

Food Regulations Update Jan 2024

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Food Regulations Update

- Brief Regulatory overview / refresher
 - Australian Consumer Law
 - Country of Origin
 - Trade Measurement
 - Food Standards Code
- The must haves for packaged foods
- Newbies
 - Recent Past
 - Coming up next
 - Future

Advice given during this presentation is of a general nature. Seek specific professional advice to suit your business

The Australian Regulatory System for Food

POLICY

*Ministerial Council
FSANZ Act*

TRADE MEASUREMENT

NMI

AUSTRALIAN CONSUMER LAW

ACCC

STANDARDS

*Food Standards Aust &
NZ (FSANZ)
National Measurement
Institute
Export Control Orders /
Imported Foods – Dept
Ag*

ENFORCEMENT

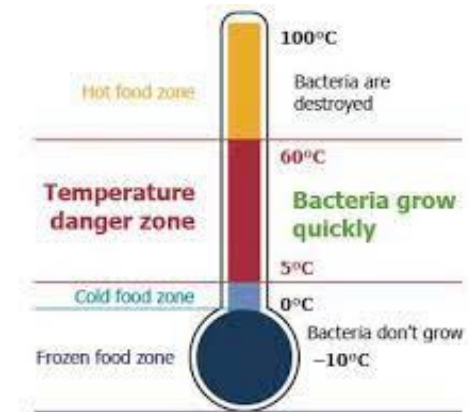
*States & Territories
FSANZ (monitoring)
Dept Ag (Export /
Import)
Local Government*

*Food
Acts &
Regs*



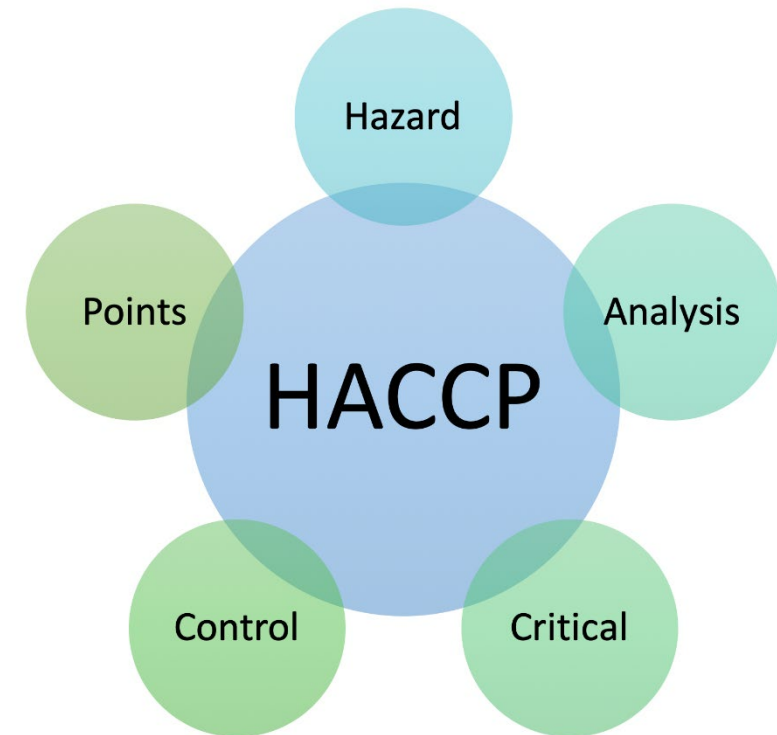
Food Regulatory System Objectives

- Protect Public Health & Safety
- Support Public Health Objectives
- Promote Informed Consumer Choice
- Facilitate a sustainable food industry
 - Diversity
 - Affordable food supply



Definition of Safe & Suitable Food

- Food for sale is safe and suitable for human consumption
- Unsafe when at a point in time it is likely to cause physical harm to a person who might later consumer
- Unsuitable when
 - Damaged or deteriorated that it affects its intended use
 - Made from a diseased animal
 - Contains a foreign biological or chemical agent
- Not all food may be unsafe – e.g. specific dietary concerns, AgVet



