



# Country of Origin Food Labelling

## Q&AS – NEW LABELS FOR BUSINESS

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### *What has changed?*

New country of origin food labelling laws commenced on 1 July 2016 providing a two-year transition period to allow businesses time to adjust to the new labelling requirements. This means food products packaged up until 1 July 2018 can be sold without the new labels.

### *How to get the new labels*

An online tool is available to assist businesses in identifying the appropriate label for their products.

Through this tool, businesses will be asked a series of questions about their food products and this information will help them choose the most appropriate labels. The online tool is available on the food labelling webpage at [business.gov.au/foodlabels](http://business.gov.au/foodlabels)

Alternatively, businesses can start to design the new labels themselves. To start designing the new labels businesses will need to:

- Use the [Information Standard](#) to determine the appropriate label for each food product.
- See how labels should look and be applied to products using the [Style Guide](#).
- Download the relevant label parts from the [CoOL label library](#).
- [Prepare their own label](#).

### *Are the new labels free?*

Yes, using the tools to design the new labels is free. Businesses will need to produce the labels themselves.

### *What foods need new labels?*

The new labelling laws fall under Australian Consumer Law and are detailed in the new [Country of Origin Labelling Information Standard](#) available at [business.gov.au/foodlabels](http://business.gov.au/foodlabels)

The new labels are for food offered for retail sale in Australia, excluding food sold in restaurants, cafes, take-away outlets or schools.

New labels are not mandatory for non-priority foods but may be used voluntarily. Non-priority foods still need a statement of origin. These foods include:

- seasonings
- confectionery
- biscuits and snack food
- bottled water
- soft drinks and sports drinks
- tea and coffee
- alcoholic beverages.

All other food products are classified as priority foods and need the new labels applied from 1 July 2018.

### *What are the new defences for ‘made in’?*

The *Competition and Consumer Amendment (Country of Origin) Act 2017* changed the safe harbour defence for ‘made in’ origin claims with effect from 23 February 2017.

The 50 per cent production cost test has been removed, and the definition of substantial transformation has been better aligned with international norms and consumer expectations. References to changes in form or appearance have been removed. The definition is now:

*“...as a result of one or more processes undertaken in that country, the goods are fundamentally different in identity, nature or essential character from all of their ingredients or components that were imported into that country”*

Businesses will no longer be required to keep records on the value of inputs to qualify for the ‘made in’ safe harbour.

The Australian Competition and Consumer Commission is updating its guidance material to reflect the revised safe harbour defences.

## What do the new labels look like?

Each new label will be specific to your food product.

### For products grown, produced or made in Australia the new labels will have:

- the kangaroo in a triangle symbol
- a bar chart indicating the percentage of Australian ingredients and
- text stating:
  - 'Grown in', 'Product of' Australia or similar (as set out in section 18 of the Information Standard) or
  - 'Made in' and the minimum percentage of Australian ingredients



### For products that were grown, produced or made in Australia but went overseas for some minor processing, the labels will have:

- the kangaroo in a triangle symbol
- a bar chart indicating the percentage of Australian ingredients and
- text stating:
  - 'Grown in', 'product of' Australia or similar (as set out in section 18 of the Information Standard) or
  - 'Made in' and the minimum percentage of Australian ingredients and
  - in brackets what process(es) occurred overseas (all labels must include this)



### For products packed in Australia, sourced from a single overseas country, without substantial transformation (that is, any imported food that only undergoes packaging or minor processes in Australia, such as sorting, slicing, canning, reconstitution or crumbing), the new labels will have:

- a statement naming the country of origin
- option – the text 'Packed in Australia' and a bar chart indicating the minimum percentage of Australian ingredients. If the product includes Australian content, the text should also include a statement of the minimum percentage of Australian content.



### For products packed in Australia, from multiple countries, without substantial transformation (that is, any imported food that only undergoes packaging or minor processes in Australia, such as sorting, slicing, canning, reconstitution or crumbing), the new labels will have:

If the food product contains Australian content:

- a bar chart indicating the percentage of Australian ingredients and
- text stating 'Packed in Australia' and the minimum percentage of Australian ingredients

If the product does not contain Australian content:

- an empty bar chart
- text stating 'Packed in Australia from 0% Australian ingredients' or 'Packed in Australia from imported ingredients'



### For imported products the new labels will have:

- text stating the country of origin



## Specific labels

More specific labels are available for some products.

