# Farmers' Market Food Safety Guide



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# Status of this guide

This guide has been written by Food Standards Australia New Zealand (FSANZ) in consultation with the Australian Farmers' Markets Association (AFMA) and the state and territory food enforcement agencies. The guide was written at the request of AFMA to provide guidance to stallholders at markets on the food regulatory requirements in Australia for the food they are selling. AFMA requested that it cover all produce sold at farmers' markets, which is fresh produce (such as horticultural produce, meat, seafood, eggs, honey, dairy, including cheese and wine), and value-added products (such as jams and chutneys) and food service (food prepared on site for customers to eat/drink at the market). AFMA is responsible for offering access to the guide to its stakeholders and for ensuring the guide is kept updated. The state and territory enforcement agencies may also choose to use this guide in its entirety or alternatively, as a resource document to develop targeted guidance for stallholders in their jurisdictions.

FSANZ is not responsible for enforcement of food laws or of the Australia New Zealand Food Standards Code (the Code). Nor is FSANZ responsible for providing advice on food compliance issues. FSANZ provides the information in this publication simply to provide interested parties with a guide to provisions of the Code.

# **Disclaimer**

FSANZ makes no representation regarding the completeness, accuracy, or currency of any information contained in this publication or that such information will be error-free. To the extent that the material may incorporate or summarise views, guidelines or recommendations of third parties, such material is assembled in good faith, but does not necessarily reflect the considered views of FSANZ, or indicate any commitment to a particular course of action.

FSANZ does not accept any legal liability or responsibility for any loss, damages, costs or expenses incurred directly or indirectly by any use of, or reliance on, or interpretation of, any information contained in this publication.

Food businesses, primary producers and primary processors should seek independent legal advice in relation to any queries they may have regarding the legal obligations imposed upon them under state and territory food laws and the Code.

# **AFMA's Contribution**

AFMA the peak national organisation for Australia's farmers' markets seeks to encourage best practice in the farmers' market sector, including high standards of food safety. For this reason AFMA approached Foods Standards Australia New Zealand (FSANZ) to develop a useful, practical and general guide to food safety to assist farmers and growers, specialty food makers, wineries, market managers and other agencies responsible for the delivery of food safe practices in farmers' markets.

AFMA makes no representation regarding the completeness, accuracy or currency of any of the information contained in this publication prepared by FSANZ, or that such information will be error-free.

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AFMA advises food producers, primary producers and food processors to seek independent legal advice in relation to any queries they may have regarding the legal obligations imposed upon them under state and territory food laws and the Code.

This document was first published in August 2015 and updated in 2023. It will be reviewed and updated as required. It is available as a free pdf download on the AFMA website:

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# Introduction

This Guide is written for organisers of and stallholders at Australian Farmers' Markets. It provides an introduction to food legislation in Australia with an overview of the importance of food safety in the production and sale of food, as well as links to where you can find more information about food safety (Attachment 1).

Market managers and stallholders are encouraged to contact their local council or food safety regulatory agency for more specific food safety advice and guidance.

Most people who sell food at a Farmers' Market sell their own produce. It is important that all food produced is safe and suitable for people to eat. Food can become contaminated while it is being grown, harvested and further processed, if care is not taken. So if you produce the food you sell, you need to know about what food safety problems could occur and what you can do to reduce the chances of this occurring.

# Food legislation in Australia

#### **Food Acts**

Any person that sells foods must comply with their state or territory Food Act. The Food Acts include penalties for persons who sell unsafe or unsuitable food. It is also an offence to handle food intended for sale in a manner that will make, or is likely to make, the food unsafe. The definitions for unsafe and unsuitable food are contained within these Food Acts. The state and territory Food Acts can be accessed by visiting your local food regulatory agency website – a list of these contacts can be found here.

In summary:

**unsafe food** is food that is likely to cause physical harm to a person, provided that the food is used as it is intended to be used (e.g. raw meat is intended to be cooked before it is eaten).

#### unsuitable food is food that:

- is damaged, deteriorated or perished
- · contains a matter or substance that is foreign to the nature of the food
- is the product of a diseased animal or an animal that has died otherwise than by slaughter.

Other penalties apply for misleading and deceptive conduct in relation to the sale of food and selling food that is falsely described.

#### Australia New Zealand Food Standards Code (the Code)

The state and territory Food Acts also include penalties for persons who sell food that does not comply with any requirements of the Code that relates to the food. And if you are a food business, penalties apply if you do not comply with the requirements on food businesses as set out in the Code. The Code, and all the standards it contains, can be accessed here.

A **food business** is a business, enterprise or activity that involves the handling of food intended for sale, or the sale of food. This means all people making, manufacturing, producing, collecting, processing, storing, packing and transporting food intended for sale and the sellers of food are considered to be food businesses.

**Primary food production** means the growing, cultivation, picking, harvesting, collection or catching of food. People involved in primary production activities *only* are not considered food businesses. However, if you are primary producer *and* either:

- substantially transform any food you are producing, for example, making strawberries you grow into jam; and/or
- sell any food you produce directly to the public,

then you are considered a food business for these activities.

The Code includes requirements on food, food businesses and certain primary producers.

The Code contains a series of standards, each with a particular focus (e.g. limits on pesticide residues or labelling requirements). Similar standards are grouped together in chapters. Because the standards range from everything from health claims to processing aids to food safety requirements, the standards may not all apply to you and the food you produce or sell.

**Chapter one** of the Code contains general food standards – these include standards about labelling, substances added to food, contaminants and residues, novel foods and microbiological limits.

**Chapter two** contains standards for particular foods, including meat, eggs, fish, oils, dairy, beverages, sugars and honey, among others.

**Chapter three** contains the food safety standards, which apply to food businesses. From December 2023, it also contains additional food safety management tools that apply only to food service and related retail businesses, such as those selling ready-to-eat food like pies, sandwiches, kebabs, pastries with fresh cream.

**Chapter four** contains the primary production and processing standards. There are currently standards for producers and processors of seafood, poultry meat, ready-to-eat meat products, dairy, specific cheeses, eggs and seed sprouts. From February 2025 standards will be in place for berry, leafy vegetable and melon primary producers and processors.



The Code is developed and maintained by FSANZ. In consultation with government, industry and consumers, FSANZ writes the standards and makes sure the Code is kept up to date. However, FSANZ does not enforce the standards. This is done by the states and territories and local government authorities mostly by their Environmental Health Officers.

# Are you a food business?

At a Famers' Market, you are a food business if you:

- are a stallholder selling food that you grow or produce such as fruits and vegetables, eggs, seafood, meat and dairy products
- make food for sale, that you sell from a stall or someone else does on your behalf (e.g. you make jams, cakes, confectionery, breads, pies, cheeses or smallgoods)
- operate a food service stall at a Farmers' Market such as a temporary café or takeaway food stall
- are a stallholder at a Farmers' Market selling food that others have grown, produced or made
- store, wash, pack or transport other people's food that will be sold at a stall from a Farmers' Market.

If any of the above applies to you, you will need to contact your local food safety regulatory agency, normally your local council, to find out what food business notification, licensing or registration requirements apply. There may also be state or territory legislation that needs to be complied with.

# Are you a primary producer?

You are a primary producer if you grow, cultivate, pick, harvest, collect or catch food. If you personally sell your primary produce at a Farmer's Market, you are considered a food business for this activity. If you sell your primary produce to another person to sell at a Farmers' Market, the seller is considered a food business. If you substantially transform any of your primary produce, such as cook it, for you or someone else to sell, you are also a food business for this activity.

All primary producers must ensure the food they sell is safe and suitable and complies with any requirements in the Code that apply to the food they are selling. Additionally, if you are a primary producer of seafood, poultry meat, meat including ready-to-eat meat products, dairy and dairy products, eggs and egg product, seed sprouts, or (from February 2025) berries, leafy vegetables or melons, you need to comply with the relevant primary production and processing standards in the Code for these foods.

If you are a primary producer of seafood, poultry meat, meat and ready-to-eat meat products, dairy and dairy products, eggs and egg products, seed sprouts, or (from February 2025) berries, leafy vegetables and melons, contact your state or territory food regulatory agency, such as the state or territory primary industry department or state food, dairy or meat authority to find out what notification, licensing or registration requirements apply. There may also be state or territory legislation that needs to be complied with.

