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Report Highlights:

In Australia, all food, whether imported or locally produced, must adhere to a comprehensive set of laws designed to safeguard consumer, plant, and animal health. Specifically, all imported food is first required to meet quarantine and imported food regulations before also satisfying food safety requirements.

DISCLAIMER:

This report has been prepared by the Office of Agricultural Affairs, USDA/Foreign Agricultural Service in Canberra, Australia for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was unavailable. It is highly recommended that U.S. exporters verify the full set of import requirements with their Australian partners, who are normally best equipped to research such matters with local authorities, *before* any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO AUSTRALIA'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Please contact this office if you have any comments, corrections or suggestions about the material contained in this report.

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Executive Summary

Australia is a large and stable market for U.S. agricultural and related products, especially consumer-oriented products. In 2025, Australia imported $1.5 billion of consumer-oriented products. Since 2005, Australia and the United States have had a free trade agreement, which means nearly all products can come in tariff-free.

Australia maintains strict quarantine regulations for all imported food. All food imported into Australia must first comply with quarantine and imported food requirements and then with food safety requirements. Quarantine requirements are the first barrier that must be cleared for all imported food. These include strict sanitary and phytosanitary requirements.

Australian labeling and advertising laws are different from the United States. This means that U.S. labels are not acceptable and may need to undergo changes before entering this market. By far, the largest issues for U.S. products being held up at the border are because of incorrect nutrition information panel (i.e., Australia's nutrition panel is substantially different to the U.S. panel), and products containing additives which are not approved for that particular use in Australia. New Zealand and Australia share the same food standards and labeling laws, allowing food packaged and labeled for Australia to be sold in New Zealand.

Information on various sectors of the Australian market is available from the FAS Global Agricultural Information Network website.

Section I: Food Laws

The Australia and New Zealand food regulation system is a cooperative arrangement between Australia and New Zealand, that has developed and implemented uniform food standards. This system was jointly developed under a treaty between Australia and New Zealand signed in December 1995.

Food Standards Australia New Zealand (FSANZ – www.foodstandards.gov.au) is an independent statutory agency established by the *Food Standards Australia New Zealand Act 1991*. FSANZ is the central scientific agency in the bi-national safe food system. The primary responsibility is to protect public health and safety by ensuring a safe food supply in partnership with food and health authorities in Australia and New Zealand.

The food standards development system is implemented by separate food legislation in each Australian State, Territory, and New Zealand, as well as the *Australia New Zealand Food Authority Act 1991* (the ANZFA Act) of the Commonwealth of Australia. The ANZFA Act establishes the mechanisms for the development of joint food regulatory measures (a food standard or a code of practice) and creates Food Standards Australia New Zealand as the agency responsible for the development and maintenance of the joint Australia New Zealand Food Standards Code (ANZFSC). In 2005 and 2006, the Australia New Zealand Food Regulation Legislative and Governance Forum on Food Regulation agreed to a number of measures to expedite FSANZ's assessment and approval processes and better protect commercially valuable information. As a result, the *Food Standards Australia New Zealand Amendment Bill 2007* was passed in 2007. Since then, all applications received are assessed under the reform assessment process. This harmonizes, as much as possible, the processes for assessing applications and proposals and aligns the processes for the Australian Pesticides and Veterinary Medicines Authority (APVMA) and FSANZ when establishing Maximum Residue Limits. The reforms also enable the development of urgent standards due to unforeseen negative impacts on trade.

Although FSANZ develops food standards, responsibility for enforcing and policing food standards rests with the respective States and Territories in Australia and the New Zealand government. Each government has one or more agencies responsible for food surveillance, which are tasked with ensuring the requirements of the ANZFSC are met.

The ANZFSC is a collection of individual food standards. Standards on related matters are grouped into Parts, which in turn are combined into four Chapters. Chapter 1 deals with standards that apply to all foods; however, New Zealand regulates its own Maximum Residue Limits (MRLs) for food, thus, Standard 1.4.2 regulates MRLs in Australia only. Chapter 2 deals with standards affecting particular classes of foods. Chapter 3 deals with food hygiene issues in Australia only – New Zealand has its own food hygiene arrangements, and food hygiene is not part of the joint food standards system. Chapter 4 deals with Primary Production Standards in Australia only.

Food standards have the force of law. It is a criminal offense in Australia to supply food that does not comply with relevant food standards. Notwithstanding food standards, it is also an offense to sell food which is damaged, deteriorated, perished, adulterated or unfit for human consumption. Because food standards are given legal standing under Australian State, Territory, and New Zealand laws, it is important to read the ANZFSC in conjunction with the relevant State food legislation.

The ANZFSC should also be read in conjunction with other applicable laws such as the *Australian Competition & Consumer Act 2010*, particularly provisions relating to false, misleading, and deceptive conduct as it applies to the supply of food in trade and commerce. An overview of the legislation is

available on the Australian Competition and Consumer Commission (ACCC) web site. The ACCC has produced several guides to assist people involved in the food industry to meet their obligations under the Act. For example, there are guides available on the use of Country of Origin Claims and the Australian Consumer Law, and an Advertising and Selling Guide.
Food standards are developed or varied by FSANZ either by application from any individual, agency or body or by a proposal of its own initiative. Notices are published by FSANZ via media release in Australia and New Zealand seeking comment from the public on applications and proposals.

When assessing a food regulatory matter, FSANZ is required to consider:

- any submissions received from the public in response to its public notices.
- three statutory objectives listed in order of priority:
    a. the protection of public health and safety.
    b. the provision of adequate information relating to food to enable consumers to make informed choices.
    c. the prevention of misleading or deceptive conduct.
- other factors include:
    a. the need for standards to be based on risk analysis using the best available scientific evidence.
    b. consistency between domestic and international food standards.
    c. the desirability of an efficient and internationally competitive food industry; and
    d. the promotion of fair trade in food.
- relevant New Zealand standards; and
- any other relevant matters.

The most recent version of the ANZFSC is available at the following site:
http://www.foodstandards.gov.au/code/Pages/default.aspx.

In 2025, FSANZ released the Food Standards Code in a searchable PDF to be make the code easier to navigate. The code PDF can be found here.

Food Standards Australia New Zealand

Food Standards Australia New Zealand (FSANZ) ensures the health and safety of Australians and New Zealanders as an independent bi-national statutory authority. FSANZ establishes and maintains food safety standards. These standards cover the composition, labeling, and permissible levels of contaminants, including microorganisms, for all domestically produced and imported foods sold in both countries. FSANZ collaborates with government bodies in Australia and New Zealand to achieve this.

In Australia, FSANZ develops food standards to cover the entire food supply chain from the paddock or field to plate. These measures apply to the food manufacturing industry and primary producers.

FSANZ's responsibilities include:

- Developing standards for food manufacturing, labeling, processing, and primary production.
- Providing information to consumers to enable better consumer choice.
- Coordinating national food surveillance, enforcement, and food recalls.
- Conducting consumer and industry research.
- Undertaking dietary exposure modeling and scientific risk assessments; and
- Providing risk assessment advice on imported food.

- Coordinating food product recalls in cooperation with the States and Territories.
- Conducting research on matters that may be included in a food standard.
- Undertaking food safety education initiatives in cooperation with the States and Territories.
- Developing Codes of Practice for industry on any matter that may be included in a food standard; and
- Developing risk assessment policies for foods imported into Australia.

The Australia and New Zealand Legislative and Governance Forum on Food Regulation develops policy guidance, which is then used by FSANZ to guide the development of standards for the Australia and New Zealand Food Standards Code. The Australian government, States and Territories, and the New Zealand government are represented by their Health Ministers on this Forum. Health ministers are joined by ministers from other relevant portfolios such as agriculture and consumer affairs, to ensure a whole-of-government approach to food safety regulation.

