



Gary Wing <garywing1007@gmail.com>

REF2316532 - Country of origin enquiry [SEC=UNCLASSIFIED]

Morrison, Sarah <sarah.morrison@acc.gov.au>
To: Gary Wing <garywing1007@gmail.com>
Cc: "Johnson, Kylie" <kylie.johnson@acc.gov.au>

Wed, Feb 21, 2018 at 12:50 PM

Hi Gary,

Thank you for your patience.

We have prepared some guidance to assist with your enquiry regarding country of origin labelling for packaged ice. We note that our consideration of these issues does not constitute legal advice. The ACCC always recommends that you seek independent legal advice to ensure your products are correctly labelled in accordance with the *Country of Origin Food Labelling Information Standard 2016* (the Standard).

It is in our view that packaged ice is likely to be included in the non-exhaustive definition of 'bottled water' in the Standard, even though it is not specifically mentioned in that definition.

As 'bottled water' is listed as a non-priority food in section 9(d) of the Standard, the labelling requirements for non-priority foods (sections 24 and 25 of the Standard) apply. This means that it is our view that packaged ice, at a minimum, should be labelled with a country of origin text statement. I note that businesses may choose to voluntarily label their ice as if it is a priority food i.e. if the ice is exclusively of Australian origin, using a 'produced in Australia' three part standard mark label with the kangaroo logo. However, businesses must comply with the Standard when using the mark labels if they choose to do so.

Further considerations

When making a country of origin statement, businesses must be aware of their broader obligations under the Australian Consumer Law (ACL) not to mislead or deceive consumers. Neither the Standard or the ACL prohibit businesses from providing further information about their non-priority food products; for instance, providing information about where a food was packaged, in addition to the country of origin claim (e.g. 'made in Italy, packed in France'). However, it is important that any additional information provided is clear, accurate and truthful. Otherwise the business may breach the ACL.

Businesses should also have regard to the overall impression created by the packaging and any surrounding claims or images. If the impression created is something other than the truth, the business risks breaching the ACL.

I hope this information is of assistance. Please feel free to give me a call if you have any follow-up questions.

Kind regards,

Sarah

Sarah Morrison

Project Officer | Small Business & Industry Codes