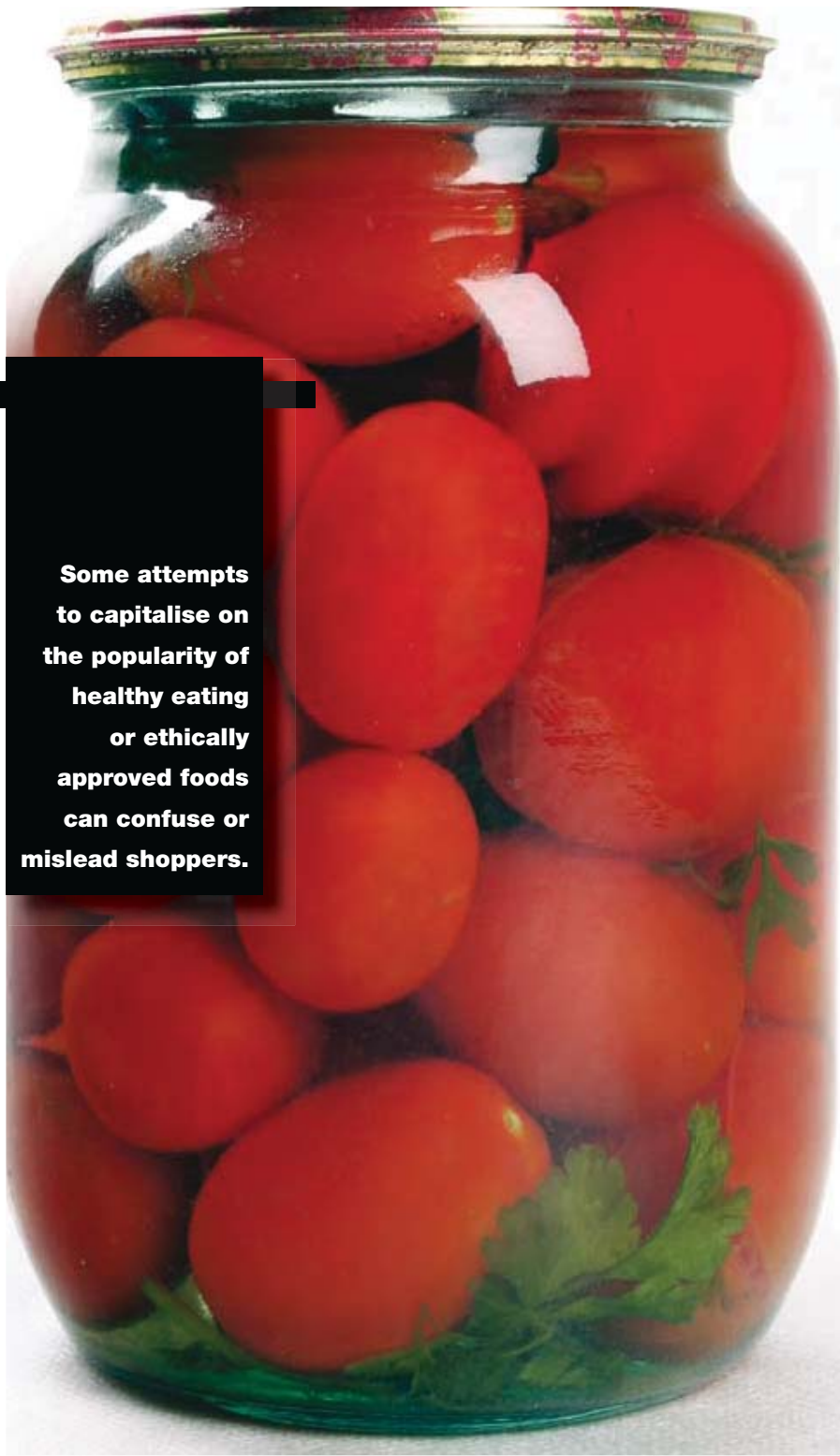


# WARNING!

## LABEL MAY CONTAIN MISINFORMATION



**Some attempts to capitalise on the popularity of healthy eating or ethically approved foods can confuse or mislead shoppers.**

**IT'S NO SECRET** that many purchases by today's consumers are strongly influenced by a desire to find healthy products, goods that support local producers or food that is prepared in a particular way.

