



FOOD STANDARDS
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Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
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Dear Committee Secretary

**FSANZ submission to the Inquiry into the current requirements for labelling of
seafood and seafood products**

Thank you for your letter of 23 June 2014 on behalf of the Rural and Regional Affairs and Transport References Committee, inviting Food Standards Australia New Zealand (FSANZ) to make a submission to the inquiry into the current requirements for labelling of seafood and seafood products.

I have attached a submission to the inquiry from FSANZ on the aspects of the terms of reference relevant to FSANZ's responsibility. In this regard, FSANZ is responsible for the administration of the *Australia New Zealand Food Standards Code* (the Code), which includes standards on requirements for labelling of food. Enforcement of the Code is the responsibility of State and Territory enforcement agencies and, for imported food at the Australian border, the Department of Agriculture.

I trust that the information provided in this submission will assist the Committee with the inquiry.

Yours sincerely

Dr Marion Healy
Acting Chief Executive Officer

31 July 2014

RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

INQUIRY INTO THE CURRENT REQUIREMENTS FOR LABELLING OF SEAFOOD AND SEAFOOD PRODUCTS

FSANZ SUBMISSION

The role of Food Standards Australia New Zealand

Food Standards Australia New Zealand (FSANZ) is an independent statutory authority established under the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act).

FSANZ is responsible for developing and maintaining food standards for Australia and New Zealand. Food standards developed and gazetted by FSANZ are compiled as the *Australia New Zealand Food Standards Code* (the Code). These standards, including for labelling, apply to food produced for sale in, or imported to, Australia and New Zealand.

FSANZ has no powers in respect of enforcement of standards in the Code. Enforcement of the Code is the responsibility of State and Territory and New Zealand enforcement agencies and, for imported food at the Australian border, the Department of Agriculture.

In developing food standards, FSANZ's primary objectives, in descending order of priority, are the protection of public health and safety, the provision of adequate information relating to food to enable consumers to make informed choices and the prevention of misleading or deceptive conduct.

The FSANZ Act also requires standards to be based on risk analysis using the best available scientific evidence, promote consistency with international standards, promote an efficient and internationally competitive food industry and promote fair trading in food products. Standards should also be developed with regard to policy guidelines developed by the Legislative and Governance Forum on Food Regulation (the Forum), good regulatory practice and relevant New Zealand standards.

This submission below outlines the current requirements for labelling and traceability of seafood and seafood products as required by the Code.

Australia New Zealand Food Standards Code labelling requirements

The Code¹ includes labelling and information requirements that are relevant to all foods (Chapter 1 of the Code) as well as labelling and information requirements that apply to specific food products (Chapter 2 of the Code), including for fish and fish products (Standard 2.2.3 – Fish and Fish Products).

The labelling standards in Chapter 1 that apply to most seafood and seafood products are listed below. Further detail about the labelling requirements in the Code that are most relevant to this inquiry is provided in the following sections.

Standard 1.2.1 – Application of Labelling and Other Information Requirements

Standard 1.2.2 – Food Identification Requirements

Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations

Standard 1.2.4 – Labelling of Ingredients

Standard 1.2.5 – Date Marking of Food

Standard 1.2.6 – Directions for Use and Storage

Standard 1.2.7 – Nutrition, Health and Related Claims

Standard 1.2.8 – Nutrition Information Requirements

Standard 1.2.9 – Legibility Requirements

Standard 1.2.10 – Characterising Ingredients and Components of Food

Standard 1.2.11 – Country of Origin Labelling (Australia Only)

In addition to the mandatory labelling requirements in the Standards listed above, further information about a food can be provided voluntarily by suppliers. Australian Consumer Law of the *Competition and Consumer Act 2010* requires that the statements are not false or misleading.

¹ The Code can be found at the following link: [Food Standards Code](#)

Food and ingredient identification requirements

Standard 1.2.2 requires that certain information must be included on the label on a food in order to be able to identify the food in question. The label on a package of food must include a name or description of the food sufficient to indicate the true nature of the food (if there is no name prescribed in the Code for the food). There are no prescribed names for seafood or seafood products in the Code. An editorial note (not a mandatory provision) in Chapter 2, Standard 2.2.3 – Fish and Fish Products states:

This Standard does not define specific names for fish. An Australian Fish Names Standard (AS SSA 5300) has been published which provides guidance on standard fish names to be used in Australia.