Contact details for state and territory food regulatory agencies are available on the FSANZ website – Food enforcement contacts

# Growing and producing safe food

If you grow or produce foods it is possible that they may become contaminated by harmful microorganisms, chemicals and other contaminants.

# What are the hazards?

### Harmful microorganisms

Microbiological hazards include harmful bacteria, viruses and parasites that can cause gastro-intestinal illness, severe disease or even death. Common disease-causing bacteria in food include *Salmonella* and *Listeria*. Common foodborne viruses include norovirus and Hepatitis A virus. Foodborne parasites are relatively rare in Australia, but foodborne illness outbreaks have occurred from produce contaminated with *Cryptosporidium* and *Cyclospora*.

Many outbreaks of illness around the world have been caused by contamination of food on the farm. As such, it is vital that you minimise the likelihood that your produce is contaminated with disease-causing microorganisms.

The Code, in Standard 1.6.1 – *Microbiological limits in food*, sets maximum allowable limits for particular microorganisms in foods, including meat, seafood, dairy, egg and ready-to-eat foods. For example, soft cheeses, fermented sausages, and cooked crustacea must have no detectable *Salmonella*. All ready-to-eat food that can support the growth of *Listeria monocytogenes* must have no detectable bacteria of this type. See <u>Standard 1.6.1</u> and its associated <u>Schedule 27</u>.

#### Chemicals and other contaminants

Chemicals and other contaminants include heavy metals, natural toxins, insecticides, fungicides, herbicides and antibiotics. The Code indicates which chemicals and contaminants may be present in food.

Standard 1.4.1 – *Contaminants and natural toxicants* sets out the maximum levels of specified metal and non-metal contaminants and natural toxicants in nominated foods.

For example, fruit can contain lead, provided the level in the fruit does not exceed 0.1 mg/kg or 0.1 parts per million. As a general principle, regardless of whether or not a limit exists, the levels of contaminants and natural toxicants in all foods should be kept as low as reasonably achievable. See <u>Standard 1.4.1</u>.

Standards 1.4.2 – *Maximum residue limits* lists the maximum permissible limits for agricultural and veterinary chemical residues present in food. If a maximum residue limit for an agricultural or veterinary chemical in a food is not listed in this Standard there must be no detectable residues of that agricultural or veterinary chemical in that food. See <u>Standard 1.4.2</u>.

To make sure that any food you grow or produce complies with Standard 1.4.2, only use agricultural and veterinary chemicals that are listed in the Code for the food you are growing or producing. You must follow the directions for use, including any withholding periods, listed on the label of the chemical.

The <u>Australian Pesticides and Veterinary Medicines Authority</u> (APVMA) have a set of resources for users of chemicals. Click here to see APVMA factsheets.

# **Horticulture**

All horticultural produce (such as fruit, vegetables, tree nuts, microgreens and mushrooms) should be grown, harvested and processed in a way that ensures the produce is safe and suitable for consumption. This is especially important for produce usually consumed fresh or raw, as there is no cooking step to kill off harmful microorganisms.

Some commodities have been identified as having a greater risk of contamination and specific requirements have been developed for seed sprouts, berries, leafy vegetables and melons.

The main hazards for fresh horticultural produce are introduced by contaminated water, organic fertilisers, animals and people. Horticultural produce can also become contaminated if grown in contaminated soil or if pesticides are used incorrectly.

Disease-causing microorganisms may be present in water used before harvest (e.g. for irrigation or from flooding and run-off) or after harvest (for example, for washing or cooling).

Organic fertilisers such as compost or manure, if not properly composted, are also a source of disease-causing microorganisms.

Animals that enter or fly over fields can introduce disease-causing microorganisms through their faeces; for example, rodents, farm and wild animals and birds.

People who have been sick, particularly with gastrointestinal illnesses, can carry harmful microorganisms on their hands. If they directly touch fruits or vegetables (e.g. during picking), this can transfer the microorganisms on to the food.

It is important to consider whether the soil you are using to grow horticultural produce may be contaminated. Soil may be unsuitable for use if it has been:

- used for sewage treatment, such as for septic tank absorption trenches or is located downhill from a treatment site
- previously used for rubbish or chemical disposal
- contaminated by run-off from nearby sewerage facilities, dumps, industrial sites or agricultural activities such as a dairy farm
- previously used to grow crops or livestock production, which may have led to contamination of the soil with agricultural or veterinary chemicals.



# How can I produce safe horticultural produce?

- Do not grow horticultural produce in contaminated soil
- Only use fertilisers and pesticides that are approved for use with the produce you are growing
- For each crop, keep a record of any chemicals you use, including what chemical was used, what it was used for, when you used it and any withholding periods (if applicable)
- Only use properly composted organic fertilisers. Do not use raw manure or untreated biosolids
- Do not use contaminated water to irrigate crops
- Use drinking water or water treated to drinking water standard for post harvesting treatments
- As far as is practicable, keep animals (including farm and wild animals, birds and rodents) away from growing areas, sheds and packing houses where food is grown, washed, packed or stored
- Ensure toilets and hand-washing facilities are available
- If your produce is picked by hand, ensure workers/staff who have been ill or are known to be carrying a foodborne disease, do not harvest or handle the food
- Keep records of businesses you sell your produce to, such as an agent, restaurant or wholesaler including what you sold, when you sold it and to whom it was sold.

You may wish to implement a food safety scheme on your farm. The uptake of such a scheme has an up-front cost, but they are very valuable tools for maximising food safety. The best kind of scheme is one that is accepted widely by retailers and is independently (or "third party") audited (e.g. BRC Global, FreshCare, GlobalG.A.P and SQF). Contact your industry peak body or state/territory agriculture or primary industries department for details of suitable schemes.

# Where to go for more information?

Industry peak bodies and regulators have produced information on identifying hazards on your farm and how to manage them. See Attachment 1 for more information.

#### **Sprouts**

Seed sprouts are a higher risk food because:

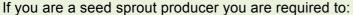
- if the seed is contaminated with pathogenic bacteria, these can be internalised into the sprout during the growing period
- the sprouting process is done using a warm, moist environment, which is also the ideal environment for bacteria to grow, whether these bacteria are present on the seed to begin with or are introduced through contaminated water
- seed sprouts are frequently eaten raw, so there is no step after sprouting that could kill any pathogenic bacteria that may be present.

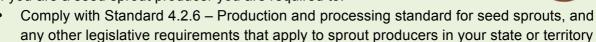
Several foodborne illness outbreaks have been linked to seed sprouts in the past. As a result, seed sprouts have been a focus for food safety regulation. <u>Standard 4.2.6 – Production and processing standard for seed sprouts</u> sets out requirements for all seed sprout producers for the safe production of seed sprouts in Australia.

If you are a producer of seed sprouts, contact your state or territory food regulatory agency to find out what legislation needs to be complied with.



# Important to Remember





- Develop and comply with an approved food safety management statement that identifies
  potential hazards with your seed producing operation and the control measures you will
  put in place to address those hazards
- Source quality seed from a trusted supplier that is acceptable for producing seed sprouts for human consumption
- Manage inputs, such as water, during the production and processing of seed sprouts to ensure sprouts do not become contaminated
- Use effective decontamination processes to reduce the level of disease-causing microorganisms that may be present, before the sale or supply of seed sprouts
- Develop a system to record when and from whom you received seed for sprouting, and to whom you sold your sprouts, if not sold directly to the public.







#### Berries, leafy vegetables and melons

Cases of foodborne illness in Australia and overseas have been linked to berries, leafy vegetables and melons. Similar to sprouts, these products are usually eaten raw and if they are contaminated, there are no additional steps (such as cooking) to remove harmful microorganisms if present.

Three new national standards will come into effect from February 2025. If you grow or minimally process (e.g. wash, trim, sort, sanitise, store or pack) berries, leafy vegetables or melons, you will have to comply with the following standards:

#### 4.2.7 – Primary production and processing standard for berries

Examples include strawberries, blueberries, and berries from the genus *Rubus* such as blackberries and raspberries.

