

# APPLICATION OF THE STRATEGY TO FOOD LABELLING

## Introduction

There continues to be keen public interest in food labelling issues, just one part of food regulation. The food label itself represents the primary interface between suppliers and consumers, and has aptly been described as<sup>1</sup>:

*the arena in which many of the most intense disputes over food take place, for the label provides the most public face for controversies over food. It is also one of the most highly valued and competitively sought after communication channels in the market place.*

Partly as a result of the debate around public health and nutrition and changing consumer expectations regarding the way information is presented on packaged foods, there have been some significant food labelling developments (both regulatory and non-regulatory) in recent years.

## Purpose

The purpose of this Appendix is to further detail how the Australia and New Zealand Food Regulation Compliance, Monitoring and Enforcement Strategy 2017 (the Strategy) relates to food labelling law. Specifically, it provides more detail about application of the risk-based graduated approach described in the Strategy to food labelling law.

## Scope of the Strategy as applied to food labelling

The scope of the Strategy when applied to food labelling is broad due to:

- The breadth of the three tiers of the food labelling hierarchy (in Table 1 and Figure 1): food safety, preventative health and consumer values issues;
- The objects (safe and suitable food and prevention of misleading conduct) and the definitions (label and advertisement) of the model food provisions;
- Some requirements apply to both packaged food and unpackaged food;
- Some requirements apply across different food industry sectors: primary production (PP), manufacturing, retailing and food service;
- Requirements apply to imported as well as domestic food; and
- Labelling interventions can be voluntary, voluntary/mandatory or mandatory. However, even when interventions are voluntary the objectives of the model food provisions still apply and labelling must not mislead.

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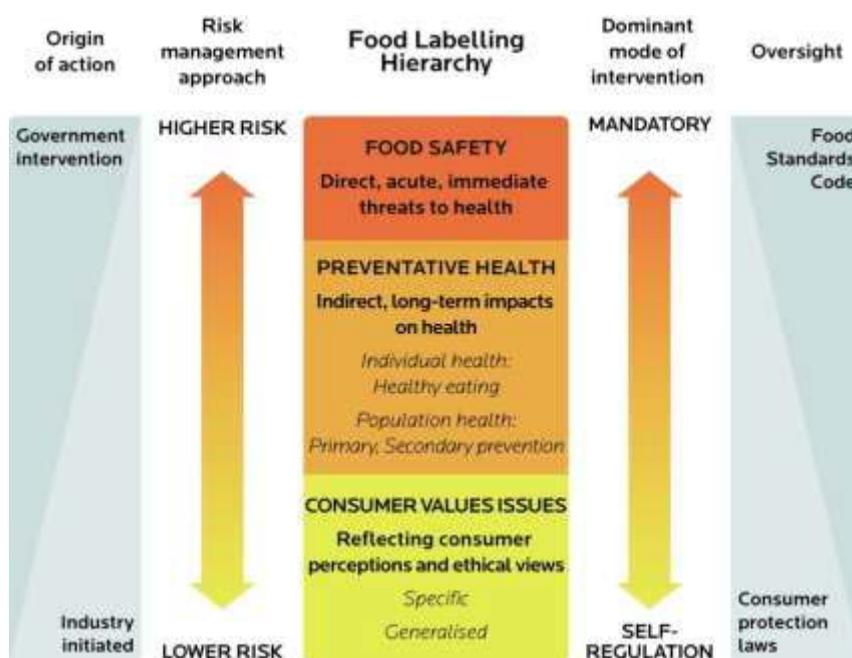
<sup>1</sup> Dr Neal Blewett AC (Panel Chair), *Labelling Logic: Review of Food Labelling Law and Policy* (2011), p.1

## A risk-based proportionate and graduated approach for food labelling administration

In 2012 the then Council of Australian Governments (COAG) Legislative and Governance Forum on Food Regulation (now the Australia and New Zealand Ministerial Forum on Food Regulation) agreed to a Food Labelling Policy Conceptual Framework (Figure 1) for food regulators to provide a principles-based approach for decision making regarding food labelling regulation.

It is a three tier food labelling hierarchy based on risk. It also establishes that risk management should be applied in the descending order of: food safety, preventative health and consumer values issues. It also establishes that interventions and oversight should be applied in the same descending order.

**Figure 1. Food Labelling Policy Conceptual Framework (the Conceptual Framework)<sup>2</sup>**



This is how a risk-based, graduated approach is applied to food labelling compliance, monitoring and enforcement by regulators. Generally compliance, monitoring and enforcement of food labelling will be prioritised as follows:

- Food safety
- Preventative health
- Consumer values issues (where food labelling law exists).

<sup>2</sup>Australia and New Zealand Ministerial Forum on Food Regulation 2012, *Overarching Strategic Statement for the food regulatory system*, Canberra, [Overarching strategic statement for the food regulatory system](#)

The following table illustrates examples of where particular labelling elements sit on the food labelling hierarchy:

**Table 1: Examples of labelling elements in line with the food labelling hierarchy**

<b>Tier of food labelling hierarchy (Fig 1)</b>	<b>Example of labelling</b>	<b>Examples of dominant mode(s) of intervention</b>	<b>Examples of food industry sectors in scope</b>
Food safety	Ingredient list	Mandatory on labels of packaged food	Primary production (PP), manufacturing & retailing
	Mandatory declaration of certain substances in food, such as allergens	Mandatory declaration: 1. On the label on the package, or 2. On or in connection with the display of unpackaged food or 3. To the purchaser upon request regarding unpackaged food	1. PP, manufacturing & retailing 2. Retailing & food service 3. Retailing & food service
Preventative health	Nutrition information panels	Mandatory on labels of packaged food	PP, manufacturing & retailing
	Point of sale kilojoule labelling	Mandatory and voluntary	Retailing and food service
	Nutrition, health and related claims	Claims are voluntary, but mandatory rules apply in the event that claims are made on labels and in advertisements including the internet (i.e. the intervention is voluntary/mandatory)	PP, manufacturing & retailing
	Health Star Rating	Voluntary on labels of packaged food	Manufacturing & retailing
Consumer values issues	Organic	Voluntary statements on packaged and unpackaged food and in advertisements	PP, manufacturing, retailing & food service
	Free-range, halal	Voluntary statements on packaged and unpackaged food and in advertisements	PP, manufacturing, retailing & food service