



# FOOD UNIT NOTICE

**SUBJECT:** Labelling of Imported Alcoholic Beverages

**Notice Number:** 11.01

**Date of Issue:** 28/02/2011

## Distribution of Notice:

Food industry and local government enforcement agencies

## Purpose:

To provide guidance on the application of the *Food Act 2008* (the Food Act) and the *Australia New Zealand Food Standards Code* (the Code) to labelling of imported alcoholic beverages.

## Background:

The Food Unit is concerned about the continued presence of beer products in the Western Australian marketplace that do not comply with the mandatory requirements of the Code relating to labelling.

Non-conformances have been observed in relation to parallel beer importations. Parallel importation is when a product manufactured for sale in a different market is imported into Australia for sale alongside a similar product specifically manufactured for the Australian market. Parallel imported product must comply with the Code and substantial penalties exist under the Food Act for the sale of non complying product.

## Overview of key requirements:

It is important that all food businesses, including importers, are familiar with the requirements of the Code. As a guide, the key labelling requirements for alcoholic beverages are contained within:

Standard 1.2.2:	Importers details and lot identification
Standard 1.2.5:	Date marking of packaged food
Standard 2.7.1:	Labelling of alcoholic beverages and Food Containing Alcohol
Standard 2.7.2:	Beer
Standard 2.7.3	Fruit Wine and Vegetable Wine
Standard 2.7.4	Wine and Wine Product
Standard 2.7.5	Spirits

If an imported product does not contain all the required information, then deficiencies can be rectified by applying a label containing the omitted information to each



individual product. This will ensure the product complies with the requirements of the Code.

## Compliance with Food Standards Code

Importers are responsible for ensuring that all imported product fully complies with the Code prior to sale. It is important to note that all food businesses selling imported product also have responsibilities as a food business is not allowed to sell a product that does not comply with the requirements of the Code.

The sale of non-complying product is an offence under Part 3, Division 2, section 22 of the Food Act:

- 2) A person must not sell any food that does not comply with a requirement of the Food Standards Code that relates to the food.  
Penalty:
  - a. for an individual – a fine of \$50,000;
  - b. for a body corporate – a fine of \$250,000

Monitoring activities and any subsequent enforcement action is undertaken by local government enforcement agencies.

Enforcement actions may include the issue of infringement notices, improvement notices or legal action through the courts.

## Useful Resources and Websites:

- [Food Standards Australia New Zealand website](#)
- [Department of Racing Gaming and Liquor website](#)

## Contact the Food Unit:

Any feedback or concerns please utilise the “Food Unit Query” form which can be downloaded from the [Food Unit website](#).

Email: [FoodUnit@health.wa.gov.au](mailto:FoodUnit@health.wa.gov.au)

Ph: (08) 9388 4999

Fax: (08) 9382 8119

[www.public.health.wa.gov.au](http://www.public.health.wa.gov.au)

*Note: The information contained in this document covers the food legislation requirements for Western Australia. It is current on the date of publication but may change without notice. The Department of Health is not liable for any costs arising from or associated with decisions based on information here and users should obtain expert advice to satisfy all requirements of the relevant food legislation applicable.*