### 4.2.8 – Primary production and processing standard for leafy vegetables

Examples include: all lettuces, spinach, kale, Asian leafy greens, leafy herbs, spring onion/scallions, silver beet/chard, cabbage, microgreens, and possibly other vegetables of a leafy nature and where the leaf is consumed raw,

### 4.2.9 – Primary production and processing standard for melons

Examples include: watermelon, rockmelon, honeydew melon, and piel de sapo. Specific details on requirements and a list of produce covered in the standards is available through state or territory food enforcement agencies, or the FSANZ website.

#### Important to Remember

If you grow or process berries, leafy vegetables or melons, from February 2025 you must.

- Comply with the standard (4.2.7, 4.2.8 or 4.2.9) and any other legislative requirements that may apply in your state or territory.
- Notify your local food authority of your business
- Manage inputs, such as water and soil amendments, during the production and processing of produce to ensure it does not become contaminated
- Ensure personnel follow health and hygiene requirements
- Have a traceability system that records when and from whom you received produce, and to whom you sold your produce, if not sold directly to the public

For leafy vegetables and melons, you must also:

- Develop and comply with an approved food safety management statement that identifies potential hazards with your production operation and the control measures you will put in place to address those hazards
- Ensure the growing site, premises and equipment, animals and pests do not make produce unsafe
- Keep harvested produce at safe temperatures
- Ensure washing and sanitisation processes are effective.

# **Poultry**

Raw poultry meat can be contaminated with pathogens, especially *Salmonella* and *Campylobacter*. For this reason, as well as for reasons of biosecurity, animal welfare and suitability, **poultry meat may only be sold if slaughtered at a licensed abattoir**. That is, if you want to sell the meat of poultry animals you raise, and you do not have a licence to slaughter the animals, you must have the animals killed at a licensed abattoir. You will also need to be registered or licensed with your local food regulatory agency to sell the poultry meat.



All producers of poultry meat, which is intended for sale, must follow <u>Standard 4.2.2 Primary production and processing standard for poultry meat</u>.

Standard 4.2.2 sets out food safety requirements for the primary production and processing of poultry, and poultry carcasses and poultry meat for human consumption.

If you are a producer of poultry meat, contact your state or territory food regulatory agency to find out what state or territory legislation needs to be complied with.

#### Important to Remember

To produce safe poultry meat as a primary producer you must:

- Comply with Standard 4.2.2 Primary production and processing standard for poultry meat, and any other legislative requirements that apply to poultry growers and/or producers in your state or territory
- Identify potential food safety hazards associated with your poultry operations and implement control measures to address these hazards
- Operate according to a food safety management statement that sets out how the requirements of Standard 4.2.2 are being complied with
- Take all reasonable measures to ensure inputs (feed, litter, water, chemicals) do not introduce hazards to your poultry

Keep a record of when and to whom you sold your poultry meat and if applicable, the supplier of any poultry meat you purchase, to then on-sell.

# **Eggs**

Food poisoning bacteria such as *Salmonella* that live inside chickens can contaminate the shells and contents of their eggs. It is against the law to sell eggs that are dirty or cracked. This includes cracks that are only visible by candling. Eggs must also not be sold unless each individual egg is marked with the producer's unique identification (unless you are a small producer *and* a specific exemption applies in your state or territory). This can assist in tracing outbreaks of illness back to the farm on which the eggs were produced and enable faster recall of potentially unsafe eggs.

There are national requirements placed on all egg producers and processors, outlined in Standard 4.2.5 Primary production and processing standard for eggs and egg product.

Standard 4.2.5 sets out food safety requirements for the primary production and processing of eggs, egg pulp and other egg products for human consumption.

If you are a producer of eggs, contact your state or territory food regulatory agency to find out what state or territory legislation needs to be complied with and whether any exemptions apply from the requirement to stamp your eggs.



#### Important to Remember

If you produce eggs for sale, you are required to:

- Comply with Standard 4.2.5 Primary production and processing standard for eggs and egg product, and any other legislative requirements that apply to egg producers in your state or territory
- Identify and control potential food safety hazards in your egg producing operation
- Operate according to a food safety management statement that sets out how the requirements of Standard 4.2.5 are being complied with
- Take all reasonable measures to ensure inputs (feed, litter, water, chemicals) do not introduce hazards to your eggs
- Not source eggs from poultry affected by diseases or conditions that would make the eggs unsafe or unsuitable
- Ensure staff and visitors follow health and hygiene requirements
- Mark each egg for sale with your producer's unique identification (unless you are a small producer and a specific exemption applies in your state or territory)
- Not sell cracked or dirty eggs
- Keep a record of when and to whom you sold your eggs.

Additional requirements in Standard 4.2.5 also apply if you process eggs for sale. For example, if you have an egg pulping, grading or washing facility.

# **Dairy**

Dairy products, particularly if consumed unpasteurised, can pose a significant risk to health. Milk can become contaminated with disease-causing microorganisms during the milking process when microorganisms are shed directly into raw milk from the udder as a result of illness or disease, or through contamination from the external surface of the cow and the milking environment. For this reason, all milk sold for human consumption must be pasteurised both for sale as drinking milk, as well as when it is used to make dairy products such as butter and yoghurt.

Raw milk can be used for the production of raw milk cheeses, where defined safety outcomes can be met, including ensuring pathogens are able to be controlled during manufacture and are unable to grow in the final product. Producers will have to demonstrate to food regulatory agencies that these additional measures are in place and that they can achieve an acceptable level of safety.

There are national requirements for dairy producers and processors in <u>Standard 4.2.4 – Primary production and processing standard for dairy products</u>).

Standard 4.2.4 sets out food safety requirements, including the implementation of documented food safety programs for dairy primary production, collection, transportation and processing.

If you are a dairy primary producer, contact your state or territory food regulatory agency to find out what state or territory legislation needs to be complied with.



#### Important to Remember



If you are a dairy **primary producer** you are required to:

- Comply with Standard 4.2.4 Primary production and processing standard for dairy products, and any other legislative requirements that apply to dairy producers in your state or territory
- Identify and control potential food safety hazards arising from inputs, the dairy premises, equipment, milking animals, people involved in milking and milking practices
- Control the hazards using a documented food safety program
- Ensure the premises and equipment are clean and sanitary and pests are controlled
- Ensure that milk is cooled and stored to minimise growth of microbiological hazards
- Ensure milk is not taken from unhealthy animals
- Make sure you can trace inputs, animals to be milked and the milk you produce.

# If you are a **dairy processor** you are required to:

- Comply with Standard 4.2.4 Primary production and processing standard for dairy products, and any other legislative requirements that apply to dairy processors in your state or territory
- Control potential food safety hazards using a documented food safety program
- Be able to identify the immediate supplier and immediate recipient of the dairy products
- Pasteurise milk in accordance with the pasteurisation requirements in Standard 4.2.4
- Treat dairy products (other than cheese and cheese products) to have a lethal effect on any pathogenic microorganisms (unless the milk has already been pasteurised)
- If wanting to make cheese using unpasteurised milk, contact your local state or territory dairy regulatory agency.

# Seafood

Seafood can contain food safety hazards derived from several different sources. Some of these hazards occur naturally in the environment in which seafood lives and grows and are unavoidable contaminants of seafood when it is harvested. An example is the presence of ciguatoxin in some subtropical and tropical marine fish. Other hazards are a consequence of the polluting of seafood growing and harvesting areas with human sewerage, industrial chemical run-off or agricultural run-off.

In Australia, the main hazards of concern in seafood are disease-causing microorganisms such as norovirus, Hepatitis A virus and *Vibrio parahaemolyticus*, as well as biotoxins and some parasites. It is important if you are producing seafood that you know about and minimise the risk of these hazards.

There are national requirements for seafood producers and processors in <u>Standard 4.2.1 –</u> Primary production and processing standard for seafood.

Standard 4.2.1 sets out food safety and suitability requirements for seafood producers and processors, from pre-harvesting production. More stringent requirements apply to primary producers and processors of certain bivalve molluscs, such as oysters.

Some seafood products (crustacea, bivalve molluscs other than scallops, and ready-to-eat seafood) must also comply with Standard 1.6.1 - Microbiological limits in food.

Ready-to-eat seafood such as smoked salmon can become contaminated with *Listeria* during or after processing. *Listeria monocytogenes* is able to grow at refrigeration temperatures and is particularly risky to pregnant women as it can infect their unborn babies, and also to the elderly and immune-compromised individuals. Standard 1.6.1 sets limits for *Listeria monocytogenes* in ready-to-eat products (e.g. zero *L. monocytogenes* in foods that can support growth of this bacteria).