1. Hard copies of the Australian Fish Names Standard (AS-SSA 5300) are available from Seafood Services Australia at <http://www.seafood.net.au/shop>.
2. A searchable database of Australian Standard Fish Names is available at <http://www.fishnames.com.au>.
3. New Zealand common, Maori, and scientific names for fish species are available from the website of the Ministry of Agriculture and Forestry at <http://www.foodsafety.govt.nz/industry/sectors/seafood/fish-names/index.htm>.

If the food is not required to bear a label (for example, unpackaged food), the name or description of the food must be displayed on or in connection with the display of the food or provided to the purchaser upon request.

Standard 1.2.4 requires that the label on a package of food includes a statement of ingredients. Ingredients in the food must be declared in the statement of ingredients using either the common name of the ingredient, a name that describes the true nature of the food or, where applicable, a generic name as specified in the standard. The generic name 'fish' may be used in the statement of ingredients, however if the ingredient is crustacea, the specific name of the crustacea must be declared.

Country of origin labelling requirements

Standard 1.2.11 (Country of origin labelling) sets out the requirements for mandatory country of origin labelling.

Standard 1.2.11 does not apply to food offered for immediate consumption where the food is sold by restaurants, canteens, schools, caterers, self-catering institutions, prisons, hospitals or other similar institutions e.g. nursing homes. It also does not apply in New Zealand.

Packaged foods

Standard 1.2.11 requires packaged foods to be labelled with a statement on the package that identifies:

- the country where the food was made, produced or grown; or
- the country where the food was manufactured or packaged and to the effect that the food is constituted from ingredients imported into that country or from local and imported ingredients.

Some packaged foods are exempt from country of origin labelling. These are foods:

- made and packaged on the premises from which they are sold
- delivered packaged, and ready for consumption, at the express order of the purchaser

- sold at a fundraising event
- packaged and displayed in an assisted service display cabinet.

Unpackaged foods

Unpackaged fish² (including fish that has been mixed or coated with one or more other foods), fruit, vegetables, nuts, spices, herbs, fungi, legumes, seeds, pork, beef, veal, lamb, hogget, mutton and chicken (or a mix of these foods) must be labelled with a statement on, or in connection with, the display of the food:

- identifying the country or countries of origin of the food; or
- indicating that the food is a mix of local and imported foods or a mix of imported foods.

While the Code specifies which foods must have country of origin labelling, Australian Consumer Law of the *Competition and Consumer Act 2010* requires that the statements are not false or misleading, and provides 'safe harbour' defences for country of origin statements.

Legibility

Standard 1.2.9 (Legibility Requirements) requires all statements mandated by the Code, including country of origin statements, to be legible and prominent such as to afford a distinct contrast to the background, and to be in the English language. The country of origin statement provided for unpackaged foods must be at least 9 mm in height, unless the food is in a refrigerated assisted service display cabinet, in which case it must be at least 5 mm in height. There are no conditions for the height of country of origin statements on packaged foods or for other labelling requirements in the Code, except for warning statements.

Traceability requirements

Traceability allows food businesses to target the product(s) affected by a food safety problem, minimising disruption to trade and any potential public health risks. Chapter 3 (Food Safety Standards) and Chapter 4 (Primary Production and Processing Standards) specify requirements for food businesses to ensure they can trace food received by the business and sold by the business. These requirements are consistent with international standards (Codex Principles For Traceability/Product Tracing As A Tool Within A Food Inspection And Certification System CAC/GL 60-2006) and work on the principle of being able to trace food products 'one step back' and 'one step forward' in the food supply chain.

Standard 4.2.1 – Primary Production and Processing Standard for Seafood, states that 'a seafood business must maintain sufficient written records to identify the immediate supplier and immediate recipient of seafood for the purposes of ensuring the safety of the seafood.' For example, if a business fillets fish caught by another business, the 'immediate supplier' is the business that caught the fish. The 'immediate recipient' is the business that purchases the seafood from the seafood business, that is, the 'immediate customer'.

² Fish is defined in Standard 2.2.3 – Fish and Fish Products and includes any of the cold-blooded aquatic vertebrates and aquatic invertebrates including shellfish, but does not include amphibians and reptiles.