Foods available for sale in Australia and New Zealand must also comply with laws pertaining to trade practices and other food related matters such as environmental protection and the control of poisons.

FSANZ has responsibility for the administration of the Australia New Zealand Food Standards Code (ANZFSC), which is subject to frequent amendments. The labeling requirements stated below are subject to change, so the ANZFSC should be consulted for definitive information on current food labeling requirements. The most up-to-date version of the ANZFSC is available on the FSANZ website.

The ANZFSC contains:
Chapter 1: Introduction and standards that apply to all foods.
- Part 1.1 – Preliminary (structure & definitions)
- Part 1.2 – Labeling & other information requirements
- Part 1.3 – Substances added to or present in food
- Part 1.4 – Contaminants & residues
- Part 1.5 – Foods requiring pre-market clearance
- Part 1.6 – Microbiological limits & processing requirements

Chapter 2: Food Standards:
- Part 2.1 – Cereals
- Part 2.2 – Meat, Eggs & Fish
- Part 2.3 – Fruit & Vegetables
- Part 2.4 – Edible Oils
- Part 2.5 – Dairy Products
- Part 2.6 – Non-alcoholic Beverages
- Part 2.7 – Alcoholic Beverages
- Part 2.8 – Sugars & Honey
- Part 2.9 – Special Purpose Foods
- Part 2.10 – Standards for Other Foods (salt, vinegar, chewing gum & miscellaneous)

Chapter 3: Food Safety Standards (Australia only)
- Part 3.1 – Interpretation and Application
- Part 3.2 – Food Safety Requirements
- Part 3.3 – Food Safety Programs for Food Service to Vulnerable Persons
- Part 3.4 – Food safety requirements for processing of cell-cultured food

Chapter 4: Primary Production Standards (Australia only)

- Part 4.1 – Primary Production and Processing standards – Preliminary Provisions
- Part 4.2 – Primary Production and Processing Standards
- Part 4.5 – Wine production requirements

There is also a Schedules section which contains all the schedules relating to the standards throughout the various chapters and parts of the Code.

FSANZ has also developed User Guides for various parts of the ANZFSC to assist with interpretation and provide examples. These User Guides are not legally binding. Companies should seek legal advice if there are questions about the standards.

Competition & Consumer Act

The Competition and Consumer Act 2010 (CCA) covers most areas of the market: the relationships between suppliers, wholesalers, retailers, and consumers. Its purpose is to enhance the welfare of Australians by promoting fair trading and competition, and through the provision of consumer protections. The Australian Competition and Consumer Commission (ACCC) is the body which administers the Act. An overview of the legislation can be found at: https://www.accc.gov.au/about-us/australian-competition-consumer-commission/legislation.

To help participants in the food industry understand and fulfill their responsibilities under the Trade Practices Act, the ACCC has developed a series of helpful guides, including:

- Food and Grocery Code of Conduct – this code became mandatory in April 2025. The code governs the interactions between large grocery retailers and their suppliers. This code holds major grocery businesses accountable through potential civil penalties for any breaches.
- Country of Origin Claims – this guide helps the food and beverage industry understand the provisions of the Act that relate to making country of origin representations. It contains information to help businesses and industry groups develop strategies to improve compliance with the Act.
- Advertising and selling guide – this guide educates businesses on their legal rights and obligations in selling and promoting products and services; and explains how the Australian Consumer Law applies to their activities. The guide also includes tips for using social media, online reviews, and online purchases.

Section II: Labeling Requirements

General Labeling Standard

Part 1.2 of the Australia New Zealand Food Standards Code (ANZFSC) details the application of general labeling and other information prerequisites, along with labeling and information specifications relevant to particular foods as defined in Chapter 2. This Part establishes the labeling obligations for food intended for sale and the information that must be provided at the point of sale for certain foods where labeling is not otherwise required. It's important to note that Food Product Standards within Chapter 2 may impose supplementary labeling and information demands for specific food classifications. An illustrative Australian food label is available in the FSANZ Labelling poster- how to read food labels poster.

Unless specifically exempted, the label on a package of food for retail sale or catering purposes must include the following core information:

a. **Name of Food**
b. **Lot identification**.
c. **Name and business address in Australia or New Zealand of the supplier**.
d. **Mandatory warning and advisory statements and declarations,** specified in Standard 1.2.3 and any other warning and advisory statements specified elsewhere in the ANZFSC.
e. **Ingredient listing**.
f. **Date marking**.
g. **Storage conditions and directions for use.**
h. **Nutrition information panel**.
i. **Percentage labeling** (characterizing ingredient/s and component/s).
j. **Directions for use or storage** where, for reasons of public health and safety, consumers need appropriate directions for use or storage of the food; and
k. **Country of Origin** must be stated on products made and sold in Australia, other than food products from New Zealand.

a. Name of food (Standard 1.2.2-2)

For Labeling purposes provisions, the name of a food is:

1. If the food has a prescribed name – the prescribed name
2. Otherwise – a name or description
    - sufficient to indicate the true nature of the food; and
    - that includes any additional words this Code requires to be included in the name of food.

If this Code includes a definition of a particular food, that fact alone does not establish that the defined term is the name of the food for this section.

b. Lot identification (Standard 1.2.2-3)

Lot marking is required on packaged food to assist in the event of a food recall. A lot mark identifies the 'lot' a food comes from as well as the premises from where the food was packed or prepared. A date mark and address details can help satisfy the requirements of a lot mark.

There are some specific exemptions from lot identification. These exemptions cover:

- Individual portions of ice cream or ice confection; and
- Food in small packages when the bulk packages and the bulk container in which the food is stored or displayed for sale includes lot identification.

c. Name and business address of supplier (Standard 1.2.2-4)

For the labeling provisions, a reference to the name and address of the supplier of a food or food for sale is a reference to the name and business address in either Australia or New Zealand of a person who is a supplier.

d. Mandatory warning & advisory statements and declarations (Standard 1.2.3; Schedule 9)

The ANZFSC requires that certain information be provided to consumers on labels on packaged food. This information may be in the form of a **warning statement**, which includes prescribed wording, an **advisory statement** or a specific **declaration**, depending on the degree of risk to the health and safety of

consumers. Some of these statements and declarations are set out in general standards and some are set out in commodity standards. U.S. exporters should make certain that they understand the requirements and have all the required statements on their labels.

Plain English Allergen Labeling (PEAL) came into effect February 2024. More information about PEAL can be found in the New Allergen Labeling Requirement for Australia and New Zealand GAIN report.

Mandatory warning statements are a prescribed labeling statement that must be expressed on the package label in the exact words and in the format specified in the ANZFSC.

A prescribed warning statement is required on:

- Royal jelly presented as a food and food containing royal jelly (Standard 1.2.3). This is the only mandatory warning statement which is applicable *across the food supply*.

Warning statements applicable to specific foods are for:

- Kava (Standard 2.6.3)
- Infant Formula Products (Standard 2.9.1)
- Infant foods (Standard 2.9.2)
- Formulated Supplementary Sports Foods (Standard 2.9.4), and
- Food for Special Medical Purposes (Standard 2.9.5).

Mandatory advisory statements do not need to be expressed in the exact words set out in the ANZFSC. Manufacturers can use their own words for advisory statements as long as the words are to the effect of the statement in the ANZFSC.

Mandatory advisory statements are required on certain foods or when certain substances are present in foods. Standard 1.2.3 lists the foods required to bear mandatory advisory statements. Such statements must be set out legibly and prominently such as to afford a distinct contrast to the background.

Other prescribed statements are required in standards throughout the Code. Please refer to the standard relating to your food for guidance on other prescribed statements.