If you are a seafood business, contact your state or territory food regulatory agency to find out what state or territory legislation needs to be complied with.



#### Important to Remember



If you are a seafood business (business involved in the primary production of seafood) you are required to:

- Comply with Standard 4.2.1 Primary production and processing standard for seafood and any other legislative requirements that apply to seafood businesses in your state or territory
- Comply with Standard 1.6.1 on microbiological limits
- Identify and control potential food safety hazards associated with your seafood operations
- Maintain seafood under temperature control during storage and transport and monitor the temperature of the seafood
- Take all reasonable measures to ensure inputs, such as feed and veterinary chemicals, do not adversely affect the safety or suitability of seafood
- Use packaging materials that are fit for their intended use, and that do not allow contamination of the seafood
- Ensure seafood handlers follow health and hygiene requirements
- Maintain records so you can identify the immediate supplier and immediate recipient of the seafood, if not sold directly to the public

If you harvest or handle bivalve molluscs you are required to comply with the above requirements, but also:

- Have a documented food safety management system to identify and control hazards
- Prevent co-mingling of batches of bivalve molluscs

# Meat

The most common food safety risks in meat are disease-causing strains of *E.coli, Salmonella* and *Listeria monocytogenes*. Raw meat can become contaminated with pathogenic organisms during the slaughtering process. Consumers can then become sick if they eat undercooked meat. Pathogens can also be transferred from raw meat to ready-to-eat foods due to poor food handling practices.

Manufacturers of processed meats that are chilled for long storage such as deli meats, as well as ready-to-eat smallgoods, need to comply with additional requirements to ensure these meats are not contaminated with pathogens. Chilled ready-to-eat meats such as lunch meats can become contaminated with *Listeria* after being cooked or processed. *Listeria monocytogenes* is able to grow at refrigeration temperatures and is particularly risky to pregnant women as it can infect their unborn babies, and also to the elderly and immune-compromised individuals. Other ready-to-eat meats can also be contaminated with *Listeria*, *E.coli* and *Salmonella* because the bacteria have survived the production process or the products are contaminated after processing is completed.

There are national requirements for meat producers and processors in <u>Standard 4.2.3 –</u> Primary production and processing standard for meat.



Due to the higher risks associated with the production of ready-to-eat meats, specific requirements apply to the producers of these meats. These are set out in Division 3 of Standard 4.2.3 – Primary production and processing standard for meat (see link above).

Ready-to-eat meat products must also comply with <u>Standard 1.6.1 - Microbiological limits in food.</u>

If you are a producer of ready-to-eat meats or seller of raw meat, contact your state or territory food regulatory agency to find out what state or territory legislation you need to comply with.



# Important to Remember

If you produce ready-to-eat meats you are required to:

- Comply with Standard 4.2.3 Primary production and processing standard for meat and any other legislative requirements that apply to meat-producing businesses in your state or territory
- Identify and control potential hazards such as *E.coli, Salmonella* and *Listeria monocytogenes* through the implementation of a food safety management system as set out in the Australian Standard AS4696-2002
- Comply with Standard 1.6.1 on microbiological limits
- Document compliance with Standard 3.2.2 Food Safety Practices and General Requirements
- If you are making certain smallgoods known as **uncooked minced fermented meat products** (e.g. salami, mettwurst, Chorizo, Csabai, Loukanika, Lebanese dry sausage, Lap Cheong and some traditional Asian fermented meat products such as Naem) you must comply with the above requirements, but **in addition you must**:
- Monitor and record the number of *E.coli* organisms in the raw meat ingredients used to make the product, during the production process and in the final product to ensure processing is effective and the microbiological limits for these products in the Code are complied with
- Monitor and record critical steps for food safety during production such as pH, temperature and time of fermentation, weight loss or water activity etc.

# Wine

Due to the fermentation process, alcoholic content and long storage time before consumption of wine, harmful bacteria and viruses are not normally able to survive in wine. However incorrect fermentation or poor bottling or handling practices could lead to glass fragments in the wine or explosion of bottles. Furthermore, incorrect use of food additives, processing aids or pesticides could lead to an unsafe or non-compliant product.

The requirements for the production of wine are set out in <u>Standard 4.5.1 Wine production</u> requirements in the Code. This standard specifies the processing aids and additives that can be used in the production of wine and compositional requirements.

# Important to Remember

If you produce wine you must:

- Make sure that anything you add to your wine or use in the production of your wine is allowed to be used
- Ensure that anything added to the wine does not exceed the limits as set out in the standard
- Be careful that your wine does not contain naturally occurring contaminants above permitted levels
- Establish that your wine contains the correct amount of ethanol for its type (e.g. fortified wine, brandy).

Note: Craft beers and spirits may also be sold in Farmers' Markets are artisan brewers and distillers are recommended to follow industry production standards.



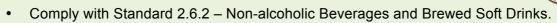
# Kombucha

Kombucha is a fermented beverage made from brewed tea and sugar and a symbiotic culture of bacteria and yeast (SCOBY). This beverage can present food safety issues if not produced with proper care, including excessive acid or alcohol levels from incorrect fermentation, and contamination from the SCOBY or dirty equipment.

<u>Appendix 4 of Safe Food Australia</u> provides general information and best practice tips to produce Kombucha safely.

Kombucha needs to comply with the requirements in <u>Standard 2.6.2 – Non-alcoholic</u> Beverages and Brewed Soft Drinks, including alcohol content.

# Important to Remember



- Use proven (e.g. commercial) SCOBY starter cultures that are known to be uncontaminated and able to safely ferment.
- Use clean and sanitised equipment and strict hygiene throughout the process.
- Food-grade non-metallic containers should be used to avoid chemicals leaching from the container into the beverage.
- The initial tea infusion should be cooled quickly (from 60°C to 20°C within 2 hours). The SCOBY should then be added as soon as possible to begin the fermentation and subsequent acid production.
- It is important to ferment in the presence of air for rapid acetic acid production, and to monitor the pH level during fermentation and in the final product. The production of acetic acid during fermentation needs to:
  - be quick enough to transform the initial tea from a potentially hazardous food to a more acidic (pH 4.2 or less) non-potentially hazardous food that does not support pathogen growth or toxin production
  - cease at the end-product stage so the final kombucha does not become too acidic to consume safely (final pH of ≥2.5 is typical).
- The final product can be pasteurised by hot filling to avoid spoilage with moulds or yeasts.
- Kombucha is not recommended for consumption by the immunocompromised.

# Making, selling and offering samples of food

Any person who sells food at a Farmers' Market is a food business, including both permanent and temporary stallholders. This includes people selling their produce or anything made from their produce. It also includes any person selling hot food and other ready-to-eat food and beverages at a market.

If you offer free samples of the food you are selling, or if you demonstrate cooking methods and then allow the public to sample your food, you are offering food for sale. This is because the definition of "sell" in the Code includes: dispose of by way of raffle, lottery or other game of chance, offer as a prize or reward, give away for the purpose of advertisement or in furtherance of trade or business. This means that the food you are giving away to allow people to taste, and then potentially to buy, is considered food for sale. As such, the same rules apply to this food as apply to all the other food you sell.

If you are a food business (see Food Businesses – are you one?), certain requirements will apply to you, including your state or territory Food Act and the Code. The main national food standards that apply are the food safety and labelling standards, summarised below. Food businesses need to notify, register or be licensed with their local council or state/territory food regulatory authority. You should contact your food authority who will explain all your legal obligations for making and selling food. They may also have specific food safety guidance, for example, for temporary food businesses.

# Important to Remember

• If you sell food at a Farmers' Market you are a food business and you will need to have notified, registered or be licenced with your local council or state/territory food regulatory agency.



# Food safety standards

There are two general food safety standards in the Code that apply to food businesses at Farmers' Markets.

#### These are:

- Standard 3.2.2 Food Safety Practices and General Requirements; and
- Standard 3.2.3 Food Premises and Equipment.

For food service businesses and related retailers (e.g. restaurants, café, take-aways, bakeries) an extra standard applies (from December 2023):

• Standard 3.2.2A – Food safety management tools.

