) If the food for sale has more than 1 layer of packaging and subsection (1) requires it to bear a label, only 1 label is required in relation to the food for sale.

Note 1 See also section 1.2.1—24

Note 2 See Division 4 of Standard 2.7.1 for the requirements relating to a *pregnancy warning label.

(3) If the food for sale is sold in packaging that includes individual packages for servings that are intended to be used separately (***individual portion packs***), but which:

(a) are not designed for individual sale; and

(b) have a surface area of 30 cm^2 or greater;

then the individual portion pack is also required to *bear a label, with the information referred to in subsection 1.2.1—8(3).

(4) If the food for sale is not in a package, it is not required to *bear a label.

Note See section 1.2.1—9 for information requirements for food for retail sale that does not need to bear a label.

1.2.1—8 Information required on food that is required to bear a label

General and additional requirements—retail sales

(1) For subsection 1.2.1—6(1), the information is the following information in accordance with the provisions indicated:

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General requirements

(a) name of the food (see section 1.2.2—2);

(b) *lot identification (see section 1.2.2—3);

(c) name and address of the *supplier (see section 1.2.2—4);

(d) advisory statements, *warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);

(e) a statement of ingredients (see section 1.2.4—2);

(f) date marking information (see section 1.2.5—3);

(g) storage conditions and directions for use (see section 1.2.6—2);

(h) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));

(i) nutrition information (see Standard 1.2.8);

(j) information about *characterising ingredients and *characterising components (see section 1.2.10—3);

(ja) information relating to breakfast cereals that contain vitamin D that has been used as a nutritive substance in accordance with Standard 1.3.2 (see section 1.3.2—7);

(k) information relating to *foods produced using gene technology (see section 1.5.2—4);

(l) information relating to irradiated food (see section 1.5.3—9);

Additional requirements

(m) for minced meat—the maximum proportion of fat in the minced meat (see section 2.2.1—7);

(n) for raw meat joined or formed into the semblance of a cut of meat—the required information relating to that meat (see section 2.2.1—8);

(o) for fermented comminuted processed or manufactured meat—the required information relating to how the meat has been processed (see sections 2.2.1—9 and 2.2.1—10);

(p) for formed or joined fish—the information relating to that fish (see section 2.2.3—3);

(q) the process declaration for edible oils (see section 2.4.1—4);

(r) for juice blend—the name and percentage by volume of each juice in the blend (see section 2.6.1—4);

(s) information related to the composition of packaged water (see section 2.6.2—5);

(t) for an electrolyte drink or electrolyte drink base:

  (i) a declaration of the required compositional information (see section 2.6.2—11); and

  (ii) if a claim is made that the drink is isotonic, hypertonic or hypotonic—a declaration of the osmolality of the drink (see section 2.6.2—12);

(u) the required statements relating to kava (see section 2.6.3—4);

(v) for formulated caffeinated beverages:

  (i) declarations of *average quantities (see section 2.6.4—5); and

  (ii) any advisory statements (see section 2.6.4—5);

(w) for a food that contains alcohol—if required:

  (i) a statement of the alcohol content (see section 2.7.1—3); and

  (ii) a statement of the number of *standard drinks in the package (see section 2.7.1—4);

(x) for special purpose foods or *amino acid modified foods to which sections 2.9.6—5 and 2.9.6—6 apply—the required information for such foods;

(y) the required statements and other information for:

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(i) infant formula product (see Standard 2.9.1); and

(ii) food for infants (see Standard 2.9.2); and

(iii) formulated meal replacements and formulated supplementary foods (see Standard 2.9.3); and

(iv) formulated supplementary sports foods (see Standard 2.9.4); and

(v) foods for special medical purposes (see Standard 2.9.5);

(z) the required information for reduced sodium salt mixtures and salt substitutes (see section 2.10.2—8).

Specific requirement—retail sales of food in hampers

(2) For food sold in a *hamper:

(a) each package must *bear a label stating the information mentioned in subsection (1); and

(b) each item of food not in a package must be accompanied by labelling stating the information mentioned in subsection (1); and

(c) the hamper must bear a label stating the name and address of the *supplier of the hamper (see section 1.2.2—4).

Specific requirement—retail sales of food in individual portion packs

(3) For subsection 1.2.1—6(3), the information is *warning statements and declarations in accordance with sections 1.2.3—3 and 1.2.3—4.

