

# Percentage Labelling

User guide to Standard 1.2.10 – Characterising Ingredients and Components of Food

July 2001

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## **Acknowledgment**

Standard 1.2.10 – Characterising Ingredients and Components of Food shares a number of the features of the United Kingdom’s *Quantitative Ingredient Declarations* (QUID) labelling provisions. ANZFA acknowledges the assistance afforded by the United Kingdom MAFF’s *Guidance Notes on Quantitative Ingredient Declarations* (QUID) in developing this user guide.

## Background

**In this user guide, the ‘old Code’ means Volume 1 of the *Food Standards Code* (the *Australian Food Standards Code*). The ‘new Code’ means Volume 2 of the *Food Standards Code* (the *Australia New Zealand Food Standards Code*). The ‘New Zealand regulations’ means the *New Zealand Food Regulations 1984*.**

In adopting the new Code in November 2000, the Ministerial Council agreed to a two-year transition period. After this, the new Code will replace both the old Code and the New Zealand regulations.

During this two-year phase-in period, foods in Australia may comply with either the old Code or the new Code (but not a combination of these). In New Zealand, foods may comply with the old Code or the new Code or the New Zealand regulations (but not a combination of these).

After this, the old Code and New Zealand regulations will be repealed and all food sold in Australia and New Zealand will have to comply with the new Code.

The new Code will mean changes in the way manufacturers and retailers make and present food for sale.

The Australia New Zealand Food Authority (ANZFA) has developed this user guide, in consultation with Australian and New Zealand government and industry representatives, to help manufacturers and retailers interpret and apply Standard 1.2.10 – Characterising Ingredients and Components of Food in the new Code. Labelling of characterising ingredients and components is often referred to as percentage labelling. The guide may also be used by food officers to help interpret food standards in the new Code.

This user guide, unlike the standard itself, is not legally binding. If in any doubt about interpreting the standards, you should seek independent legal advice.

As well as complying with food standards requirements, you must also continue to comply with other legislation. In Australia, this legislation includes the *Trade Practices Act 1974*, the *Imported Food Control Act 1992*, and State and Territory Fair Trading Acts and Food Acts. In New Zealand, this legislation includes the *Food Act 1981* and *Fair Trading Act 1986*.

## **Purpose**

This user guide concentrates on those areas of Standard 1.2.10 – Characterising Ingredients and Components of Food that public submissions have identified as benefiting from further clarification. It is designed to help manufacturers determine which characterising ingredients or components should be declared in relation to food and it should be read in conjunction with the standard itself.

There is also a section outlining which foods do not require percentage labelling because they do not have characterising ingredients or components. Examples are given throughout, but they are illustrations only and are not intended to provide comprehensive coverage of all cases.

There is a set of worked examples for a range of common foods, which detail the characterising ingredients and components that should be declared. These examples have been grouped into the following related food groups.

- Dairy (including milk, cream & cheese products)
- Bread
- Ice cream
- Chocolate
- Snack foods/confectionery

It is intended that these worked examples will be used during the transition phase and will be amended to reflect the experience gained by industry, enforcement officers and ANZFA during this time.

## **What has changed?**

The concept of percentage labelling is not new, as there are a number of cases where it is required in individual standards in the old Code and the New Zealand regulations. It is already mandatory to declare the proportion of emphasised ingredients under the provisions of several Australian State and Territory Food Acts.

In the new Code, the labelling of characterising ingredients and components is regulated by a mandatory generic standard. This means that the range of foods to which percentage labelling requirements apply has been greatly increased.

## **What is percentage labelling?**

‘Percentage labelling’ means stating on a food label the percentage of a characterising ingredient or component.

Percentage labelling will help consumers make informed choices about the foods they buy by letting them compare how much of a characterising ingredient or component is present in similar products.

Manufacturers will find it easier to work out which are the characterising ingredients and components of their product if they first work out the list of ingredients for the product label.

For help in doing this, see ANZFA’s user guide on ingredient labelling, which explains Standard 1.2.4 – Labelling of Ingredients.