Most producers and sellers in the industry recognise this growing trend and many tailor their products and packaging to cater to that demand.

But some attempts to capitalise on the popularity of healthy eating or ethically approved foods can confuse or mislead shoppers. This is not always deliberate; it can simply be through an honest misunderstanding or carelessness when labelling products.

In an attempt to set a few basic benchmarks for producers and suppliers, the ACCC has released a food descriptors guideline. The guideline attempts to outline some of the most common areas of concern in food and beverage labelling while providing producers and packagers with some direction to help them comply with Australia's consumer protection laws.

Food Standards Australia/New Zealand is responsible for providing consumers with adequate information about the foods available for sale, but the ACCC also has a role in preventing all businesses in Australia from misleading or deceiving their customers. This includes the food and beverage industry, which must comply with the Trade Practices Act.

A number of food and beverage producers have found themselves facing court action over the years as the result of ACCC action.

One common misconception is that a producer must knowingly be in breach of the law before they can be penalised. This is not necessarily the case.

The overall impression a product conveys can also be more important than individual details on a label. Even if a label makes qualifying statements, it may still be misleading in the eyes of a court if the overall impression could convey a misleading message.

It may sound trivial, but apparently minor issues such as whether a food contains a particular type of fruit depicted on the label or whether it is simply flavoured to taste like it can be enough to lead to a breach of the law.

Of course, some terms by their very nature are ambiguous and should therefore be used with caution or avoided altogether. Terms such as 'locally produced' can mean many things to many people, and descriptions such as 'fresh' or 'natural' are also broadly open terms.

That said, there are certain general expectations customers would have when buying products labelled as 'fresh' or 'locally produced'.

Items that have been frozen for instance, would seem to have a tenuous claim on the 'fresh' tag. There are four broad categories that food producers need to consider when they describe or depict their products.

#### **1. FOOD TYPE ASSURANCE CLAIMS**

**These include descriptions such as vegan, kosher or halal.**

#### **2. PRODUCTION, PROCESS OR PREPARATION CLAIMS**

**Similar to assurance claims, process claims include terms such as 'organic', 'free range', 'chilled' or 'concentrated'.**

#### **3. ORIGIN CLAIMS**

**The desire to support producers in the local region can be a deciding factor for many shoppers, making it important for producers to clearly identify what they are talking about when branding their products as 'local'.**

#### **4. FOODS THAT MEET A STANDARD OR STYLE**

**This includes common claims such as 'fresh', 'pure', 'trim', 'genuine' and 'real'. While often thrown around in advertising, these terms should not be used simply as embellishments, and must be backed with some form of substantiation.**

The guideline contains practical examples designed to help companies give the best, most accurate information possible to their customers. Copies of *Food and beverage industry: Food descriptors guideline to the Trade Practices Act* are available by calling the ACCC Infocentre or as a download from the ACCC website. ●



While it can be difficult to predict all possible implications food labels may have, there are a couple of general rules that could keep you out of dangerous territory.

- Avoid targeting specific customers. A product may be designed to appeal to a particular group, for example, well educated consumers with a good understanding of complex nutritional language. However, if it is also likely to be bought by more vulnerable consumers or those with poor language skills, then those customers could be misled.
- Steer clear of ambiguous terms when possible, especially if there is a potential for them to be misleading (such as pasteurised orange juice described as 'fresh').
- When making claims about the nutritional value of foods, ensure it is based on current scientific evidence.
- Don't use pictures of food that is not an actual ingredient, even if it is flavoured similarly. Also, be aware of the possibility of conveying the impression that a picture may suggest a certain food is more than just a minor ingredient.
- Be aware that caveats, disclaimers or other qualifying statements may not be enough to prevent customers being misled if the overall impression remains unchanged.