Additional requirement—food sold from vending machines

(4) For food sold from a vending machine, it is an additional requirement that labels clearly and prominently displayed in or on the vending machine state the name and *business address of the *supplier of the vending machine.

Note Specific exemptions for some types of package or food are in other standards, for example, elsewhere in Part 1.2.

1.2.1—9 Information requirements for food for sale that is not required to bear a label

(1) This section applies to a food for sale that is not required to *bear a label because of section 1.2.1—6.

Information that must accompany or be displayed with the food

(2) The information specified in subsection (3) must, in accordance with the provisions indicated, be stated in labelling that:

(a) accompanies the food; or

(b) is displayed in connection with the display of the food.

(3) For subsection (2), the information is:

(a) any *warning statement required by section 1.2.3—3; and

(b) if the food for sale is not in a package—information relating to foods produced using gene technology (see section 1.5.2—4);

(c) information relating to irradiated food (see section 1.5.3—9); and

(d) for food sold from a vending machine—any advisory statement required by section 1.2.3—2 and any declaration required by section 1.2.3—4;

(e) if the food for sale is not in a package—for fermented comminuted processed or manufactured meat—the *prescribed name (see sections 2.2.1—9 and 2.2.1—10);

(f) if the food for sale is not in a package—for a food for sale that consists of kava root:

(i) any statements relating to kava (see section 2.6.3—4); and

(ii) the name and address of the *supplier (see section 1.2.2—4).

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Information that must accompany food for sale

(4) The following information must be stated in labelling that accompanies the food for sale, in accordance with the provisions indicated:

(a) if the food for sale is not in a package—the directions relating to use and storage required by paragraph 1.2.6—2(b); and

(b) in any case—the information related to use required by paragraph 1.2.6—2(c).

Information that must be declared or provided to the purchaser

(5) The following information must be declared or provided to the purchaser, in accordance with the provisions indicated:

(a) any required statement indicating the presence of offal must be declared (see section 2.2.1—6);

(b) for raw meat joined or formed into the semblance of a cut of meat—any required information relating to that meat must be provided (see section 2.2.1—8);

(c) for formed or joined fish—any required information relating to that fish must be provided (see section 2.2.3—3).

Information that may be displayed with the food or which must be provided to the purchaser on request

(6) The information specified in subsection (7) must, in accordance with the provisions indicated, be:

(a) displayed in connection with the display of the food; or

(b) provided to the purchaser on request.

(7) For subsection (6), the information is:

(a) name of food (see section 1.2.2—2);

(b) any advisory statements and declarations (see sections 1.2.3—2 and 1.2.3—4);

(c) information relating to nutrition, health and related claims (see subsection 1.2.7—26(4));

(d) if a *claim requiring nutrition information is made—the information required for a nutrition information panel (see subsections 1.2.7—26(2) and 1.2.7—26(3), and Standard 1.2.8);

(e) if the food is not required to *bear a label because of subsection 1.2.1—6(4) or paragraph 1.2.1—6(1)(a)—information about *characterising ingredients and *characterising components (section 1.2.10—3);

(ea) information relating to breakfast cereals that contain vitamin D that has been used as a nutritive substance in accordance with Standard 1.3.2 (see section 1.3.2—7);

(f) for minced meat—if required, the maximum proportion of fat in the minced meat (see section 2.2.1—7);

(g) for formulated caffeinated beverages—any advisory statements (section 2.6.4—5).

Division 3 Sales of food to caterers

1.2.1—10 When this Division applies

This Division applies to a sale of food to a *caterer, other than a sale to which Division 2 applies.

1.2.1—11 Outline of Division

This Division sets out the following:

(a) the circumstances in which the food for sale to a *caterer is required to *bear a label—see section 1.2.1—12;

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(b) when information must be provided with the food—see section 1.2.1—13; and

(d) the other information the label must state—see section 1.2.1—15;

(e) the information requirements for a food that is not required to bear a label—see sections 1.2.1—16 and 1.2.1—17.

1.2.1—12 When food sold to a caterer must bear a label

(1) If the food sold to a *caterer is in a package, it is required to *bear a label with the information required by section 1.2.1—15.