Mandatory declarations of certain substances in food: Certain substances, in the form of an ingredient, ingredient of a compound ingredient or component of a food additive or a processing aid or component of a processing aid, must be declared when present in a final food. This must be done as outlined in Standard 1.2.3. The requirement to declare certain substances may be satisfied by the declarations in the ingredient list.

e. Ingredient listing (Standard 1.2.4)

Unless specifically exempted, packaged foods are required to list all the ingredients and compound ingredients used in the manufacture of that food. An ingredient means any substance, including food additives, used in the preparation of food. A compound ingredient means an ingredient of a food, which is itself made up of two or more ingredients, e.g., spaghetti, which is made up of flour, egg, and water.

Ingredients and compound ingredients must be declared in a statement of ingredients in descending order of ingoing weight subject to limited exceptions. Ingredients must be declared in the statement of ingredients using the common name of the ingredient; or a name that describes the true nature of the

ingredient; or, where applicable, a generic name set out in Standard 1.2.4. It should be sufficiently detailed to describe the ingredient, and accurate to ensure they are not false, misleading, or deceptive, or likely to mislead or deceive.

f. Date marking (Standard 1.2.5)

Packaged food is generally required to be date-marked, usually in the form of a 'best-before' or 'use-by' date. Food with a 'best-before' date of two or more years is exempt from date marking except for infant formula, which must be labelled with a date mark (see Standard 2.9.1). Additional exemptions, including those for small packages, are set out in Standard 1.2.5.

When, for health and safety reasons, a food should not be consumed after a certain date, a 'use-by' date is required.

There are also prescribed forms for date marks and dates, and requirements to include statements of specific storage conditions on labels of packaged food. Packaged food must not include a date marking system other than that prescribed by this Standard.

g. Nutrition information panel (Standard 1.2.8)

Subject to specific exemptions, food required to bear a label ***must*** display a nutrition information panel setting out the energy, protein, fat, saturated fat, carbohydrate, sugars, and sodium content of the food. A nutrition information panel must be set out in the prescribed format and must include the number of servings in the package and the average quantity of the food in a serving. This standard does not apply to infant formula – see Standard 2.9.1 for specific nutrition labeling requirements for infant formula).

Additional nutrition labeling requirements generally apply if a specific nutrition claim is made (see Section VII below).

This Standard also lists **exemptions** from nutrition information requirements.

U.S. exporters should work closely with their importer to get the nutritional panel correct, as this is an area where problems often occur. The U.S. style nutrition panel is not acceptable for the Australian market. For more information on the food label, refer to the Department of Health's How to Understand Food Labels guide.

A Nutrition Panel Calculator is available to assist with calculating amounts for the Nutrition Panel.

h. Percentage labeling (characterizing ingredients and components) (Standard 1.2.10)

Foods that have a characterizing ingredient(s) and/or component(s) must be labeled with a percentage declaration of the characterizing ingredient or component. The percentage declaration is calculated on the weight of the characterizing ingredient or component. The percentage declaration may be an actual amount or a minimum amount, provided that a minimum declaration is clearly labeled. Placement of the declaration on the label is not prescribed.

i. Instructions for use and storage (Standard 1.2.6)

Mandatory directions for use, and storage requirements are listed in Standard 1.2.6.

j. Country of origin labeling

All packaged and some unpackaged food sold in Australia must be accompanied by country-of-origin information. For packaged food, the information must be included on the label of the food. For unpackaged food, the information can be written on a sign nearby the food. Some unpackaged foods may also have labels such as a piece of fruit, which may have a sticker on it.

Regulation of country of origin falls under the Australian Competition and Consumer Commission (ACCC) *Competition and Consumer Act*, Australian Consumer Law (ACL). Anyone selling or supplying food for retail sale in stores, markets, online or from vending machines is required to comply with the *Country of Origin Food Labelling Information Standard 2016* . There is a Country of Origin Food Labeling guide available to assist businesses to comply with the standard.

U.S. suppliers should pay close attention to the requirements of the ACCC Standard to ensure they do not breach the principles of ACL.

Weights and Measures Requirements

Australia's trade measurement laws regulate the measurement of pre-packaged goods by quantity. Package weight is governed under the administration and regulatory oversight of the National Measurement Institute. Please check this website for details on weights and measurements requirements.

Under national trade measurement legislation, manufacturers, packers, importers, and sellers of pre-packaged goods must:

- ensure packages are correctly labelled; the laws include requirements for measurement marking and packer's identification.
- ensure packages they import, pack, or sell include a measurement marking.
- ensure the measurement marking is accurate and does not include the weight of any packaging material.
- have appropriate measuring instruments: any measuring instruments used to perform compliance sampling must be suitable for the task, and properly maintained to ensure they remain accurate at all times.
- assist trade measurement inspectors with any enquiries and provide information if required.

Pre-packed goods, including food, must be labeled with a mark that states the measurement of the package (weight, volume, length, area, or number). Measurement markings must:

- be clear, conspicuous, readily seen and easily read when the article is exposed for sale
- appear on the main part of the package and close to any name or brand of the article to which it relates
- be at least 2 millimeters (mm) from the limits of the package and separated by at least 2 mm in all directions from other graphic matter or copy; and
- be in metric measurement system and written in the English language.

Labeling of Genetically Modified Foods (Standard 1.5.2)

Mandatory labeling of foods of agricultural biotechnology ('genetically modified') came into force in December 2001.

Under the Standard, food or ingredients that contain new genetic material or protein as a result of the genetic modification or have altered characteristics must be labeled. Some flavorings may also be labeled

if they are in a concentration of more than 1 gram per kilogram (0.1 percent). Food additives and processing aids do not need to be labeled unless the introduced genetic material is present in the final food.

The words **'genetically modified'** must be used in conjunction with the name of the food, or in association with the specific ingredient within the ingredient list on packaged food. For unpackaged foods for retail sale (such as unpackaged fruit and vegetables, or unpackaged processed or semi-processed foods) the words **'genetically modified'** must be displayed in association with the food, or in association with the particular ingredient within that food.

Food prepared for immediate consumption – for example, in restaurants and take-outs – does not need to have genetically modified ingredients identified.

Claims about foods not produced using gene technology - for example, "GM-free", must be consistent with the provisions of the overarching consumer protection laws in the Competition & Consumer Act in Australia (see information below) and the Fair Trading Act in New Zealand, as well as food legislation in both countries.

In September 2025, changes were made to the Code to update the definitions of genetically modified foods. The labeling requirements have not changed and remain the same.

Front-of-Pack Health Star Rating System

The Health Star Rating (HSR) system was introduced in June 2014 on a **voluntary basis**. The HSR system is a star rating system based on a product's nutritional value, which has been developed to help consumers understand a product's nutritional information and food labeling more generally to enable them to make better informed food choices. The system rates food products on a 1-to-5-star scale (with ½ star increments) based on four aspects of food associated with increasing risk factors for chronic disease – energy, saturated fat, sodium, and total sugar – as well as positive aspects, namely protein, dietary fiber, fruit, vegetables, nuts, and legumes and, for some products, calcium. The overall rating of the product is determined based on an algorithm that awards stars according to the quantity of these components within the product – i.e., the more stars, the healthier the food. The Health Star Rating System website has available information on the HSR calculator and style guides.

Although Standard 1.2.8 of the Australia New Zealand Food Standards Code (Code) already requires most packaged foods to display a Nutritional Information Panel (NIP) which, at a minimum, must feature most of these key food components for average quantity per serve and per 100 grams, the HSR system provides such information in interpretative form on the front of food products.

In April 2026, FSANZ released Proposal P1067 to consider if the HSR should be required on all packaged food sold in Australia and New Zealand. This work is expected to take 12-18 months and will include two opportunities for public comment. Should the proposal be finalized and legally mandated, a transition period would be put in place. If a draft variation is prepared, FSANZ would consult on transitional arrangements at the second round of consultations.

