

## Office of Legislative Drafting and Practice review of the Food Standards Code

Table 4: Issues raised by the States and Territories and New Zealand			
Item	Agency	Issue	OLDP comments/questions
103		Standard 1.2.2	<p>In general our view is that the Parts could be combined into a single Standard/document. Standards 1.2.1 and 1.2.2 should be consolidated.</p> <p>We think clause 1 should be recast and would approach the drafting as follows, using a narrative style of drafting.</p> <ol style="list-style-type: none"> <li>(1) A food business [or supplier?] must include the name of a food on its label.</li> <li>(2) If there is a requirement under this Code for the food, the food business or supplier must use the name that is defined in this Code in relation to the requirement.</li> <li>(3) However, the food business or supplier must not use that name if the food does not meet the requirement.</li> <li>(4) If there is no food requirement under this Code for the food, the food business or supplier must use a name or a description of the food that is sufficient to indicate its true nature.</li> </ol>

**Source:**

Supporting document 1

Legislative audit report provided by the Office of Legislative Drafting and Publishing – Proposal 1025 (pg 68).

<http://www.foodstandards.gov.au/code/proposals/Documents/P1025%20Code%20revision%20CF%20SD1%20Leg%20audit.pdf>
**Standard 1.2.2 (prior to 1 March 2016)****STANDARD 1.2.2****FOOD IDENTIFICATION REQUIREMENTS****Purpose**

This Standard requires that certain information must be included on the label on a food in order to be able to identify the food in question. Where the food is not required to bear a label pursuant to clause 2 of Standard 1.2.1 that same information is required to be displayed on or in connection with the food, or provided to the purchaser upon request. The labels on a package of food for retail sale, other than in the circumstances listed in Standard 1.2.1 must include, in addition to the information prescribed in this Standard, the information prescribed elsewhere in Part 1.2 of this Code.

**Clauses****1 Name of food**

- (1) The label on a package of food must include –
- (a) the prescribed name of the food, where the name of a food is declared in this Code to be a prescribed name; and
  - (b) in any other case, a name or a description of the food sufficient to indicate the true nature of the food.

**Source:**
<https://www.legislation.gov.au/Details/F2009C00836>