(2) If:

(a) the food for sale is required to *bear a label; and

(b) the food for sale has more than one layer of packaging; and

(c) the information required by sections 1.2.2—2 and 1.2.2—3 is in a label on the outer package; and

(d) the information required by section 1.2.2—4 is:

(i) in a label on the outer package; or

(ii) in documentation that accompanies the food for sale;

the label referred to in subsection (1) need not be on the outer package.

(3) A food for sale is not required to *bear a label if:

(a) the food is not in a package; or

(b) the food is whole or cut fresh *fruit and vegetables (other than seed sprout or similar products) in a package that does not obscure the nature or quality of the food.

1.2.1—13 When information must be provided with food sold to a caterer

If food sold to a *caterer is not required by section 1.2.1—12 to *bear a label, labelling containing the information required by section 1.2.1—15 must be provided to the caterer with the food.

1.2.1—15 Information required to be on labelling for food sold to a caterer

Subject to this section, labelling that is required for food sold to a *caterer under section 1.2.1—12 must state the following information in accordance with the provisions indicated:

(a) name of food (see section 1.2.2—2);

(b) *lot identification (see section 1.2.2—3);

(c) advisory statements, *warning statements and declarations (see sections 1.2.3—2, 1.2.3—3 and 1.2.3—4);

(d) date marking information (see section 1.2.5—3);

(e) any storage conditions and directions for use (see section 1.2.6—2);

(f) information relating to foods produced using gene technology (see section 1.5.2—4);

(g) information relating to irradiated food (see section 1.5.3—9).

1.2.1—16 Other information that must be provided with food sold to a caterer

(1) The information referred to in subsection 1.2.1—8(1) (General and additional requirements—retail sales) must be:

(a) set out in the label (if any); or

(b) provided in documentation.

(2) In the case of the information referred to in paragraph 1.2.1—8(1)(c) (name and address of the supplier), if the information is provided in documentation, the

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documentation must accompany the food for sale.

(3) Subsection (1) does not apply to:

(a) the information that is referred to in subsection 1.2.1—15 (Information required to be on labelling for food sold to a caterer); or

(b) the information referred to in paragraph 1.2.1—8(1)(j) (information about characterising ingredients and components).

1.2.1—17 Information that can be requested in relation to food sold to a caterer

The *caterer must be provided with any information:

(a) requested by the caterer; or

(b) required by the *relevant authority to be provided;

that is necessary to enable the caterer to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

Division 4 Other sales

1.2.1—18 When this Division applies

(1) This Division applies to sales of food other than:

(a) sales to which Division 2 or Division 3 apply; or

(b) intra-company transfers.

(2) In this section:

intra-company transfer means a transfer of a food between elements of a single company, between subsidiaries of a parent company or between subsidiaries of a parent company and the parent company.

1.2.1—19 Outline of Division

This Division sets out the following:

(a) the circumstances in which the food for sale is required to *bear a label—see section 1.2.1—20;

(b) the information requirements for a food for sale that is not required to bear a label—see section 1.2.1—21.

1.2.1—20 Labelling requirements

(1) If the food for sale is not in a package, it is not required to *bear a label.

(2) If the food for sale is in a package, it is required to *bear a label that states the following information in accordance with the provisions indicated:

(a) name of food (see section 1.2.2—2);

(b) *lot identification (see section 1.2.2—3);

(c) unless provided in documentation accompanying the food for sale—the name and address of the *supplier (see section 1.2.2—4).

(3) The label may be:

(a) on the package; or

(b) if there is more than 1 layer of packaging—on the outer layer; or

(c) if the food for sale is in a *transportation outer—clearly discernible through the transportation outer.

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1.2.1—21 When information can be requested

(1) The purchaser must be provided with any information:

(a) requested by the purchaser; or

(b) required by the *relevant authority to be provided;

that is necessary to enable the purchaser to comply with any compositional, labelling or declaration requirement of this Code in a sale of the food or of another food using it as an ingredient.

(2) If requested by the purchaser or required by the relevant authority, the information must be provided in writing.

Division 5 General prohibitions relating to labels

1.2.1—22 Prohibition on altering labels

(1) A person who sells a food for sale that is packaged, or deals with a packaged food for sale before its sale, must not deface the label on the package unless:

(a) the *relevant authority has given its permission; and

(b) if the relevant authority has imposed any conditions on its permission—those conditions have been complied with.