Additional User Guides

In addition to the User Guides mentioned throughout the sections of this report, Guides are also available for:

Compendium of Microbiological Criteria for Food: This guide explains information in Standard 1.6.1 and presents additional microbiological guideline criteria which are not mandatory.
Methods of Analysis for Foods: This guide will help analysts to choose appropriate methods of analysis for food when they are not specified in the Code.
Accepted Daily Intake – Chemicals in Food: This guide helps to identify a range of contaminant levels that would normally be expected foods. The information should be read in conjunction to Standard 1.4.1

Other Specific Labeling Requirements

Labeling of Alcoholic Beverages

The food standards code includes specific requirements for the labeling of alcoholic beverages. These requirements are set out in Standard 2.7.1.

Required information on the label includes:

- Statement of alcohol content
- Standard drinks
- Pregnancy Warning Labels
- Energy labeling

Further information is available on the FSANZ Labelling of alcoholic beverages page.

In August 2025, changes were made to the Code to mandate energy labeling on packaged alcoholic beverages that are standardized alcoholic beverages or beverages containing no less than 0.5% alcohol by volume (ABV) that are not standardized alcoholic beverages. There is a 3-year transition period, the mandate will be compulsory on August 13, 2028. More information can be found at Energy labeling on alcoholic beverages – Guidance for producers, importers, supplies, distributors and retailers.

Advertising

Labeling rules also apply to advertising the product whether print, audio, or television advertisements. It is an offence to label or to advertise food in a manner that is false, misleading, or deceptive. This is spelled out in the State and Territory Food Acts and the Competition and Consumer Act of the Federal Government. See Advertising and selling guide.

Legibility Requirements (Standard 1.2.1-24)

Any information required in or on a food label needs to comply with legibility requirements as set out in Standard 1.2.1. The ANZFSC requires that all food labels must present information so that it is:

- legible
- prominent (such as to afford a distinct contrast to the background), and
- in English.

This approach allows manufacturers flexibility in label presentation but requires them to ensure that the information is clear and readily accessible to the consumer. Additional legibility requirements apply to warning statements, which are discussed under ‘Further legibility requirements for mandatory warning and other statements.’

A minimum size of type is not required for most information required on food labels (except warning statements – see below). It is up to the manufacturer to determine which type size is best for such information, provided the label is legible.

National trade measurement laws control the measurement of pre-packed articles by quantity. The National Measurement Institute (NMI) web pages contain details of the requirements for businesses in relation to pre-packaged goods, including details of the position, size, etc., for where the measurement information must appear on a label. Other regulations may also be downloaded from the NMI Measurement Legislation page.

All the labeling information required by the ANZFSC must be in English. Information in other languages is permitted on a label of a package of food or in association with a display of food, so long as the information does not negate or contradict the information on the label in English.

Legibility requirements for mandatory warning statements on small packages

Because of their small size, small packages are permitted to have warning statements written in a minimum type size of 1.5 mm. A small package is a package with a surface area of less than 100^{cm2}.

Section III: Packaging and Container Regulations

Packaging Size

There are no packaging or container size regulations for food products in Australia. Manufacturers may pack food in any size container.

Under Standard 3.2.2 - Food Safety Practices and General Requirements, food businesses must:

- only use packaging material that is fit for its intended purpose
- only use material that is not likely to cause food contamination
- ensure there is no likelihood that the food may become contaminated during the packaging process.

See also the Packaging Sustainability Measures section below.

Packaging Sustainability Measures

The Australian Packaging Covenant

The Australian Packaging Covenant is a national regulatory framework that sets out how governments and businesses across Australia share the responsibility for managing the environmental impacts of packaging.

The Covenant aims to reduce the environmental impacts of Consumer Packaging by supporting two goals:

- Optimizing resource recovery of Consumer Packaging through the supply chain by:
    - adopting approaches that make changes in the way packaging and packaged products are designed, used and bought so that packaging uses less resources and is more easily recycled

    - enabling packaging materials to be returned to the economy, thereby minimizing waste associated with the generation and consumption of Consumer Packaging across the supply chain.

- Preventing the impacts of fugitive packaging on the environment by adopting approaches that support new innovations and find solutions to capture packaging materials or waste before it enters the environment or support the adoption of new or alternative types of packaging.

The Covenant applies to businesses in the supply chain that have an annual turnover of AUD$5 million or more. These businesses are required to choose between becoming a Signatory to the Covenant and contributing to the collective national efforts in managing packaging waste, or meeting compliance obligations under the National Environment Protection Measure (NEPM), which are implemented by the laws and other arrangements of participating states and territories where a business sells or distributes its products.

When organizations become a Member of APCO and a signatory to the Covenant, they agree to shared commitments and joint responsibilities to work collaboratively to achieve sustainable packaging outcomes.

National Plastics Plan

In 2021, the Australian government published a National Plastics Plan which sets out a timeline for actions to reduce the effects of plastic on the Australian environment. The plan includes targets for industry, including that 100 percent of packaging is reusable, recyclable or compostable by the end 2025. Although there is no mention of the possible effect on imported products, US suppliers should be aware of the possibility that the Australian government, and therefore their importers, may require fully reusable/recyclable/compostable packaging in the future.

Section IV: Food Additives Regulations

A food additive may only be used where permitted by Standard 1.3.1 and only where it performs a technological function. The following criteria are guiding principles that FSANZ uses in assessing whether a food additive is listed in Standard 1.3.1 and therefore permitted for use in foods:

- it poses no unacceptable risk to health when used in amounts up to the specified permitted limits.
- there is a demonstrable need for the substance, and it fulfils a technological function that benefits consumers; and
- it is used in food only up to the level that achieves the technological function, even if higher levels might pose no threat to health.

Food additives should always be used in accordance with Good Manufacturing Practice (GMP). Manufacturers are responsible for justifying the use of additives. The Codex Alimentarius Commissions Procedural Manual sets out the following relevant criteria for use in assessing compliance with GMP:

- the quantity of additive added to food shall be limited to the lowest possible level necessary to accomplish its desired effect.
- the quantity of the additive that becomes a component of food as a result of its use in the manufacture, processing or packaging of a food and which is not intended to accomplish any physical or other technical effect in the food itself, is reduced to the extent reasonably possible; and
- the additive is prepared and handled in the same way as a food ingredient.

For the purposes of ingredient labeling, food additives are treated the same as other ingredients in a food. Schedule 7 of the Code lists class names for additives based on their technical function. Schedule 8 of the Code lists all permitted additives by their prescribed name and code number. An additive must be declared in the ingredient list in its correct place by using its appropriate class name as identified in Schedule 7, followed by the additive's specific name or code number (from Schedule 8). One exception to this rule is that enzymes need only be declared by the class name "enzyme" and not by specifically declaring the name of the enzyme.

Where a food additive is capable of being classified in more than one class, the class name used must best reflect the function of the additive in the food. A food additive that cannot be classified in one of the classes specified in Schedule 7 must be declared by using its prescribed name from Schedule 8.

The technological purposes performed by substances used as food additives are listed in Schedule 14 of the Code. Substances that may be used as food additives are set out in Schedule 15. Schedule 16 lists the types of substances that may be used as food additives.

Special note should be taken for additives that are genetically modified. For more information on the declaration of genetically modified ingredients see Section VII of this report on Labeling of Genetically Modified Foods.

Section V: Pesticides and Other Contaminants

The Australian Pesticide & Veterinary Medicines Authority (APVMA) is the Australian government authority responsible for assessing and registering agricultural and veterinary chemicals in Australia; regulating such chemicals up to and including the point of retail sale; and establishing maximum residue limits (MRLs). The APVMA administers the National Registration Scheme for Agricultural and Veterinary Chemicals (NRS) in partnership with the States and Territories and with the involvement of other Australian government agencies.

MRLs are listed in the Food Standards Code and apply to both imported and domestic food. FSANZ's role is to protect public health and safety by ensuring consumption of agricultural and veterinary chemical residues in food is within appropriate safety limits. FSANZ has overall responsibility to assess dietary exposure to residues in the diet as part of the MRL setting process.