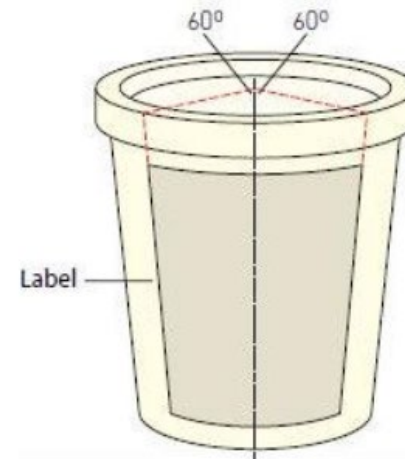
The Australian Consumer Law

- Misleading & deceptive conduct
- Covers packaging, advertising and promotional material
- Most often about claims
 - Healthy
 - Comparative claims (I have less fat than you)
 - Fresh
 - Natural
 - Organic* (specific industry standard)
- *Compliance with the Food Standards Code does not guarantee compliance with the ACL*
- *Country of Origin Labelling*



National Trade Measurement Legislation

- Applies to pre-packaged goods
- Packages are correctly labelled
- Measurement marking is accurate
- Packer's identification is clear
- Imported products comply
- Instruments of measurement are accurate and suitable



The Australian Food Standards Code

- Regulations covering the sale of food in Australia
- Most packaged foods are required to have a label
- Requirements vary depending on the food
- Some elements are still required for unpackaged items:
 - Fresh fruit
 - Products made on the premises where its sold (bakeries, cafes etc.)

Chapter 1: Introduction and standards that apply to all foods

Chapter 2: Food standards

Chapter 3: Food safety standards (Australia only)

Chapter 4: Primary production standards (Australia only)

Schedules



Requirement to bear a fully compliant label

All foods sold in a package, unless it:

1. Is made on the premises from where its sold (e.g. bakery)
2. Packaged in the presence of the purchaser
3. Whole or fresh cut fruit & veg (excluding sprouts)
4. Delivered packaged, ready for consumption at the express order of the customer (Pizza delivered)
5. Sold at a fundraiser
6. Served in assisted delivery service display cabinet

Individual portion packs intended to be used separately but are not

- designed for individual sale
- Small packages - $>30 \text{ cm}^2$



Food Labels Pre-packaged Mandatory Elements

1. Food name
2. Name & **physical** address of supplier, distributor or company
3. Net Contents declaration
4. Date marking
5. Lot identification
6. Storage & directions for use
7. Ingredients list, including % labelling
8. Warning & advisory statements including allergens
9. Nutrition Information
10. Information supporting nutrition and health claims
11. Genetic Modification / Gene manipulation technology
12. Use of Irradiation applied to a food
13. Country of Origin Labelling



Newbies – Recent Past

Food Safety Standard 3.2.2A - Food Safety Management Tools

Applies from: December 2022

Enforceable from : December 8, 2023

Food service, catering and retail food businesses that handle unpackaged, potentially hazardous food that is ready to eat

Suggested Exemptions:

- Handling of food at a fundraising event
- Wholesalers
- Other: not serving or retailing unpackaged potentially hazardous and ready to eat food eg food sold in original package from service stations

<https://www.noosa.qld.gov.au/food-safety-management-tools>

<https://www.moretonbay.qld.gov.au/Services/Licences-Regulations/Food-Business/Standard-3.2.2A-Food-Safety-Management-Tools>

- <https://www.sunshinecoast.qld.gov.au/business/business-programs/permits-and-licences/food-business>

<https://www.qld.gov.au/health/staying-healthy/food-pantry/running-a-food-business/other-requirements/food-safety-tools-standard>



Food Safety Standard 3.2.2A

- Food Safety Management Tools

Category	Description	Suggested Examples	Food Safety Tool Elements
Category One	Caterer / Hospitality provider serving for immediate consumption	Caterer, restaurant, child care, take away, bakery	All 3 tools
Category Two	Food business minimal handling RTE for retail sale by weight	Eg Service stations reheating unpackaged foods eg Pies	Implement 2 tools
No Category	Do not apply to fundraising events for charity or that do not retail food	Fundraising sausage sizzle	No requirement to implement FSA Tools