Manufacturers should then be able to look at this ingredient list and, in conjunction with the definitions of characterising ingredients and components set out in the standard, decide which of the ingredients should be declared as percentages. Manufacturers may also choose to declare more than one ingredient if they wish to inform consumers more fully about the content of their product.

## **Which foods need to be percentage labelled?**

Apart from some special exemptions, percentage labelling information for any characterising ingredients and characterising components must be provided for all foods, including unpackaged foods (see also *Exemptions to percentage labelling*).

Unless exempted from percentage labelling requirements, food that is unpackaged or food that is made and packaged on the premises from which it is sold, must have the percentage labelling information either:

- displayed on or in connection with the display of the food, or

- provided to the purchaser on request (verbally or in writing).

There are many foods that do not have a characterising ingredient or component and so, although not specifically exempted from percentage labelling requirements, do not need to be percentage labelled (see *What are some examples of foods that do not have a characterising ingredient or component?*)

*Subclause 2(2) of Standard 1.2.10 deals with percentage labelling information required for unpackaged food and food made and packaged on the premises from which it is sold.*

*Clause 2 of Standard 1.2.1 – Application of Labelling and Other Information Requirements details information requirements for foods exempt from bearing a label.*

## **What is the difference between an ingredient and a component?**

**An ingredient** is defined in the new Code as any substance, including a food additive, used in the preparation, manufacture or handling of a food.

**A component** is a natural part of an ingredient or of several ingredients in a food and so is not usually added to a food on its own.

### **Examples of components**

**Milk fat** is a component contained in many ingredients derived from milk. Such ingredients include milk, milk powder, cream, butter, butter oil etc. Milk fat forms only a part of each of these ingredients.

**Cocoa solids** are components of chocolate contained in many ingredients derived from cocoa beans. Such ingredients include cocoa mass, cocoa, cocoa butter, cocoa liquor etc. Cocoa solids form only a part of each of these ingredients.

**Milk solids** are derived from milk and include milk fat, milk powder, lactose, milk protein, casein, whey protein etc.

## **What is a characterising ingredient or component?**

Characterising ingredients and components are those that:

- are mentioned in the name of the food, or
- the consumer usually associates with the name of the food, or
- are emphasised on the label of a food in words, pictures or graphics, or
- are essential to characterise a food and to distinguish it from other foods with which it might be confused because of its name or appearance.

(See Exempt ingredients for further information on what are **not** characterising ingredients.)

Clause 1 of Standard 1.2.10 defines characterising components and ingredients and lists what are **not** considered to be characterising ingredients.

## **Characterising ingredient or component mentioned in the name of the food**

### ***Characterising ingredient in the name of a food***

In the simplest cases, an ingredient mentioned in the name of the food is the characterising ingredient and should be declared as a percentage. Examples include ‘strawberry’ in a product called ‘Strawberry Yoghurt’, and ‘pecan’ in ‘Pecan Pie’. In these cases the characterising ingredient is mentioned in the name of the food and none of the exemptions would be likely to apply (see *Exempt ingredients* for further information on what are NOT characterising ingredients).

#### **Example**

A product called ‘Vegetables in Sweet and Sour Sauce’.

In this case the characterising category of ingredients would be the vegetables because:

- the word ‘vegetables’ is mentioned in the name of the food, and
- none of the exemptions would be likely to apply (see *Exempt ingredients* for further information on what are NOT characterising ingredients).

The total percentage of vegetables should be declared. However, manufacturers may also choose to declare the percentages of individual vegetables.

## ***Characterising component in the name of a food***

The name of a characterising component would rarely be used in the name of a product and so examples are limited. However if the name of a component were to be mentioned in the name of a food then it would need to be declared.

## **Characterising ingredient or component usually associated with the name of the food by the consumer**

This provision is most likely to apply where products are described by the use of customary names without additional descriptive names.

For example, ‘Chilli con Carne’, ‘Fisherman’s Pie’, ‘Shepherd’s Pie’, ‘Spring Rolls’, ‘Lasagne’ and ‘Pizza’ do not describe the ingredients in the food directly. The names used for these dishes are customary names, and consumers may have expectations about the key ingredients in such foods.