In addition, FSANZ is responsible for addressing anomalies between the Food Standards Code and international standards that may result in adverse trade impacts. To do this, FSANZ raises an annual proposal to consider requests for harmonization of Australian MRLs with international standards. There are no fees or charges associated with the requests considered under these annual Proposals. FSANZ aims to complete MRL proposals within nine months, but there is no guarantee that this will occur as there are no statutory time limit on Proposals. An organization, company or individual may also submit their own application to FSANZ for a MRL variation. FSANZ may charge for the assessment of such applications, but statutory time limits would apply, and an assessment would be completed within six to nine months. In its assessment, FSANZ will consider dietary exposure to agricultural and veterinary chemicals in the context of the Australian diet.

All MRLs (those set by either APVMA or FSANZ) must be adopted into the Food Standards Code before they are considered in effect. If an MRL is not listed in the Food Standards Code, then the tolerance is zero.

Standard 1.4.2 (AgVet Chemicals), Schedule 20 (maximum residue limits), and Schedule 21 (extraneous residue limits) establish the maximum permissible limits for agricultural and veterinary chemical residues present in food. Schedule 20 lists all the agricultural and veterinary chemical limits in particular foods. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in Schedule 20, there must be no detectable residues of that agricultural or veterinary chemical in that food. Schedule 21 lists all extraneous agricultural chemical limits in particular foods. If an extraneous residue limit for an agricultural chemical in a food is not listed in Schedule 21, there must be no detectable residues of that agricultural chemical in that food. Schedule 22 sets out the foods and classes of foods to which the maximum or extraneous residue limit refers.

NOTE: *Maximum residue limits are constantly being reviewed and updated.* New Zealand has its own standards for chemical residues and Standard 1.4.2 does not apply in New Zealand. It should also be noted that Australia does not automatically default to CODEX MRLs if a tolerance is not listed in the Food Standards Code.

Section VI: Other Requirements, Regulations, and Registration Measures

Facility and Product Registration Requirements

Eligible meat or poultry products must originate from Australian-approved establishments. Details of eligible products and establishments are available in the Food Safety and Inspection Service Export Library.

Other food processing facilities do not require registration to be eligible to export to Australia. There are, however, strict quarantine requirements for many products. The Department of Agriculture, Fisheries and Forestry maintains an online searchable database of these requirements called BICON (Biosecurity Import Conditions). Examples of some product-specific export certification requirements are available in the FAIRS Export Certification report for Australia. This report can be downloaded from the FAS reports website at: https://gain.fas.usda.gov/#/search. Search in the Food and Agriculture Import Regulations and Standards Report category.

Testing Requirements

Imported food is inspected based on two inspection categories. These categories determine the frequency with which the food will be inspected and the appropriate testing regime. The categories are: (1) risk, and (2) surveillance. These food inspection categories are regularly reviewed by FSANZ.

Risk category food: FSANZ categorizes food as 'risk' if it has the potential to pose a medium to high risk to public health. Risk food is referred to DAFF Biosecurity by the Department of Home Affairs and has a 100 percent inspection rate.

Risk food is tested against a published list of potential hazards—including micro-organisms and contaminants. Once five consecutive consignments have passed inspection, the inspection rate is reduced to 25 percent; after a further 20 consecutive passes, the inspection rate is reduced to five percent.

Risk foods are subject to 'test and hold' and are not released for sale until test results are known. Consignments of risk food which fail inspection and do not meet Australian standards cannot be

imported. These foods must be brought into compliance otherwise the food will be re-exported or destroyed.

If a consignment fails, it will then be subjected to 100 percent testing until a history of compliance is re-established for the producer of the food.

The list of risk-categorized foods is subject to change at any time and DAFF may inspect and analyze other foods which it believes may not comply with the requirements of the ANZFSC. The latest DAFF Imported Food Notices, which includes the latest notice relating to the tests applied to risk category foods, are available at: https://www.agriculture.gov.au/biosecurity-trade/import/goods/food/type.

Surveillance category food: All foods other than risk foods are considered to pose a low risk to human health and safety and are classified as 'surveillance food.' Each consignment of surveillance food has a five percent chance of being referred for inspection.

The selection of surveillance food consignments is random, and the referral of those consignments is done using electronic profiles in the Department of Immigration and Border Protection's Integrated Cargo System. Information such as the importer, producer, or the country of origin of the goods does not affect the random selection and referral of a surveillance food.

Samples of surveillance food may be analyzed for pesticides, antibiotics, microbiological contaminants, natural toxicants, metal contaminants, and food additives.

As surveillance foods are considered to be low risk, they are subject to a 'test and release' direction and can be distributed for sale before test results have been received.

If there are adverse test results, the relevant state or territory food regulatory authority is advised so it can determine if a recall is required. Any expenses resulting from a recall or withdrawal involving imported goods will be borne by the importer.

Surveillance food that fails inspection is subject 100 percent testing until a history of compliance is established. The process for increasing inspection of surveillance food is referred to as applying a 'holding order.' A holding order remains in place until favorable test results are received. Following five consecutive passes the rate of referral returns to five percent of consignments.

Holding Orders

In the event of a risk or surveillance food not complying with the ANZFSC, a Holding Order may be issued. A Holding Order effectively means that the inspection category of the food has been raised to "risk" status. This means that **all** future shipments of that food from the offending supplier will be automatically detained and held until compliance with Australia's requirements is confirmed. After five clear inspections, the food reverts to its prior surveillance category. Further details on the Holding Order process are available at: https://www.agriculture.gov.au/biosecurity-trade/import/goods/food/inspection-testing/holding-orders.

Quarantine

When any food is imported into Australia it must first comply with quarantine requirements.

Australia has strictly controlled import conditions that require various treatments (e.g., fumigation, time/temperature controls) that must be supported by import permits and attestations on export certificates from authorities in the country of origin. *Examples* of products for which Australia requires attestations from authorities in the country of origin are:

- chicken meat and chicken meat products
- pork and pork products
- beef and beef products
- egg and egg products
- fresh fruits and vegetables
- dairy products, and
- salmon (fresh)

All these products are either not permitted or are permitted under strict conditions.

U.S. exporters need to determine exactly what restrictions exist on the foods they wish to export to Australia. In some cases, a prohibition exists simply because an import risk analysis from which appropriate control measures can be determined has not been requested. In this case, import would not be permitted until an import risk analysis has been undertaken.

The Australian government has a formal mechanism in place for evaluating the degree of risk associated with the importation of certain products or produce from foreign countries. The evaluation procedure involves other governments, industry groups, academia, and consumers. The evaluation is often a protracted exercise and can take some years to complete, particularly for foods that are unprocessed or only partially processed as these are perceived to represent the greatest danger of carrying pests and diseases into Australia.

DAFF maintains a searchable Biosecurity Import Conditions Database for agricultural products entering Australia (known as BICON) at the following site: http://www.agriculture.gov.au/import/bicon.

Examples of some product-specific export certification requirements are available in the FAIRS Export Certification report for Australia. This report can be downloaded from the FAS reports website at: https://gain.fas.usda.gov/#/search. Search in the Food and Agriculture Import Regulations and Standards Report category.

Section VII: Other Specific Standards

Specific Commodity Standards

Chapter 2 of the ANZFSC contains standards for specific commodity groups. These are:

- Part 2.1 - Cereals
- Part 2.2 - Meat, Eggs & Fish
- Part 2.3 - Fruit & Vegetables
- Part 2.4 - Edible Oils
- Part 2.5 - Dairy Products
- Part 2.6 - Non-alcoholic beverages
- Part 2.7 - Alcoholic Beverages

- Part 2.8 - Sugars & Honey
- Part 2.9 - Special Purpose Foods
- Part 2.10 – Standards for other Foods

Nutrition, Health, and Related Claims

There is a guide – Getting Your Claims Right – that applies to both nutrition and health claims.