### Standard 3.2.2 - Food Safety Practices and General Requirements

The main requirements of Standard 3.2.2 are summarised below. If complied with, these requirements will ensure that food does not become unsafe or unsuitable. Standard 3.2.2 is available here.

# Food handler skills and knowledge

Food businesses are required to ensure their food handlers have the skills and knowledge they need to handle food safely. This means food handlers must have the ability to perform those tasks that are necessary to ensure the food safety of food being handled (the skills) and have an understanding of food safety and hygiene matters (the knowledge). The skills and knowledge are only required to a level that corresponds with the work activities of the food handler.

At a Farmers' Market, a person selling fresh fruit and vegetables will need basic food safety and hygiene skills and knowledge. However, a food handler that prepares and cooks higher risk food at the market will need more training in food safety and hygiene.

If you are the owner, or are responsible for, the business, you need to ensure any person who handles food that you sell is appropriately trained in food safety and hygiene. Food handler training can be provided by you (if you have the necessary skills and knowledge) or by another suitably trained person.

In some states and territories, food businesses that handle potentially hazardous foods are required to have a food safety supervisor who has completed nationally developed competency standards.

Food service and related businesses who handle food that is unpackaged, higher risk and ready to eat must have a certified food safety supervisor as well as trained food handlers from December 2023.

You should contact your state or territory food regulatory agency to check the requirements that apply to your business.

#### Food handling controls

Food businesses must comply with food handling controls related to the safe receipt, storage, processing, display, packaging, transport and disposal of food.

From December 2023, under Standard 3.2.2A, food service businesses that handle food, which is unpackaged, higher risk and ready to eat will also need to keep evidence to show that these food handling controls have been managed safely.

If you are storing, displaying or transporting higher risk food (such as dairy or egg products, seafood, meat, poultry, seed sprouts, leafy vegetables, melons, cut fruits and vegetables), you will need to be able to keep this food under temperature control. This means keeping it:

- cold (5°C or below); or
- hot (60°C or above); or
- frozen hard.

However, you are permitted to have higher risk food at temperatures between 5°C and 60°C if you can show that the time the food is between 5°C and 60°C does not affect the safety of the food.

As a general rule, the total time that higher risk food can be at temperatures between 5°C and 60°C is 4 hours. The food then needs to be thrown out because it is potentially unsafe. If the food is to be re-refrigerated, the total time it can be at temperatures between 5°C and 60°C is two hours. This is referred to as the '2-hour/4-hour rule' and is summarised below.

High-risk food that has been at a temperature between 5°C and 60°C:

- for a total of less than 2 hours, must be refrigerated or used immediately
- for a total of longer than 2 hours but less than 4 hours, must be used immediately;
- for a total of 4 hours or longer, must be thrown out.

If you want to make use of the '2-hour/4-hour rule', you will need to keep written records to show that the time limits have not been exceeded.

Further guidance on using the '2-hour/4-hour rule' safely is available on the FSANZ <u>website</u> or from your food regulatory agency.

If you are handling high-risk foods, you will also need to have a thermometer that can accurately measure the temperature of this food so you can be sure the food is kept at the correct temperatures.

# Receipt of food

Food businesses must be able to provide, upon request, information regarding what the food is that is being sold by the business and where it came from. In order to provide this information, you should keep a record of what food or ingredients you have purchased from suppliers.

### Food storage

You are required to store food appropriately so that it is protected from contamination and does not become unsafe or unsuitable.

Food that you have at your market stall should also be kept at a temperature that does not make the food unsafe. For high-risk products, this means storing food at 5°C or below, or at 60°C or above (depending on the nature of the food) unless you are using the '2-hour/4-hour rule', explained earlier in this section. If you are storing frozen food, you have to make sure it stays frozen.

#### Food processing

If you are preparing food for sale at your stall such as chopping and cooking, you must protect food from contamination while it is being prepared and ensure any cooking steps are done correctly. For example, if you are cooking chickens or sausages, they must be cooked all the way through before they can be sold.

If you have limited facilities, prepare food in a commercial kitchen and then transport it to the event, for example, slicing vegetables and raw meats. However, wherever possible cook food at your stall, as food that is freshly cooked and served straight away, such as occurs with barbecues, has less chance of becoming unsafe than food that is pre-cooked and then transported.

### Food display

Food on display must be protected from contamination. If you have unpackaged, ready-to-eat food for self-service (such as nuts and breads), you are required to protect this food with barriers, provide separate serving utensils and supervise the food to ensure that food that may have been contaminated is removed from sale.

If you are displaying higher risk food, it needs to be kept cold (5°C or below), hot (60°C or above) or frozen, unless you are using the '2-hour/4-hour rule', explained above.

# Food packaging

All food packaging you use must be fit for the purpose you intend it (i.e. made for what you intend to use if for) and made of material that is not likely to contaminate the food.

#### **Food transportation**

If you are transporting food to a market stall, you must protect the food from contamination while it is being transported and if it is higher risk food, keep it cold (5°C or below), hot (60°C or above) or frozen, unless you are using the '2-hour/4-hour rule', explained above.

#### Food disposal

After you have finished selling for the day, you need to dispose of garbage and waste water and decide what to do with leftover food.

Garbage and waste water needs to be kept separate from the food you are selling, and should be kept in a way that is inaccessible to pests. Garbage and waste water should be disposed of in accordance with the type of waste (food waste versus packaging, recycling etc.) and the requirements of the venue or the local government authority where the market is held.

If you have leftover food that is not damaged, deteriorated or perished and is low risk (e.g. a box of apples) it can be kept for a future market. Leftover higher risk food should not be kept unless you are confident that it is safe and suitable and will remain so, when you next offer it for sale. For example, leftover cheeses can be sold at a future market, provided you have been able to keep them cold for the duration of the market and during transport.

#### Food recall

Food business, including stallholders at farmers' markets are required to have a written system in place to ensure the recall of unsafe food. While most stallholders sell directly to the consumer, you need to be aware that if there is a safety concern with the food you have sold, it will need to be recalled. You are encouraged to understand how a recall might affect your business and have a recall plan in place should you need to recall food. Particularly important

is how you would communicate the recalled food to your customers, both consumers and any businesses that purchase from markets. This could be done by placing a sign on your stall about the recall. In addition, by informing the market manager or contacting businesses through contact details on invoices.

The three primary objectives of a food recall are to:

- stop the distribution and sale of the product as soon as possible
- inform the government, the food businesses that have received the recalled food and the public, of the problem. At a market you should also inform the market manager
- effectively and efficiently remove unsafe product from the market place.

Key features of a recall system are:

- internal procedures and staff responsibilities for conducting a recall
- contact details and procedures for notification (e.g. FSANZ and state or territory food regulatory agency, distributors, wholesalers, retailers and consumers)
- distribution and other records that will help identify and retrieve the recalled food
- arrangements and procedures for food retrieval and assessing the recalled product returns.

# User guide

For information on recalling food in Australia and writing a food recall plan, see the <u>food</u> recall page.

# Health and hygiene requirements

If you own, or are responsible for the operation of, the business, you must tell your food handlers the health and hygiene rules they need to comply with. These rules ensure that food handlers take steps to avoid contaminating food. A food handler is anyone who handles food or items that may come into contact with food, such as eating and drinking utensils.

These rules are listed in Attachment 2 of this Guide. They:

- restrict food handlers who are sick from handling food
- require food handlers to do everything practicable to ensure they do not contaminate the food, including washing their hands, wearing clean clothes, avoiding unnecessary contact with ready-to-eat food.

Food businesses must also:

- ensure sick people do not handle food
- take all reasonable measures at the preparation kitchen and on the market site, to ensure persons at either location do not contaminate food

They must also:

- provide adequate hand-washing facilities
- ensure adequate toilet facilities are available.

However, in a market environment, it is widely accepted that the role of a market manager is ensure hand-washing and toilet facilities are available.

# Cleaning, sanitising and maintenance

You need to keep your food stall clean, even though it may be a temporary structure. There should be no accumulation of garbage, recycled matter, food waste, dirt, grease or other visible matter. For example, full bins need to be emptied, so they do not overflow. If you are using water on your site for handwashing or cleaning equipment, ensure you are able to collect the wastewater and dispose of it correctly.