### For products with varying percentages of Australian ingredients throughout the year, the labels can have:

- kangaroo in a triangle symbol (only if the product was made in Australia, not if it contains imported content that only underwent minor processing here) and
- a bar chart indicating the average percentage of Australian ingredients and
- text stating the average proportion of ingredients and
- text stating the way to find out more information



### For products (other than imported products) wanting to highlight specific ingredients, the label will have:

- kangaroo in a triangle symbol (only if the product was grown, produced or made in Australia, not if it contains imported content that only underwent minor processing here) and
- a bar chart indicating the percentage of Australian ingredients and
- text stating:
  - 'Grown in', 'Product of' Australia or similar (as set out in section 18 of the Information Standard) or
  - 'Made in' and the minimum percentage of Australian ingredients and
- text stating the origin of one or more ingredients (each ingredient specified must be sourced from one country only)



### Labels to voluntarily highlight Australian ingredient content of imported products will have:

- a bar chart indicating the percentage of Australian ingredients and
- text stating 'Made in' x country and
  - indicating that all of the ingredients are Australian or
  - indicating that all of the ingredients are imported or
  - the minimum percentage of Australian ingredients
- option – unless all of the ingredients are Australian, text stating the origin of one or more ingredients (each ingredient specified must be sourced from one country only)



## RESOURCES FOR BUSINESS

(as at 15 March 2017)

### *business.gov.au*

A suite of guidance and information material is available at [business.gov.au/foodlabels](http://business.gov.au/foodlabels) to support businesses in complying with the new country of origin labelling for food requirements, including:

#### **Country of origin labelling online tool**

An online tool is available to assist businesses in identifying the appropriate label for their products. The tool guides businesses through a decision process which results in a label that can be downloaded in two different formats.

#### **Country of origin labelling style guide**

A style guide is also available, which steps businesses through the new labelling requirements in a user-friendly way.

#### **Country of origin label library**

The label library contains downloadable label parts (i.e. the kangaroo symbol, the bar chart and the label boundary) for businesses to create their own labels.

### *business.gov.au contact centre – 13 28 46*

(8am - 8pm local time, Monday to Friday)

The Department of Industry, Innovation and Science has an experienced and well-resourced contact centre which is equipped to give businesses one-on-one advice. Contact centre operators can provide information on the new labelling requirements, and are also trained in the use of the online tool.

### *Australian Competition and Consumer Commission (ACCC)*

<http://www.accc.gov.au> – search ‘country of origin labelling’

The ACCC is responsible for compliance and enforcement of the country of origin labelling for food reforms. The ACCC also has a call centre, and has developed guidance material, available at: <http://www.accc.gov.au/publications/country-of-origin-food-labelling-0>

### *Australian Made Campaign Limited (AMCL)*

<http://www.australianmade.com.au>

The country of origin label for Australian food uses the kangaroo in a triangle logo that is part of the Australian Made Australian Grown certification administered by AMCL. AMCL will continue to administer the logo for non-food products.

AMCL is providing information materials and guidance to their licensees to ensure all those businesses understand the changes and the difference between the mandatory Information Standard and voluntary certification.

### *Department of Immigration and Border Protection (DIBP)*

[www.border.gov.au](http://www.border.gov.au) – search ‘country of origin labelling’

DIBP enforces the *Commerce (Trade Descriptions) Act 1905* and associated Commerce (Imports) Regulations 1940 (to be replaced by the Commerce (Trade Descriptions) Regulation 2016 from 1 April 2017). These regulations relate to the importation of goods, including food products.

### *Department of Agriculture and Water Resources (DAWR)*

[www.agriculture.gov.au/import/goods/food](http://www.agriculture.gov.au/import/goods/food)

DAWR is responsible for the *Imported Food Control Act 1992* which imposes requirements of food products imported into Australia.

### *Relevant legislation*

Country of Origin Food Labelling Information Standard 2016 – [www.legislation.gov.au/Details/F2016L00528](http://www.legislation.gov.au/Details/F2016L00528)

*Competition and Consumer Amendment (Country of Origin) Act 2017* – [www.legislation.gov.au/Details/C2016B00120](http://www.legislation.gov.au/Details/C2016B00120)

*Competition and Consumer Amendment (Country of Origin) Act 2010* – (Compilation incorporating the above amendment act) – [www.legislation.gov.au/Details/F2017C00114](http://www.legislation.gov.au/Details/F2017C00114)

Australia New Zealand Food Standards Code – [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

*National Measurement Act 1960* – [www.legislation.gov.au/Series/C1960A00064](http://www.legislation.gov.au/Series/C1960A00064)

*Commerce (Trade Descriptions) Act 1905* and its associated Commerce Imports Regulations 1940 (imported food products only) – [www.legislation.gov.au/Series/C1905A00016](http://www.legislation.gov.au/Series/C1905A00016)

*Imported Food Control Act 1992* (imported food products only) – [www.legislation.gov.au/Details/C2004C00775](http://www.legislation.gov.au/Details/C2004C00775)