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- <https://www.sunshinecoast.qld.gov.au/business/business-programs/permits-and-licences/food-business>

<https://www.qld.gov.au/health/staying-healthy/food-pantry/running-a-food-business/other-requirements/food-safety-tools-standard>



Newbies – Recent Past Food Safety Standard 3.2.2A

- Food Safety Management Tools

Tools	Food Safety Tool Elements	Application to food businesses
Requirement 1	Mandatory food handler training	Category One & Two
Requirement 2	Certified Food Safety Supervisor	Category One & Two
Requirement 3	Substantiation of Compliance (accurate & timely record keeping – receiving, storing, processing, displaying & transport, cleaning)	Category One

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Coming Up: Standard 1.2.3 Mandatory warning, advisory statements and declarations

PEAL – Plain English Allergen Labelling P1044

Applies from: 25 Feb 2021

Enforceable from: 26 Feb 2024 + (2 years stock in trade)

Applies to:

Food businesses that sell prepackaged foods required to bear a label. *This applies to all communication, that is allergen statements on websites

General Requirements:

- Specifies the specific format and location on food labels
- Simple, plain English and specific terms in bold font
- Up to 24 allergens must now be considered for specific declaration in the ingredient list and summary statement



Coming Up: Standard 1.2.3

PEAL – Plain English Allergen Labelling P1044

Food	Required Name in ingredients list	Exempt	Required name for summary statement & other declarations
Sulphites 10mg/kg or more	Sulphites	<10mg/kg	Sulphites
Cereals containing gluten (not wheat)	Barley Oats Rye	Cereal present in beer or spirits	Gluten
*Wheat	Wheat	Beer or spirits (distilled), refined glucose syrups	Wheat, gluten (if present)
*Tree Nuts	Almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio, walnut		Specific name of each nut present
*Crustacea	Crustacean		Crustacean



Coming Up: Standard 1.2.3

PEAL – Plain English Allergen Labelling P1044

Food	Required Name in ingredients list	Exempt	Required name for summary statement & other declarations
Egg	Egg		Egg
Fish	Fish	Isinglass	Fish
Lupin	Lupin		Lupin
*Milk	Milk	Alcohol distilled from	Milk
*Mollusc	Mollusc		Mollusc



Coming Up: Standard 1.2.3

PEAL – Plain English Allergen Labelling P1044

Food	Required Name in ingredients list	Exempt	Required name for summary statement & other declarations
Peanut	Peanut		Peanut
Sesame seed	Sesame		Sesame
Soybean	Soy, soya or soybean		Soy

Ingredients List:

Wheat Flour, **Soy** Protein Isolate, Whole **Milk**, Butter (**Milk**), Sugar, Baking Powder

Contains: Milk, Wheat, Soy.

<https://allergenbureau.net/industry-guidance/>

<https://www.foodstandards.gov.au/food-standards-code/legislation#Introductionandstandardsthatapplytoallfoods>



Future: Fresh Produce Food Safety Regulation Updates

May Apply from: 2025

May apply to:

Production of Leafy vegetables, berries, melons

What can I do now:

Review the grower guides for food safety issued by the Fresh Produce Safety Centre Australia & New Zealand

<https://fpssc-anz.com/food-safety-grower-guides/>



Future: Country of Origin Labelling - Seafood

Applies from:	2024
Change:	Mandatory Country of Origin Labelling of Seafood Australian (A) Imported (I) Mixed origin (M)
Applies to:	Hospitality businesses
What can I do now:	Review the proposed changes here:

<https://www.industry.gov.au/news/country-origin-labelling-seafood-coming-hospitality>



How can we help your food business grow and manage risk?

- *New Product Development

- *Allergen & Food Safety

- *Food Labelling Compliance

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<https://www.askafoodtech.com.au/>