(2) Despite subsection (1), a person who sells a food that is packaged, or deals with a packaged food before its sale, may re-label the food if the label contains incorrect information, by placing a new label over the incorrect one in such a way that:

(a) the new label is not able to be removed; and

(b) the incorrect information is not visible.

(3) In this section:

deface includes alter, remove, erase, obliterate and obscure.

1.2.1—23 Application of labelling provisions to advertising

If this Code prohibits a label on or relating to food from including a statement, information, a design or a representation, an advertisement for that food must not include that statement, information, design or representation.

Division 6 Legibility requirements

1.2.1—24 General legibility requirements

(1) If this Code requires a word, statement, expression or design to be contained, written or set out on a label—any words must be in English and any word, statement, expression or design must, wherever occurring:

(a) be legible; and

(b) be prominent so as to contrast distinctly with the background of the label.

(2) If a language other than English is also used on a label, the information in that language must not negate or contradict the information in English.

1.2.1—25 Legibility requirements for warning statements

A *warning statement on a label must be written:

(a) for a small package—in a *size of type of at least 1.5 mm;

(b) otherwise—in a size of type of at least 3 mm.

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Application, saving and transitional provisions

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

Food Standards (Proposal P1050 – Pregnancy warning labels on alcoholic beverages) Variation				
Items [2.1] and [2.2] of the Schedule	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	Clause 4	Clause 4 a transitional arrangement for variations to the Code made by Items [2.1] and [2.2] of the Schedule. **The transition period is the period of time that commences on 31 July 2020 and ends on 31 July 2023.** Subclause 4(1) provides that section 1.1.1—9 of the Code does not apply to the variations. Subclause 4(2) provides that during the transition period a food product may be sold if the product complies with one of the following: (a) the Code as in force without the above variations; (b) the Code as amended by the above variations. Subclause 4(3) provides that a food product that was labelled before the end of the transition period may be sold after the transition period if the product complies with one of the following: (a) the Code as in force without the above variations; (b) the Code as amended by the above variations.

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Amendment History

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

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

About this compilation

This is compilation No. 7 of Standard 1.2.1 as in force on 3 **June 2021** (up to Amendment No. 200). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **3 June 2021**.

Uncommenced amendments or provisions ceasing to have effect

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

The following abbreviations may be used in the table below:

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

Standard 1.2.1 was published in the Food Standards Gazette No. FSC96 on 10 April 2015 as part of Amendment 154 (F2015L00386 –- 31 March 2015) and has since been amended as follows:

Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.1—6(3)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.2.1—5(b)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—6(1)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rs	Replace Notes 1 and 2 with a new Note to remove references to country of origin labelling.
1.2.1—7	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—8(1)	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New paragraph relating to vitamin D in breakfast cereals.

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Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.1—9(6)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-reference to Standard 1.2.7.
1.2.1—9(6)	172	F2017L01142 6 Sept 2017 FSC114 7 Sept 2017	7 Sept 2017	am	Amend heading to remove words 'either accompany or'.
1.2.1—9(7)	166	F2017L00023 5 Jan 2017 FSC108 12 Jan 2017	12 Jan 2017	ad	New paragraph relating to vitamin D in breakfast cereals.
1.2.1—9(7)	168	F2017L00414 11 April 2017 FSC110 13 April 2017	13 April 2017	am	Cross-references to Standard 1.2.7.
1.2.1—11(c)	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—14	165	F2016L01367 30 Aug 2016 FSC107 1 Sept 2016	(1 July 2018)	rep	References to country of origin labelling.
1.2.1—16(3)	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error in cross-reference.
1.2.1—17	157	F2015L01374 1 Sept 2015 FSC99 3 Sept 2015	1 March 2016	am	Correction of typographical error.
1.1.2—2(3)	194	F2020L00952 28 July 2020 FSC 135 31 July 2020	31 July 2020	ad	Cross-references to Standard 2.7.1. *For application, saving and transitional provisions, see above table.*
1.2.1—2(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—6(1)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—8(1)(b), (d), (k)(i)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1 —8(3)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—10	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—12(3)(b)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.

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Section affected	A'ment No.	FRL registration Gazette	Commencement (Cessation)	How affected	Description of amendment
1.2.1—15(b)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—20(2)(b)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.
1.2.1—20(3)(c)	200	F2021L00684 2 June 2021 FSC141 3 June 2021	3 June 2021	am	Correction of typographical error.

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