Any equipment you are using must also be kept clean and in a good state of repair and working order. For example, if you use a bain-marie to keep food hot, it must be working correctly.

Any eating and drinking utensils (that are not disposable) and equipment used to handle food such as chopping boards, knives, mixing bowls etc must be cleaned and sanitised before being reused. If you do not have the necessary equipment on site, to clean and sanitise, this will need to be done off-site in an approved kitchen.



#### **Animals and pests**

Animals are not permitted in areas where food is being handled. This includes the areas where you are preparing, storing, displaying and serving food. Assistance animals, such as guide dogs, are permitted in dining and drinking areas and other areas used by customers. The Code also allows food business owners, if they wish, to permit dogs in outdoor dining and drinking areas. However, the market operator or local council may restrict dogs from entering the market.

You must, to the extent practicable, keep pests away from the stall and especially from the food. For example, you should cover ready-to-eat food to keep flies away.

# **Standard 3.2.3 – Food Premises and Equipment**

Standard 3.2.3 lists the requirements for the design and construction of food premises and the fixtures, fittings and equipment in the food premises. It applies to all premises that are used to handle food for sale, including temporary food premises such as market stalls. See <u>Standard 3.2.3</u>.

To comply with this Standard you will need to ensure that your market stall (as a temporary food premises):

- is big enough to fit the equipment you need and for the food handling activities you will be conducting at the premises
- is able to be easily cleaned and kept clean
- is provided with enough clean water available at the right temperature for the work that needs to be done
- has facilities to dispose of garbage and waste water
- has sufficient lighting and ventilation (if cooking is being conducted)
- has adequate equipment for the production of safe and suitable food (such as refrigeration, washing and cooking facilities)
- has hand-washing facilities available (running water<sup>1</sup>, soap and paper towel)
- has access to toilets.

# Standard 3.2.2A – Food Safety Management Tools (for food service and related retailers)

Standard 3.2.2A has requirements for food service and related retail businesses that handle unpackaged food that is both higher risk and ready to eat. These businesses need extra food safety management because the food they handle is vulnerable to contamination, and it is eaten by consumers with no further treatment like cooking. Standard 3.2.2A is available here.

Higher risk foods include dairy or egg products, seafood, meat, poultry, seed sprouts, prepared fruit and vegetables, cooked rice and pasta. It also includes foods containing these foods, such as pies, kebabs, sushi, pizza and sandwiches.

From December 2023, all these businesses must have:

- a food safety supervisor with a certificate from a registered training organisation within the past 5 years
- food handlers trained in safe food handling, preventing food contamination, cleaning and sanitisation, and personal hygiene.

Also, food service businesses and caterers that make and serve unpackaged higher risk food that is ready-to-eat must have records or be able to demonstrate in some other way that:

- food is received, stored, displayed and transported at a safe temperature
- all processing steps are done in a way that keeps food safe (e.g. minimising time out of refrigeration, cooking food thoroughly, cooling and reheating quickly)
- cutlery, equipment and other surfaces in contact with food are properly cleaned and sanitised.

# Important to remember

You must comply with the following Food Safety Standards in the Code:



<sup>&</sup>lt;sup>1</sup> In temporary premises, running water can be provided by the use of a portable water container with a spout/tap.

- Standard 3.2.2 Food Safety Practices and General Requirements
- Standard 3.2.3 Food Premises and Equipment
- Standard 3.2.2A Food Safety Management Tools (food service and related retailers only).

### Standard 3.2.2 requires you to:

- Comply with food handling controls related to the receipt, storage, processing, display, packaging, transportation and disposal of food
- Store, display and transport high risk food at safe temperatures unless you are making use of the '2-hour/4-hour rule' (explained earlier in this section) and have written records to show time limits have not been exceeded
- Have an accurate thermometer (if you are handling high risk food) so that you can
  ensure this food is kept at the correct temperatures
- Have a written food recall system (if you are a food manufacturer)
- Ensure your food handlers are appropriately trained in food safety and hygiene
- Tell your food handlers the health and hygiene rules they need to comply with
- Ensure sick people do not handle food and persons on the premises do not contaminate food
- Provide adequate hand-washing facilities
- Keep your food stall clean
- Keep equipment clean and in a good state of repair and working order
- Clean and sanitise all eating and drinking utensils (that are not disposable) and equipment used to handle food, before being reused
- To the extent practicable, keep pests away from the stall and especially from the food
- Ensure animals are not in areas where food is being handled.

# Standard 3.2.3 requires you to ensure your food premises (even if temporary):

- Is big enough for the food handling activities you will be conducting at the premises
- Is able to be easily cleaned and kept clean
- Is provided with enough clean water available at the right temperature for the work that needs to be done
- · Has facilities to dispose of garbage and waste water
- Has sufficient lighting and ventilation (if food is being cooked)
- Has adequate equipment for the production of safe and suitable food (such as refrigeration, washing and cooking facilities)
- Has hand-washing facilities available and access to toilets.

**Standard 3.2.2A** (from December 2023) requires food service and retail businesses that handle unpackaged higher risk food that is ready to eat to:

- Have a certified food safety supervisor reasonably available to supervise food handlers
- Ensure food handlers are trained in safe food handling, food contamination, cleaning and sanitising, and personal hygiene
- Be able to show, if you are a business that makes and serves food:
  - o food is kept safe during receipt, storage, processing, display and transport
  - o cleaning and sanitising is done properly.

# Labelling requirements

All the packaged food you sell at the Farmers' Market must be correctly labelled. This includes jams, chutneys, chocolates, sauces, confectionery, cakes, slices, breads, cheeses, meats, pies, quiches, wine, beer and spirits. There are nine standards in Part 1.2 of the Code that cover general labelling requirements. Part 2.7 covers labelling of alcoholic beverages.

The labelling requirements can be complex and if you are not familiar with the requirements, you can access the Code from the <u>FSANZ website</u> or contact your state/territory food regulatory agency – a list of agencies contacts can be found <u>here</u>.

Below is a summary of the main information that must be listed on a label for foods usually sold at a Farmer's Market. All required information must be in English and written legibly and prominently.

#### Name of the food

If a name for the food has been prescribed in the Code, it must be used (such as for honey and fermented meats). If no name has been prescribed, a name or description of the food sufficient to indicate the true nature of the food must be included on the label (for example, strawberry jam).

#### Name and business address of supplier

The supplier's name and Australian business address must be included on the label on a packaged food. The supplier of the food could be the packer, producer, manufacturer, and/ or vendor of the food.

A business address means a description of the location of the premises from which a business in question is being operated; for example the street number, the street name, the town or suburb, and, in Australia, the state or territory. A post office box address is not sufficient.

#### Lot identification

Lot identification is needed to assist in the rare event of a food recall. The lot identification indicates in a clearly identifiable form, the lot a food comes from as well as the premises where the food was packed or prepared. The lot, which is a quantity of food having been prepared, or from which foods have been packaged or otherwise separated for sale, which is prepared or packed under essentially the same conditions, usually from a particular preparation or packing unit and during a particular time ordinarily not exceeding 24 hours.

A date mark and the supplier's address may be sufficient to satisfy the requirements of lot identification.

#### Date marking

A date mark is the length of time a food should keep before it begins to deteriorate or, in some cases, before the food becomes less nutritious or unsafe. All packaged food, with a shelf life less than two years must be date marked (unless an exemption applies).

Date marking is usually indicated with a 'best before' date, which is the date on which you can expect a food to retain all of its quality attributes, provided it has been stored according to any stated storage conditions and the package is unopened. Foods which need to be eaten within a certain time because of health or safety reasons, must be date marked with a 'use by' date.

Bread, with a shelf life of less than 7 days can be date marked with a 'baked-on date' or a 'baked-for date'.

### Directions for use and storage

Where applicable, a statement is required of any specific storage conditions to ensure the food will keep for the time indicated in the *use-by* date or *best-before* date, for example 'store at or below 5°C'. Directions for use and/or storage of the food must be included where needed for health or safety reasons, for example, cooking or storage instructions.

### **Labelling of ingredients**

An ingredient means any substance, including a food additive, used in the preparation, manufacture or handling of a food. Essentially, any substance used to make a food must be listed in the statement of ingredients. Unless covered by an exemption, ingredients must be listed in descending order of ingoing weight. In other words, the statement of ingredients must begin with the ingredient in the largest quantity and end with the ingredient in the smallest quantity, based upon the ingoing weight of the ingredients.

