

# **STANDARD 1.2.1**

## **APPLICATION OF LABELLING AND OTHER INFORMATION REQUIREMENTS**

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### **Purpose**

This Standard sets out the application of general labelling and other information requirements contained in Part 1.2 and labelling and information requirements specific to certain foods in Chapter 2 of this Code. This Part sets out the labelling requirements for food for sale and information that must be provided in conjunction with the sale of certain foods, where labelling is not required. Food Product Standards in Chapter 2 may impose additional labelling and information requirements for specific classes of food.

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### **Clauses**

#### **1 Interpretation**

In this Part –

**assisted service display cabinet** means an enclosed or semi-enclosed display cabinet which requires a person to serve the food as requested by the purchaser.

**food for catering purposes** includes food supplied to catering establishments, restaurants, canteens, schools, hospitals, and institutions where food is prepared or offered for immediate consumption.

**food for retail sale** means food for sale to the public and includes food prior to retail sale which is –

- (a) manufactured or otherwise prepared, or distributed, transported or stored; and
- (b) not intended for further processing, packaging or labelling.

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

#### **1A Application**

Despite subclause 1(2) of Standard 1.1.1, the definition of 'food for retail sale' commences and applies exclusively from the date of gazettal.

## 2 Labelling of food for retail sale

- (1) Subject to subclauses (2) and (4), food for retail sale must bear a label setting out all the information prescribed in this Code, except where –
- (a) the food is not in a package; or
  - (b) the food is in an inner package not designed for individual sale. Despite this, individual portion packs in a container or wrapper with a surface area of 30 cm<sup>2</sup> or greater must bear a label containing information in accordance with clauses 3 and 4 of Standard 1.2.3; or
  - (c) the food is made and packaged on the premises from which it is sold; or
  - (d) the food is packaged in the presence of the purchaser; or
  - (e) the food is whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables; or
  - (f) the food is delivered packaged, and ready for consumption, at the express order of the purchaser; or
  - (g) the food is sold at a fund raising event; or
  - (h) the food is packaged and displayed in an assisted service display cabinet.
- (2) Despite subclause (1), food for retail sale must comply with any requirements specified in –
- (a) subclause 1(2) of Standard 1.2.2 – Food Identification Requirements; and
  - (b) subclauses 2(2), 3(2), 4(2) and 5(2) of Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations; and
  - (c) Reserved; and
  - (d) Standard 1.2.6 – Directions for Use and Storage; and
  - (da) subclause 25(5) of Standard 1.2.7 – Nutrition, Health and Related Claims.
  - (e) subclauses 4(2) and 4(3) of Standard 1.2.8 – Nutrition Information Requirements; and
  - (f) subclause 2(3) of Standard 1.2.10 – Characterising Ingredients and Components of Food; and
  - (g) subclauses 2(3) and 2(4), and clause 3 of Standard 1.2.11 – Country of Origin Labelling; and
  - (h) subclause 4(3) of Standard 1.5.2 – Food produced using Gene Technology; and
  - (i) clause 6 of Standard 1.5.3 – Irradiation of Food; and
  - (j) subclause 4(3) and clauses 5, 6, and 10 of Standard 2.2.1 – Meat and Meat Products; and
  - (k) clause 2 of Standard 2.2.3 – Fish and Fish Products; and
  - (l) subclause 3(2) of Standard 2.6.3 – Kava; and
  - (m) subclause 3(5) of Standard 2.6.4 – Formulated Caffeinated Beverages; and
  - (n) subclauses 3(1), 3(2), 3(3) and 3(4) of Standard 2.9.4 – Formulated Supplementary Sports Foods.
- (3) Paragraph 2(1)(f) of this Standard does not apply to food sold from a vending machine.
- (4) Where food is sold in a hamper –
- (a) subclause 2(1) does not apply; and
  - (b) a package of food must bear a label setting out all of the information prescribed in this Code; and
  - (c) unpackaged food must be accompanied with documentation setting out the information prescribed in this Code.

### Editorial note:

For the purposes of paragraph 2(4)(c) the information may be within, or attached to the outer of the hamper.

### **3 Labelling of food not for retail sale etc.**

(1) Subject to subclause (2), food other than food –

- (a) for retail sale; or
- (b) for catering purposes; or
- (c) supplied as an intra company transfer;

must bear a label containing the information prescribed in Standard 1.2.2, except where the food –

- (d) is not in a package; or
- (e) is in an inner package or packages contained in an outer package where the label on the outer package includes the information prescribed in Standard 1.2.2; or
- (f) is in a transportation outer and the information prescribed in Standard 1.2.2 is clearly discernible through the transportation outer on the labels on the packages within.