Standard 1.2.7 sets out the requirements for Nutrition, Health, and Related Claims. Where a nutrition claim is made, the Nutrition Information Panel must be provided and must include energy, protein, fat, saturated fat, carbohydrate, sugars, and sodium. The Panel must also include any claimed nutrient or biologically active substance, or any other nutrients that may be triggered.

Information regarding the type of nutrition claims that can and cannot be made, as well as examples of Nutritional Information Panels for each type of claim, is contained in Standard 1.2.8.

A Nutrition Panel Calculator is available to assist in calculating mandatory nutrition information for the panels.

Health claims must be based on food-health relationships that have been substantiated according to Standard 1.2.7 and associated schedules 4, 5 and 6. See FSANZ Nutrition, health and related claims web page for full details.

Nutrition content claims are claims about the presence and the amount of certain nutrients or substances in a food, such as 'low in fat' or 'good source of calcium.' These claims need to meet certain criteria set out in the Standard. For example, any food that carries 'a good source of calcium' claim will need to contain more than the amount of calcium which is specified in the Standard.

Health claims refer to a relationship between a food and health rather than a statement of content. There are two types of health claims:

- **General level health claims** refer to a nutrient or substance in a food and its effect on a health function. Under the standard, health claims must not refer to a serious disease or to a biomarker of a serious disease. For example: *'calcium is good for bones and teeth'* is an example of an acceptable general level claim under the new standard.
- **High level health claims** refer to a nutrient or substance in a food and its relationship to a serious disease or to a biomarker of a serious disease. For example: *Diets high in calcium may reduce the risk of osteoporosis in people 65 years and over*. An example of a biomarker health claim is: *Phytosterols may reduce blood cholesterol.*

Food businesses wanting to make **general level health claims** can base their claims on one of the more than 200 pre-approved food-health relationships in the Standard or self-substantiate a food-health relationship in accordance with detailed requirements set out in the Standard. Read more about the notification process. Guidance is available on establishing food-health relationships for general level health claims.

High level health claims must be based on a food-health relationship pre-approved by FSANZ. Pre-approved food-health relationships for high level health claims are listed in the Schedule 4 of the Standard.

All health claims are required to be supported by scientific evidence to the same degree of certainty, whether they are pre-approved by FSANZ or self-substantiated by food businesses. Food-health

relationships derived from health claims approved in the European Union, Canada, and the United States have been considered for inclusion in the Standard.

Health claims will only be permitted on foods that meet the nutrient profiling scoring criterion (NPSC) set out in the standard. For example, health claims will not be allowed on foods high in saturated fat, sugar, or salt. Food businesses will be required to ensure that products meet a certain nutrient profiling score in order to make a health claim. An online calculator is available to help food businesses determine a food's nutrient profiling score.

Endorsements that are nutrition content claims or health claims will be permitted provided the endorsing body meets requirements set out in the Standard.

Fortification of Food with Vitamins & Minerals

Standard 1.3.2 limits the claims that can be made about the vitamin and mineral content of foods. Standard 1.2.7 relates to the claims that can be made about nutrition content, including the presence of vitamins and minerals in food. There are also provisions in other standards that affect claims about specific foods. See for *example*:

- Standard 2.1.1 cereal and cereal products
- Standard 2.4.2 edible oil spreads
- Standard 2.9.1 infant formula products
- Standard 2.9.2 food for infants
- Standard 2.9.3 formulated meal replacements and formulated supplementary foods
- Standard 2.9.4 formulated supplementary sports foods, and
- Standard 2.9.5 food for special medical purposes.

Words and Expressions

The use of certain words and expressions are restricted. Words such as polyunsaturated, pure, natural, organic, low alcohol, non-alcoholic, healthy, vitamin enriched, etc., are restricted and guidance should be sought from the relevant product standard and from the ACCC guidelines mentioned elsewhere in this report.

Pictures and Designs

Manufacturers should ensure that their pictorial representations do not give a misleading overall impression about their products.

Pictures or designs may be prohibited on certain foods and manufacturers and importers should familiarize themselves with the restrictions in the ANZFSC.

Foods Requiring Pre-Market Clearance

Novel Foods (Standard 1.5.1)

This Standard regulates the sale of novel food and novel food ingredients. This Standard prohibits the sale of these foods unless they are listed in the Schedule 25 of the Code. The specific permission may impose

conditions relating to matters such as the need for preparation or cooking instructions, warning statements or other advice, or the need to meet specific requirements of composition or purity.

FSANZ will assess the safety of the novel food for human consumption prior to its inclusion in Schedule 25. The safety assessment will be performed in accordance with the Authority's safety assessment guidelines.

Novel food includes novel foods used as ingredients in another food. Categories of novel foods may include, but are not limited to, plants or animals and their components; plant or animal extracts; herbs, including extracts; dietary macro-components; single chemical entities; micro-organisms, including probiotics; foods produced from new sources, or by a process not previously applied to food.

Information regarding applying for approval for a novel food is available in Section 3.5.2 of the FSANZ Application Handbook.

Genetically Modified Foods (Standard 1.5.2)

Section 1.5.2-3 addresses when a food produced using gene technology is subsequently permitted for sale. The Standard prohibits the sale and use of these foods unless they are included in Section S26-3 of Schedule 26.

Additives and processing aids which are produced using gene technology are not regulated in this Standard. Other Standards in the Code regulate additives and processing aids and require pre-market approval for these substances.

Irradiated Food (Standard 1.5.3)

This Standard prohibits the irradiation of food or ingredients or components of food unless specific permission is given. FSANZ provides permission to sell irradiated foods but may impose conditions relating to matters such as dose, packaging materials, approved premises, or facilities.

Food to be processed by irradiation, and the packages and packing materials used or intended for use in connection with this technology should be of suitable quality and in an acceptable hygienic condition appropriate for the purpose of such processing.

The operation of irradiation facilities and control of the irradiation process should be undertaken in accordance with any relevant State, and Territory, and New Zealand law governing radiation control. They should also be undertaken in accordance with an appropriate Code of Practice such as the 1983 Codex Alimentarius General Standard for Irradiated Foods and its associated Code of Practice for the Operation of Irradiation Facilities Used for the Treatment of Foods.

This Standard also sets out permitted sources of radiation, requires the keeping of certain records in relation to the irradiation of food, and the labeling of food which has been irradiated.

Information regarding applying for approval for irradiated food is available in Section 3.5.3 of the FSANZ Application Handbook.

Trade Samples

The amounts of food that may be imported as trade samples for the purposes of scientific or commercial evaluation are:

- For foods in liquid form, up to 20 liters.
- For foods not in liquid form, up to 20 kilograms.
- For concentrated liquid foods (however packed), that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 liters.
- For moisture reduced foods (however packed), other than liquid foods, that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 2 kilograms net weight.
- For spices (however packed) that are used in the preparation of other foods or are not usually consumed unless as part of a prepared food, not more than 1 kilogram.

Note: Trade samples are not exempt from quarantine requirements – i.e., if a product requires an import permit for commercial shipments, then it will require a permit for samples.

Plant-Based Meat and/or Dairy Products

While there are no specific standards for plant and/or cell-based food, they are required to meet the same requirements set out in this report for other foods and may require pre-market approval as set out above. Depending on the composition of these products, other standards would include those for novel foods, processing aids, food additives, food produced using gene technology, microbiological limits in food, vitamins and minerals, labeling that indicates the true nature of the food, definition of cell-based meat, and food safety requirements.

Plant-based milk alternatives: Several plant-based milk alternatives derived from legumes (soy), cereals (rice or oats) and nuts (almonds) are available in Australia. While there are no specific standards in the Food Standards Code related to these products, they must still meet all the same requirements for other food products set out in this report.

