

5 DANGEROUS LABEL MISTAKES

1. My label is good, but I can say what I like in my advertising and on my website can't I? What about social media channels?

Your advertising and website is an extension of your labelling and what you say in advertising must comply with the same requirements as your label. Social media channels are part of the advertising realm. Make sure that you are compliant there as well. Also, the Australian Competition and Consumer Commission through Australian Consumer Law legislation, regulates the issues of false and misleading claims and information as do the States and Territories Fair Trading legislation. There are hefty fines and undertakings required if you are deemed to have misleading or false claims associated with your products. It is not just a direct claim that is of concern – it is also the impression that your advertising might convey to consumers. Remember also that small print qualifying any claims or representations will not necessarily give you a safe harbour from being prosecuted.

Remember – your claims must be truthful, clear and accurate – they must also comply with any specific conditions detailed in the Food Standards Code.

2. Health claims – everyone else is using them so I can too.

Health claims are specifically regulated and there are conditions that must be met if you want to make health claims about your food product. These are voluntary statements about your food products, but they are not permitted unless they comply with the requirements of the Food Standards Code. Sometimes other products might appear to be a food product, but some might be listed products with the Therapeutic Drugs Administration having gone through the rigorous processes required, for example. Other manufacturers products might also be compositionally different to yours, so you need to make sure that all aspects of the requirements for claims are met and you don't just put health claims on your label because someone else has done the same thing.

3. It doesn't matter that the print is small. There is so much to fit on the label and my graphics take up most of it.

The requirement here is that the required information on the food label must be legible. There are some statements that have a minimum type size also and you need to make sure that those statements comply with the requirements. Your graphics are important for the

product, but they shouldn't take over from the necessary labelling of the product. Some labelling requirements must be a certain distance away from other information, graphic designs and even the edge of the label itself. So, when designing your labels, you must make sure that you allow for enough room to accommodate all the necessary information. Remember, if it the printing is too small, and people want to or need to know what is in your product, if they can't read it, they may not buy it.

4. I make my products at home and I don't want people coming to my home. I will put my PO Box address on the label.

Several pieces of the legislation require you to have a physical address on your label. This is must be the Australian address of the business. Even if the address is your home address (for example you have a commercial kitchen attached to your home), then this address will be the one required if it is your business address. The Authorities need to be able to contact you, for example, if there is a food recall initiated by them due to a situation with your food product. Recalls must proceed quickly and contact with you the business owner is critical in these situations.

5. I import my products and they have labels already, so I am good, right?

Imported food must comply with the food labelling requirements as well as the compositional requirements for Australia. If the food label does not comply to the Australian requirements, then the label must be amended. If the information on the label is in a language other than English, then the correct information in English can be overlabelled to make sure the food product complies.