(2) The information prescribed in clause 3 of Standard 1.2.2 is not required to be on the label on a food where that information is provided in documentation accompanying that food.

### **4 Provision of information in relation to food not for retail sale etc.**

(1) Where a purchaser or relevant authority has so requested, a package of food, other than food –

- (a) for retail sale; or
- (b) for catering purposes; or
- (c) supplied as an intra company transfer;

must be accompanied by sufficient information in relation to that food to enable the purchaser to comply with the –

- (d) compositional requirements of this Code; and
- (e) labelling or other declaration requirements of this Code.

(2) The information referred to in subclause (1) must be supplied in writing where the relevant authority or purchaser has so requested.

### **5 Labelling of food for catering purposes**

(1) Subject to subclause (2), food for catering purposes must bear a label setting out all of the information prescribed in –

- (a) Standard 1.2.2 – Food Identification Requirements; and
- (b) Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations; and
- (c) Standard 1.2.5 – Date Marking of Food; and
- (d) Standard 1.2.6 – Directions for Use and Storage; and
- (e) Standard 1.2.11 – Country of Origin Labelling (applies in Australia only); and
- (f) Standard 1.5.2 – Food Produced Using Gene Technology; and
- (g) Standard 1.5.3 – Irradiation of Food.

(2) Subclause (1) does not apply to –

- (a) food not in a package; or
- (b) whole or cut fresh fruit and vegetables, except sprouting seeds or similar products, in packages that do not obscure the nature or quality of the fruit or vegetables; or
- (c) an outer package where the –

- (i) label on the outer package includes the information prescribed in Standard 1.2.2; and
  - (ii) food in the inner package is labelled in accordance with subclause (1); or
- (d) an outer package where the –
- (i) information prescribed in clause 3 of Standard 1.2.2 is provided in documentation accompanying that food; and
  - (ii) label on the outer package includes the information prescribed in clauses 1 and 2 of Standard 1.2.2; and
  - (iii) food in the inner package is labelled in accordance with subclause (1).

## 6 Provision of information in relation to food for catering purposes

(1) Subject to subclause (2), information prescribed in this Code, other than that prescribed in subclause 5(1), is not required to be on the label of food for catering purposes where that information is provided in documentation.

(2) The information prescribed in clause 3 of Standard 1.2.2 is not required to be on the label of food for catering purposes where that information is provided in documentation accompanying that food.

(3) Where food for catering purposes is not required to bear a label, that food must be accompanied by documentation containing all of the information prescribed in subclause 5(1).

(4) Where a purchaser or relevant authority has so requested, food which is for catering purposes must be accompanied by sufficient information in relation to that food to enable the purchaser to comply with the –

- (a) compositional requirements of this Code; and
- (b) labelling or other declaration requirements of this Code.

## 7 Reserved

## 8 Types of other similar institutions

(1) The facilities listed in Column 1 of the Table to this clause are 'other similar institutions' for the purposes of Standard 1.1.1 and Part 1.2 of this Code.

**Table to clause 8**

Column 1	Column 2
Facility	Definition
Acute care hospitals	<p>Establishments which provide at least minimal medical, surgical or obstetric services for inpatient treatment or care, and which provide round-the-clock comprehensive qualified nursing services as well as other necessary professional services. Most patients have acute conditions or temporary ailments and the average stay per admission is relatively short. Acute care hospitals include:</p> <ul style="list-style-type: none"> <li>(a) Hospitals specialising in dental, ophthalmic aids and other specialised medical or surgical care;</li> <li>(b) Public acute care hospitals;</li> <li>(c) Private acute care hospitals;</li> <li>(d) Veterans' Affairs hospitals.</li> </ul>

<b>Column 1</b>	<b>Column 2</b>
<b>Facility</b>	<b>Definition</b>
Psychiatric hospitals	Establishments devoted primarily to the treatment and care of inpatients with psychiatric, mental or behavioural disorders including any:  (a) Public psychiatric hospital; (b) Private psychiatric hospital.
Nursing homes for the aged	Establishments which provide long-term care involving regular basic nursing care to aged persons and including any:  (a) Private charitable nursing home for the aged; (b) Private profit nursing home for the aged; (c) Government nursing home for the aged.
Hospices	Freestanding establishments providing palliative care to terminally ill patients, including any:  (a) Public hospice; (b) Private hospice.
Same day establishments for chemotherapy and renal dialysis services	Including both the traditional day centre/hospital that provides chemotherapy or renal dialysis services and also freestanding day surgery centres that provide chemotherapy or renal dialysis services including any:  (a) Public day centre/hospital (b) Public freestanding day surgery centre (c) Private day centre/hospital (d) Private freestanding day surgery centre that provides those services.  Day centres/ hospitals are establishments providing a course of acute treatment on a full-day or part-day non-residential attendance basis at specified intervals over a period of time.  Freestanding day surgery centres are hospital facilities providing investigation and treatment for acute conditions on a day-only basis.
Respite care establishments for the Aged	Establishments which provide short-term care including personal care and regular basic nursing care to aged persons.
Same-day aged care establishments	Establishments where aged persons attend for day or part-day rehabilitative or therapeutic treatment.
Low care aged care establishments	Establishments where aged persons live independently but on-call assistance, including the provision of meals, is provided if needed.