# Mandatory warning and advisory statements and declarations

Information must be provided about certain foods and substances, if present in a food, in the form of mandatory declarations, warning statements or advisory statements. For people with food allergies, Coeliac disease and other sensitivities, it is very important to be able to identify if your food contains the allergen or substance of concern.

The following foods and ingredients or their products must be declared when present in a food<sup>2</sup>:

- wheat, barley, rye, oats and their hybrid strains (e.g. triticale). Barley, rye and oats only need to be declared when they contain gluten, whereas wheat must always be declared.
- fish
- crustacean
- mollusc
- egg
- milk
- lupin
- peanut
- almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pistachio, pine nut, walnut
- soy, soya, soybean
- sesame

 sulphites (when added in amounts equal to or more than 10 milligrams per kilogram of food)

These above declarations must be included on the label of the food being sold, or, if the food is unpackaged, be visible in connection to the food on display, or available to a customer on request.

<sup>&</sup>lt;sup>2</sup> In February 2021, new plain English allergen labelling requirements were introduced for how certain foods known to be common allergens are declared. Food businesses have 3 years to update their labels to meet the new requirements 25 February 2024).

When the food and ingredients listed above are present in a packaged food, they must be declared in the ingredient list using the required name (as listed above) and in bolded text (e.g. cheese (milk) or milk powder).

In addition to the ingredient list, a bolded, separate allergen summary statement starting with the word 'contains' must be provided near the ingredient list to help quickly identify any allergens present. For example 'Contains milk'. The names in the list above must be used in this summary statement with two exceptions:

- only 'soy' can be used (not soya or soybean)
- if a cereal containing gluten such as wheat, barley, oats and rye, (including hybrids of these cereals such as triticale) is present, the label will need to identify this in the summary statement using the word 'gluten'.

Some regulatory agencies provide food safety resources on allergen labelling, for example the NSW Food Authority and the Allergen Bureau. Links to these resources are provided in Attachment 1.

#### Other warning and advisory statements

#### **Nutrition information requirements**

A label on a packaged food must display a nutrition information panel setting out specific information such as the average energy, protein, total fat, saturated fat, carbohydrate, total sugars and sodium content of the food on a per serving and per unit quantity (100g or 100ml) basis. Some exemptions apply, for example, herbs, spices, mineral waters, teas and coffees are not required to have nutrition information panel. A nutrition information panel must be set out as per the requirements in the Code (see below) and must include the number of servings of the food in the package, as well as the average quantity of the food in a serving.

NUTRITION INFORMATION			
Servings per package: (insert number of servings) Serving size: g (or mL or other units as appropriate)			
	Quantity per serving	Quantity per 100 g (or 100 mL)	
Energy	kJ (Cal)	kJ (Cal)	
Protein	g	g	
Fat, total —saturated	g g	g g	
Carbohydrate —sugars	g g	9 9 9	
Sodium	mg (mmol)	mg (mmol)	
(insert any other nutrient or biologically active substance to be declared)	g, mg, μg (or other units as appropriate)	g, mg, µg (or other units as appropriate)	

There are additional nutrition labelling requirements that apply if you make a nutrition content claim or a health claim about the food.

Further information on nutrition information panels, including tools to assist you in providing a nutrition information panel can be found here.

# Characterising ingredients and components of food (percentage labelling)

'Percentage labelling' means stating on a food label the proportion of a characterising ingredient or component contained in that food. Percentage labelling is designed to help consumers make informed choices about the foods they buy by allowing them to compare how much of a characterising ingredient or component is present in similar products.

A characterising ingredient or characterising component is an ingredient or component that is:

- mentioned in the name of a food
- usually associated with the name of a food by the consumer
- emphasised on the label of a food in words, pictures or graphics.

For example, if you are selling jam, labelled as 'strawberry jam', the characterising ingredient is 'strawberry' and you will need to include the percentage of strawberries present in your jam. This percentage can be included in the ingredient list in brackets after the name of the characterising ingredient, for example 'strawberries (30%)'.



#### Labelling of alcoholic beverages

The Food Standards Code includes specific information requirements for labelling of alcoholic beverages. These may vary depending on the concentration of alcohol in the beverage. This is measured in alcohol by volume (ABV).

# Statement of alcohol content

All beverages containing 0.5% or more ABV must include information on the label about the alcohol content (Standard 2.7.1).

For alcoholic beverages containing more than 1.15% ABV, the label must include the alcohol content as a percentage of ABV or mL/100 ml.

• For example, the label might read that the beverage contains 5% ABV or the alcohol content is 5ml/100ml of the beverage.

For alcoholic beverages containing 1.15% ABV or less, the alcohol content must be written in words to the effect 'contains not more than X% alcohol by volume'.

• For example, the label might read that the beverage contains not more than 1.0% alcohol by volume.

#### Standard drinks

All beverages with more than 0.5% ABV must include on the label a statement of the number of standard drinks (Standard 2.7.1).

Statement of alcohol content and standards drinks must be legible, in accordance with the general legibility requirements in the Code (Standard 1.2.1).

#### **Pregnancy Warning Labels**

Alcoholic beverages with more than 1.15% ABV must include a pregnancy warning label in the form of a pictogram or a pictogram and wording (Standards 1.1.2, 1.2.1 and 2.7.1).



Specific form, legibility and design elements are also required for the pregnancy warning labels (Standard 2.71).

Businesses have three years from 31 July 2020 to implement these requirements.

#### **Nutrition information and claims**

A <u>Nutrition Information Panel</u> (NIP) is not required on alcoholic beverages unless a <u>claim</u> requiring nutrition information is made. Alcoholic beverages may voluntarily include a NIP. The inclusion of a NIP does not constitute a nutrition content claim.

All alcoholic beverages that contain more than 1.15% ABV:

- can only make nutrition content claims about energy content, carbohydrate content (for example, 'low carbohydrate') or gluten content.
- are not permitted to make health claims.
- must not be represented as a low alcohol beverage.

#### Other labelling information

Not all of the information on a food label is regulated by the Code. See below for additional labelling requirements that exist in other Australian legislation – click each link to find out more information.

- Country of origin labelling: further information can be found on <a href="the-Australian">the Australian</a> Competition and Consumer Commission (ACCC) website:
- Weight and other measurements of a food: further information can be found on the National Measurement Institute website.
- Free range egg claims: further information can be found on the Australian Competition and Consumer Commission (ACCC) website

#### Important to remember

All the packaged food you sell at the Farmers' Market must be correctly labelled. There are labelling standards in the Food Standards Code, all in Part 1.2. The labelling requirements can be complex and if you are not familiar with the requirements, refer to guidance material available from the FSANZ website, or from your state/territory food regulatory agency.

# For Further Information:

# **FSANZ**

PO Box 5423 Kingston ACT 2604 Australia www.foodstandards.gov.au/pages/contact.aspx

T: 02 6271 2222 F: 02 6271 2278

#### **AFMA**

PO Box 1101 Potts Point NSW 2011

www.farmersmarkets.org.au

E: info@farmersmarkets.org.au

# Attachment 1 - Food safety resources

The following resources may help you meet your legal obligations under state and territory food acts, the Australia New Zealand Food Standards Code (the Code) and state and territory legislation.