Plant-based beverages that contain less protein than dairy milk are required to have advice on the label that the product is not suitable as a complete milk replacement for children under five years of age. Milk products and plant-based milk substitutes that have adequate protein but are low in fat are also required to carry an advisory statement on the label that the product is not a complete milk replacement for children under two years of age.

For further information see: https://www.foodstandards.gov.au/consumer/nutrition/milkaltern

Plant-based meat (known as meat analogue products by FSANZ): These products are permitted but producers need to be aware that, depending on composition of the product, some ingredients may require pre-market approval.

Cell based meat: Cell-cultured foods are regulated under food standards that came into effect in Australia and New Zealand in June 2025. These standards apply to cells sourced from livestock, poultry, game, seafood or eggs and embryos from these sources.

The standards cover production, sale and labelling requirements.

- **Standard 1.5.4 – Cell-cultured foods**
  Sets out general requirements and mandatory labelling, including use of the statement *"cell-cultured"* or *"cell-cultivated"* for food identification purposes.
- **Standard 3.4.1 – Food safety requirements for processing of cell-cultured food (Australia only)**
  Covers food safety requirements for production and processing, including controls on inputs, equipment, premises and monitoring.
- **Schedule 25A – Permitted cell-cultured foods**
  Lists approved foods and any specific conditions for sale or labelling.

Only approved cell-cultured foods can be sold in Australia and New Zealand. To be approved, foods must undergo an assessment following an application to FSANZ.

The assessment includes consideration of the cell line, how the cells are grown, the substances used in the process and the final food product.

Section VIII: Trademarks, Brand Names, and Intellectual Property Rights

Australian law protects patents, trademarks, and copyrights. Australia is a member of the World Intellectual Property Organization, the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, the Patent Cooperation Treaty, the Trans-Tasman Mutual Recognition Agreement for the Patent Attorney Profession, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, the Strasbourg Agreement Concerning the International Patent Classification, Nice Agreement for the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights.

IP Australia is the federal agency responsible for registrations of patents, trademarks, and designs. IP Australia incorporates the Patent, Trademark and Designs Offices, which administer the *Patents Act 1990*, the *Trade Marks Act 1995*, the *Designs Act 1906* and associated regulations as well as the *Olympic Insignia Protection Act 1987* and the *Scout Association Act 1924*. More information and links to the legislation are available on the IP Australia web site.

Patents: A patent protects any device, substance, method or process that's new, inventive and useful. Patents can protect different types of inventions like medical technology, pharmaceuticals, appliances, and mechanical devices. Standard patent lasts up to 20 years, and 25 years for pharmaceutical substances, renewal fees are paid. One thing to keep in mind is that an Australian patent only gives you protection in Australia.

Trademarks: A trademark legally protects a company's unique brand, name of a product, or services. It can help customers distinguish you from your competitors. Trademarks can protect a logo, phrase, word, letter, color, sound, smell, picture, movement, aspect of packaging, or any combination of these. Not everything can be trademarked. There are certain words, phrases and images that can't be trademarked, or can only be registered under special circumstances. A trademark registration lasts up to 10 years before it needs to be renewed, which can be done indefinitely.

Designs: A design right protects the overall visual appearance of new and distinctive whole products. These whole products should have physical and tangible form, be manufactured or handmade, and be produced on a commercial scale. For example, a couch, a car or a dress. In the commercial world, design can mean a lot of things. But just because you've designed something, it doesn't mean you can protect it with a design right. A design right doesn't protect how the product was designed, what the product does, what the product is made from, or designs not applied to a tangible product. For example, a logo. Applying for a design right is a two-part process in Australia. When you register and certify your design, it gives you the exclusive right to use your design and authorize other people to use your design within Australia, a right that can grow in value and can be sold or licensed within Australia, and the ability to apply for the same design overseas within six months of your Australian application. A registered design right lasts up to ten years, with a renewal required after five years.

Copyrights: Copyright protection is free and automatic. It protects your original expression of an idea as soon as you document it. Copyright protects art, non-commercial designs, music, literature or film. The Attorney-General's Department manages copyright in Australia.

Section IX: Import Procedures

There is no pre-market approval of either the composition or labeling of any food in Australia. Imported food must comply with all aspects of the Food Standards Code at the point of entry into Australia. DAFF performs random inspections on any food imported. High-risk foods can be targeted for inspection at a higher frequency.

All goods imported into Australia must be cleared by Customs, whether they are imported by air, sea, or mail. While imports of low value will generally be released by Customs for delivery direct to consignees, importers are responsible for obtaining a formal Customs clearance for consignments of goods above set value limits (currently AUD$1000).

Cost recovery charges apply for the processing of entries. The cost will depend on whether the entry is an electronic entry or a documentary (manual) entry.

The minimum documentation required to be submitted with Customs import entries or informal clearance documents includes an airway bill or bill of lading, invoices, and any other papers (including packing lists, insurance documents, import permits, etc.) relating to the shipment. The Department of Agriculture, Fisheries and Forestry minimum documentary and declarations requirements policy are set out in documents available on their website.

Customs import entry procedures are based on self-assessment by importers who should be aware of all their obligations. Penalties may be imposed for the submission of incorrect or misleading information or for the omission of information to mislead. Therefore, while it is not a requirement, it is recommended that importers use the services of a customs broker to complete customs import entries and related clearance formalities. Brokers specialize in the clearance of imported goods and are licensed by the Australian Customs Service.

More information on importing goods into Australia is available from the Australian Border Force - https://www.abf.gov.au/importing-exporting-and-manufacturing/importing/how-to-import.

Note: The use of local agent representation is highly recommended.

Imported Food Inspection Scheme

The following information deals with both public health and quarantine (i.e., animal & plant health) requirements for imported foods. The requirements for each are quite different, but the import clearance of foods is the responsibility of the Department of Agriculture, Fisheries and Forestry (DAFF) and is coordinated under the Imported Food Inspection Scheme (IFIS).

All food imported into Australia must first comply with quarantine requirements stipulated in the *Biosecurity Act 2015* and then the *Imported Food Control Act 1992* and the *Imported Food Control Amendment Act 2018*. A release issued after the quarantine inspection is **NOT** a clearance from the IFIS inspection.

All incoming food shipments must be declared to the Australian Border Force using the international harmonized tariff schedule. DAFF Biosecurity has a direct link to the ABF computer network and can place impediments on imported foods that require clearance.

Importers of targeted foods are obliged to go to DAFF Biosecurity to secure the release of the goods. With risk-category foods, the criteria for the release of goods and whether the food needs to be inspected is based on the compliance history of the producer.

DAFF Biosecurity maintains its own computer network linking inspectors in all States and Territories. The system holds records of the inspection status of all overseas suppliers of risk foods. This network allows inspectors to be notified whether an inspection for a particular shipment is required.

While the focus of the IFIS is on food safety, imported foods must comply with all requirements of the ANZFSC. It is the legal responsibility of the importer to ensure they do so. ***U.S. exporters should not assume that because their products are accepted in other markets that they will be automatically accepted in Australia***. Often the Australian standards differ in such areas as the description of the product; its composition; the use of preservatives, and if colorings and additives are permitted.

DAFF Biosecurity inspectors check the food against the requirements of the ANZFSC. Inspectors examine all referred foods for labeling compliance and perform visual inspections. The visual inspection involves, where necessary, opening the packages and examining the food for contamination and defects.

Inspectors will ensure that the label:

- is in English
- has an accurate trade description
- has manufacturer/importer details
- has declared Country of Origin
- has batch/lot codes
- has date marking (in the correct format)
- has net weight – contents, and
- has a statement of ingredients (where appropriate).

DAFF Biosecurity has a managed process whereby importers are given the opportunity to check that it's in compliance with ANZFSC labeling requirements and, if necessary, make corrections to the labels prior to arranging an IFIS inspection. Importers must ensure that the consignment has cleared quarantine before undertaking any IFIS examination.