## 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 a compilation of Standard 1.2.1 as in force on **30 October 2014** (up to Amendment No. 150). It includes any commenced amendment affecting the compilation to that date.

Prepared by Food Standards Australia New Zealand on **30 October 2014**.

### 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 Legislative Instruments 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 Commonwealth of Australia Gazette No. P 30 on 20 December 2000 as part of Amendment No. 53 (F2008B00601 — 29 September 2008) and has been amended as follows:

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
Standard	100	F2008L02396 10 July 2008 FSC42 10 July 2008	10 July 2008	rs	Standard.
1	67	F2008B00814 24 Dec 2008 FSC9 31 July 2003	31 July 2003	am	Correct a number of typographical errors and omissions.
1	132	F2012L01341 26 June 2012 FSC74 28 June 2012	28 June 2014	am	Omit the definitions of 'small package' and 'transportation outer'.
1	139	F2012L01341 26 June 2013 as am by F2013L00250 21 Feb 2013 FSC81 21 Feb 2013	21 Feb 2013	rep	Bring forward the repeal date for the definitions of 'small package' and 'transportation outer' from 28 June 2014 to 21 February 2013.
2(1)	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	rs	Paragraph (a)

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
2(1)	62	F2008B00807 19 Dec 2008 FSC4 17 Sept 2002	17 Sept 2002	rs	Paragraph (b).
2(2)	67	F2008B00814 24 Dec 2008 FSC9 31 July 2003	31 July 2003	am	Correct a number of typographical errors and omissions.
2(2)	72	F2008B00819 24 Dec 2008 FSC14 20 May 2004	20 May 2004	rs	Replace paragraphs (a)–(o) arising from amendments to Standard 1.2.6.
2(2)	78	F2005L01246 26 May 2005 FSC20 26 May 2005	26 May 2005	am	Correct a typographical error.
2(2)	84	F2005L03939 8 Dec 2005 FSC26 8 Dec 2005	8 Dec 2005	am	Consequential amendments relating to the gazettal of Standard 1.2.11.
2(2)	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	am	Paragraph (a)
2(2)	138	F2013L00050 14 Jan 2013 FSC80 18 Jan 2013	18 Jan 2013	ad	New paragraph (da) relating to Standard 1.2.7.
2(2)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Reference in (da) to subclause in Standard 1.2.7 to correct typographical error.
2(2)	138	F2013L00052 14 Jan 2013 FSC80 18 Jan 2013	18 July 2013	am	Consequential amendment to (g) to reflect the new Standard 1.2.11 which took effect on 18 July 2013.
2(2)	62	F2008B00807 19 Dec 2008 FSC4 17 Sept 2002	17 Sept 2002	rs	Paragraph (h).
2(2)	135	F2012L02014 10 Oct 2012 FSC77 11 October 2012	11 Oct 2012	am	Reference from clause 3 to clause 2 in (k).
2(2)	55	F2008B00791 9 Dec 2008 P23 30 Aug 2001	30 Aug 2001	ad	Reference to Standard 2.6.4 in (l).
3	62	F2008B00807 19 Dec 2008 FSC4 17 Sept 2002	17 Sept 2002	rs	Replace the clause.
3(1)	67	F2008B00814 24 Dec 2008 FSC9 31 July 2003	31 July 2003	am	Correct a number of typographical errors and omissions.
3(1)	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	am	Subclause.
3(1)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Correct a spelling mistake.

Clause affected	A'ment No.	FRLI registration Gazette	Commencement (Cessation)	How affected	Description of amendment
4	67	F2008B00814 24 Dec 2008 FSC9 31 July 2003	31 July 2003	rep	Omit the Editorial note following the clause.
4(1)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Correct a grammatical mistake.
5(1)	150	F2014L01427 28 Oct 2014 FSC92 30 Oct 2014	30 Oct 2014	am	Clarify that Standard 1.2.11 applies in Australia only.
5(2)	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	rs	Omit paragraph (c) and replace with (c) and (d).
6(4)	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	am	Clause to correct a typographical error.
Table to clause 8	124	F2011L01450 8 July 2011 FSC66 11 July 2011	11 July 2011	am	References to 'and/or'.