# Standards related to food safety in the Code

### Chapter 1

- Standard 1.2.3 Information requirements warning statements, advisory statements and declarations https://www.legislation.gov.au/Series/F2015L00397
- Standard 1.6.1 Microbiological limits in food https://www.legislation.gov.au/Series/F2015L00411

#### Chapter 3 – Food Safety Standards:

- Standard 3.2.2 Food safety practices and general requirements https://www.legislation.gov.au/Series/F2008B00576
- Standard 3.2.2A Food safety management tools (from December 2023) https://www.legislation.gov.au/Details/F2022L01589
- Standard 3.2.3 Food premises and equipment https://www.legislation.gov.au/Series/F2008B00577

# Chapter 4 – Primary Production and Processing (PPP) Standards:

- Standard 4.2.1 PPP for seafood https://www.legislation.gov.au/Series/F2012L00291
- Standard 4.2.2 PPP for poultry meat https://www.legislation.gov.au/Series/F2012L00292
- Standard 4.2.3 PPP for meat https://www.legislation.gov.au/Series/F2012L00293
- Standard 4.2.4 PPP for dairy products https://www.legislation.gov.au/Series/F2012L00294
- Standard 4.2.5 PPP for eggs and egg product https://www.legislation.gov.au/Details/F2018C00937
- Standard 4.2.6 PPP for seed sprouts https://www.legislation.gov.au/Details/F2012L00023
- Standard 4.2.7 PPP for berries (from February 2025) https://www.legislation.gov.au/Details/F2022L01060
- Standard 4.2.8 PPP for leafy vegetables (from February 2025) https://www.legislation.gov.au/Details/F2022L01062
- Standard 4.2.9 PPP for melons (from February 2025) https://www.legislation.gov.au/Details/F2022L01063
- Standard 4.5.1 Wine production requirements https://www.legislation.gov.au/Series/F2008B00809

# Food Standards Australia New Zealand (FSANZ)

From the FSANZ website you can access the <u>Code</u>, guides to requirements and other food safety resources. See <a href="http://www.foodstandards.gov.au">http://www.foodstandards.gov.au</a>.

# **Guides and food safety resources**

User guides to the Code, including microbiological limits, Chapter 3 and 4 standards. See: https://www.foodstandards.gov.au/foodsafety/standards/Pages/Guide-books.aspx

Safe Food Australia: A guide to the Food Safety Standards – a comprehensive guide to Standard 3.2.2, Standard 3.2.3 and Standard 3.2.2A. See: https://www.foodstandards.gov.au/publications/Pages/safefoodaustralia3rd16.aspx

InfoBites – FSANZ fact sheets on food safety requirements https://www.foodstandards.gov.au/foodsafety/standards/Pages/Food-safety-requirements.aspx

State and territory food regulatory agencies also have extensive food safety resources available on their websites. Contact details are available at: http://www.foodstandards.gov.au/about/foodenforcementcontacts/pages/default.aspx

# Allergen labelling

New South Wales Food Authority website – contains information on how to declare allergens on food labels: <a href="https://www.foodauthority.nsw.gov.au/food-labelling/labels-and-law/food-allergen-rules">https://www.foodauthority.nsw.gov.au/food-labelling/labels-and-law/food-allergen-rules</a>.

Food Industry Guide for Allergen Management and Labelling – produced by The Allergen Bureau, describes industry best practice for the management of allergens, allergen labelling, and allergen communication. See <a href="https://allergenbureau.net/industry-guidance/">https://allergenbureau.net/industry-guidance/</a>.

#### **Horticulture**

The Fresh Produce Safety Centre has a range of fact sheets and guidelines specific to growing safe horticulture produce, including:

- Guidelines for Fresh Produce Food Safety a comprehensive guide to growing horticultural produce safely.
- *Grower guide* fact sheets 13 one-page fact sheets covering the basics of horticulture food safety for growers.

See https://fpsc-anz.com/publications-resources/.

Guidelines for the Management of Microbial Food Safety in Fruit Packing Houses – Australian Department of Agriculture. See <a href="https://library.dpird.wa.gov.au/bulletins/69/">https://library.dpird.wa.gov.au/bulletins/69/</a>.

#### Food safety schemes:

BRC Global Standard for Food Safety – see <a href="https://www.brcgs.com/brcgs/food-safety/">https://www.brcgs.com/brcgs/food-safety/</a>
Freshcare Food Safety and Quality Standards – see <a href="https://www.freshcare.com.au">https://www.freshcare.com.au</a>
GlobalG.A.P Integrated Farm Assurance Standard - see <a href="https://www.globalgap.org/uk\_en/for-producers/globalg.a.p./integrated-farm-assurance-ifa/">https://www.globalgap.org/uk\_en/for-producers/globalg.a.p./integrated-farm-assurance-ifa/</a>
SQF Food Safety Program – see <a href="https://www.sqfi.com/what-is-the-sqf-program/sqf-food-safety-program/">https://www.sqfi.com/what-is-the-sqf-program/sqf-food-safety-program/</a>

# Poultry, Eggs, Dairy, Seafood and Meat

If you are a poultry, egg, dairy, seafood or meat producer, contact your state or territory food regulatory agency that has responsibility for your sector, for guidance.

#### Wine

The Code of Good Manufacturing Practice for the Australian Grape and Wine Industry – by the Australian Wine Research Institute with the Winemakers' Federation of Australia's Wine Industry Technical Advisory Committee, outlines the basic principles that should be followed in producing and packaging 'wine' and 'wine products' to ensure safe, quality products. See <a href="http://www.awri.com.au/wp-content/uploads/WR163The.pdf">http://www.awri.com.au/wp-content/uploads/WR163The.pdf</a>.

# Attachment 2 – Food handler health and hygiene rules

Following are the health and hygiene requirements for food handlers in Standard 3.2.2 – Food Safety Practices and General Requirements. Food businesses must inform food handlers of their health and hygiene requirements.

# Division 4 - Health and hygiene requirements

#### **Subdivision 1 - Requirements for food handlers**

#### 13 General requirement

A food handler must take all reasonable measures not to handle food or surfaces likely to come into contact with food in a way that is likely to compromise the safety and suitability of food.

#### 14 Health of food handlers

- (1) A food handler who has a symptom that indicates the handler may be suffering from a foodborne disease, or knows he or she is suffering from a foodborne disease, or is a carrier of a foodborne disease, must, if at work:
  - (a) report that he or she is or may be suffering from the disease, or knows that he or she is carrying the disease, to his or her supervisor, as the case may be;
  - (b) not engage in any handling of food where there is a reasonable likelihood of food contamination as a result of the disease; and
  - (c) if continuing to engage in other work on the food premises take all practicable measures to prevent food from being contaminated as a result of the disease.
- (2) A food handler who suffers from a condition must, if at work:
  - (a) if there is a reasonable likelihood of food contamination as a result of suffering the condition report that he or she is suffering from the condition to his or her supervisor; and
  - (b) if continuing to engage in the handling of food or other work take all practicable measures to prevent food being contaminated as a result of the condition.
- (3) A food handler must notify his or her supervisor if the food handler knows or suspects that he or she may have contaminated food whilst handling food.

# 15 Hygiene of food handlers

- (1) A food handler must, when engaging in any food handling operation:
  - (a) take all practicable measures to ensure his or her body, anything from his or her body, and anything he or she is wearing does not contaminate food or surfaces likely to come into contact with food;
  - (b) take all practicable measures to prevent unnecessary contact with ready-to-eat food;
  - (c) ensure outer clothing is of a level of cleanliness that is appropriate for the handling of food that is being conducted;

- (d) only use on exposed parts of his or her body bandages and dressings that are completely covered with a waterproofed covering;
- (e) not eat over unprotected food or surfaces likely to come into contact with food;
- (f) not sneeze, blow or cough over unprotected food or surfaces likely to come into contact with food:
- (g) not spit, smoke or use tobacco or similar preparations in areas in which food is handled; and
- (h) not urinate or defecate except in a toilet.
- (2) A food handler must wash his or her hands in accordance with sub-clause (4):
  - (a) whenever his or her hands are likely to be a source of contamination of food;
  - (b) immediately before working with ready-to-eat food after handling raw food; and
  - (c) immediately after using the toilet.
- (3) A food handler must, when engaging in a food handling operation that involves unprotected food or surfaces likely to come into contact with food, wash his or her hands in accordance with sub-clause (4):
  - (a) before commencing or re-commencing handling food;
  - (b) immediately after smoking, coughing, sneezing, using a handkerchief or disposable tissue, eating, drinking or using tobacco or similar substances; and
  - (c) after touching his or her hair, scalp or a body opening.
- (4) A food handler must, whenever washing his or her hands:
  - (a) use the hand-washing facilities provided;
  - (b) thoroughly clean his or her hands using soap or other effective means, and warm running water; and
  - (c) thoroughly dry his or her hands on a single use towel or in another way that is not likely to transfer pathogenic micro-organisms to the hands.
- (5) A food handler who handles food at temporary food premises does not have to clean his or her hands with warm running water, or comply with paragraph (4)(c), if the appropriate enforcement agency has provided the food business operating from the temporary food premises with approval in writing for this purpose.