Rather than reject foods for import entry, DAFF Biosecurity will allow corrective action to be taken for significant breaches. Minor defects will generally be cleared, with an understanding that the importer will make the necessary changes to correct specified problem(s). Repeated failures could result in a Holding Order being issued (see Section IV above for details).

At the time of the inspection, the DAFF Biosecurity inspector may take samples for laboratory analysis to determine the food's microbiological status, levels of any pesticide residues, the correct use of additives, and the food's composition.

DAFF implemented virtual label/visual inspections in real time using Microsoft Teams. This virtual inspection is equivalent to a physical inspection under the IFIS. These inspections cut down the average wait time to several days, as compared to a week or more for a physical inspection. For more information and to register for virtual inspections, email DAFF at Importedfood-postinspection@aff.gov.au.

It is the importer's responsibility to ensure that the foods they import comply with the requirements of the ANZFSC. The ANZFSC requirements can be complex and if U.S. exporters are not sure if their foods will comply, they should check with their importer or seek legal advice from a consultant or food lawyer. Having a food assessed **prior to importation** reduces the risk of any unnecessary delays and additional expenses if the food product is found not to comply.

If U.S. exporters are unsure about which quarantine prohibitions or restrictions may apply to their product, they are encouraged to contact DAFF Biosecurity prior to shipment - https://www.agriculture.gov.au/about/contact/online-enquiry.

The IFIS is jointly run by the DAFF Biosecurity and FSANZ. FSANZ advises on food risk assessment policy and DAFF Biosecurity having operational responsibility for inspection and sampling.

Authorized DAFF Biosecurity officers carry out food inspections. The standards applied are those set down in the ANZFSC and these same standards apply to foods manufactured in Australia.

Section X: Trade Facilitation

Food Safety Recognition Agreements

Food safety recognition agreements can be established on a mutual basis, wherein both participating nations acknowledge the equivalence of their respective food safety regulatory frameworks, or unilaterally, with recognition extended by only one party. Australia possesses the capability to evaluate a foreign nation's domestic food safety regulatory system to ascertain whether it affords a comparable level of consumer protection.

DAFF signed an agreement with the US Food and Drug Administration (FDA) in April 2017, recognizing Australia's food safety system and the U.S. food safety system are comparable/ equivalent to each other.

Foods covered by this agreement include:

- Canned foods
- Dairy products (excluding U.S. Grade A milk and milk products)
- Fresh fruit and vegetables
- Most Seafood

- Fruit juices
- Confectionery
- Baked goods; and
- Game meat.

Food not covered by this agreement includes meat (except game meat), poultry, processed egg products, raw bivalve molluscan shellfish, raw milk cheese and dietary supplements and natural health products.

Government-to-Government Certification Arrangements

DAFF Biosecurity has agreements with other countries regarding certifications. Before recognizing any certification issued by other authorities, DAFF Biosecurity must be satisfied that there is a system in place that is monitored by the relevant authorities and that they ensure that foods will comply with Australian requirements.

Foods accompanied by certificates from approved agencies are quickly cleared by IFIS, assuming quarantine requirements are met. Minimum fees apply to foods cleared under certification. Random audits and analyses are conducted on certified shipments.

If something is later found to be wrong with a food certified by a DAFF approved overseas authority, DAFF resolves the problem with the certifying agency without taking action against the importer or the supplier. The approved foreign country authority is required to resolve the problem, and if problems continue DAFF may suspend the arrangement.

Information on the current foreign government certification arrangements can be found at: https://www.agriculture.gov.au/biosecurity-trade/import/goods/food/government-certification.

Food Import Compliance Agreements

Australian food ***importers*** are able to enter into a Food Import Compliance Agreement (FICA) with DAFF Biosecurity under the *Imported Food Control Act 1992*.

FICAs offer food importers an alternative regulatory arrangement to inspection and testing of their products under the imported food inspection scheme (IFIS).

All food imported under a FICA will continue to be subject to quarantine import restrictions in accordance with the *Biosecurity Act 2015* and its subordinate legislation. Further information on FICAs is available at: https://www.agriculture.gov.au/biosecurity-trade/import/goods/food/how/fica.

Approved Arrangements

Approved Arrangements are voluntary arrangements entered into with The Department of Agriculture, Fisheries and Forestry. These arrangements allow ***importers*** to manage biosecurity risks and/or perform the documentary assessment of goods in accordance with departmental requirements, using their own sites, facilities, equipment, and people, and without constant supervision by the department and with occasional compliance monitoring or auditing.

An approved arrangement can cover all biosecurity activities involving the physical handling of goods at one or more approved arrangement sites. An approved arrangement can also cover biosecurity activities

that do not involve the physical handling of goods, such as documentary assessment for goods subject to biosecurity control by accredited persons or performing disinfection treatments on aircraft. Both physical and non-physical biosecurity activities can be grouped together under the same approved arrangement.

Compliance Based Intervention Scheme

The DAFF runs a Compliance-Based Intervention Scheme (CBIS). Importers can qualify for reduced intervention at the Australian border. The CBIS enables smoother clearance of goods and reduces regulatory cost. The Agriculture Import Management System (AIMS) governs how the CBIS operates.

AIMS can:

- recognize the eligibility criteria (tariff code, profile question response)
- target the appropriate intervention measure (such as inspection, treatment, testing or document assessment)
- automatically generate the CBIS direction
- recognize direction results entered by biosecurity officers
- switch entities into and out of different CBIS modes (see system rules)
- randomly select lines for intervention that qualify for the reduced risk-based intervention rate
- automatically increase or decrease intervention levels.

World Wine Trade Group

Australia and the United States are among the nine total member countries that are party to the World Wine Trade Group's (WWTG) Agreement on Mutual Acceptance of Oenological Practices (MAA). The MAA recognizes that each WWTG member has established acceptable mechanisms for regulating wine-making practices, and in turn agrees to accept the wine-making practices of all other parties. The helps facilitate trade in wine and streamlines import procedures through parties permitting the importation of wine produced in another member country that is produced in accordance with that other country's laws, regulations and requirements.

Appendix I: Government Regulatory Agency Contacts

Local government authorities that have responsibility for administering and evaluating imported products include:

Department of Agriculture, Fisheries and Forestry, Imported Food Program
https://www.agriculture.gov.au/biosecurity-trade/import/goods/food

Food Standards Australia New Zealand
http://www.foodstandards.gov.au

Australian Border Force
https://www.abf.gov.au/

Office of the Gene Technology Regulator
http://www.ogtr.gov.au

IP Australia
http://www.ipaustralia.gov.au

Australian Department of Health
http://www.health.gov.au

SPS & TBT Contacts

Under World Trade Organization (WTO) agreements, each member government holds the responsibility for managing notification processes. For instance, this applies to the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Agreements. These WTO obligations require members to notify the WTO about any trade-significant proposed regulations that differ significantly from international standards. Additionally, they must provide requested copies of these proposals, allow time for feedback, and supply copies of relevant documents concerning existing food and agriculture regulations upon request. Contact information for a country's Enquiry Point is listed below.

Australian SPS contact point
Trade and Market Access Division
The Department of Agriculture, Fisheries and Forestry
E-mail: sps.contact@agriculture.gov.au

TBT Enquiry Point
Office of Trade Negotiations
Department of Foreign Affairs & Trade
E-mail: tbt.enquiry@dfat.gov.au

Appendix II: Other Import Specialist Contacts

Office of Agricultural Affairs
U.S. Embassy
Canberra, Australia
Tel: +61 2 6214 5854
E-Mail: AgCanberra@usda.gov

Food & Beverage Importers Association
E-mail: info@fbia.org.au
Web: http://www.fbia.org.au

American Chamber of Commerce in Australia
Tel: +61 2 8031 9000
E-mail: nsw@amcham.com.au
Web: http://www.amcham.com.au

Attachments:

No Attachments