As a guide for deciding which ingredient or category of ingredients might be associated with a food identified only by a customary name, it is helpful to consider what an ingredient-based description of the food might be, or how the food would be described without using the customary name. A consideration of the ingredients mentioned in that description would help in deciding which ingredients or category of ingredients to declare.

An ingredient, or category of ingredients, that is exempted from declaration need not be declared even if consumers usually associate it with the name of the food (see *Exempt ingredients* for further information on what are NOT characterising ingredients).

An **ingredient-based description** of the foods listed above might be:

- Chilli con Carne: Beef and kidney beans in a spicy sauce
- Shepherd’s Pie: Meat (lamb or beef) and vegetable sauce with mashed potato topping
- Fisherman’s Pie: Fish in a white sauce with mashed potato topping
- Spring Rolls: Deep-fried pastry wrapped vegetables with small amounts of meat

- Lasagne: Meat (beef or pork) in a tomato-based sauce layered with white sauce and sheets of pasta, topped with cheese
- Pizza: Meat or seafood, cheese and vegetables on a bread dough base

Using this ingredient-based description will help manufacturers decide which of the ingredients in these descriptions characterise the food. Thus, percentage declarations of the following ingredients would appear to be appropriate for each of the above dishes because they are likely to be the characterising or distinguishing ingredient in these cases:

- beef in chilli con carne;
- lamb or beef in shepherd's pie;
- fish or seafood in fisherman's pie;
- vegetables in spring rolls;
- beef and/or pork in lasagne; and
- meat and/or seafood in the pizza topping.

However, manufacturers may decide that another ingredient or ingredients characterise these foods and label according to these decisions. For instance a manufacturer may decide that two or more of the ingredients in the ingredient-based description of the food are characterising ingredients and label accordingly. Or they may choose to percentage label more than one ingredient because they wish to inform consumers more fully about the content of their product.

A manufacturer needs to consider each product on a case-by-case basis and decide, based on the provisions of the standard, which percentage labelling declarations are required.

**Note:** Vegetarian versions of these dishes would be likely to have vegetable(s) as the characterising ingredient(s).

### **Examples of characterising components usually associated with the name of a food by the consumer**

#### **Milk fat in ice cream**

Milk fat in ice cream is likely to come from several ingredients including cream, whole milk and/or whole milk powder. The quantity of milk fat in ice cream plays an important role in determining the quality of the ice cream, along with other factors such as total solids and the degree of aeration. Informing consumers about the milk fat content of ice cream would enable them to make a more informed choice about their intended purchase. Milk fat is a component of ice cream that is usually associated with the name of the food by the consumer.

Declaring the percentage of the characterising component (milk fat) is likely to provide more information to consumers than would declaring the percentage of all the separate ingredients that contain milk fat.

### **Cocoa solids in chocolate**

Cocoa solids in chocolate are likely to come from several ingredients including cocoa mass, cocoa, and cocoa butter. The quantity of cocoa solids in chocolate plays an important role in determining the quality of the chocolate because in some products fats and oils and/or additives may have replaced part of the cocoa solids. Informing consumers about the cocoa solids content of chocolate would enable them to make a more informed choice about their intended purchase. Cocoa solids in chocolate are a component usually associated with the name of the food by the consumer.

Declaring the percentage of the characterising component (cocoa solids) is likely to provide more information to consumers than would declaring the percentage of the separate ingredients containing the cocoa solids.

### **Milk fat in cream**

Different cream products have a wide range of milk fat content. Milk fat in cream is a component usually associated with the name of the food by the consumer. Consumers would be able to distinguish one cream product from another if they knew the milk fat content.

## **Characterising ingredient or component emphasised on the label of a food in words, pictures or graphics**

Often manufacturers emphasise a particular ingredient using words, pictures or graphics. If this is done then the emphasised ingredient or component is considered to be a characterising ingredient or component requiring percentage declaration.

### ***Characterising ingredients emphasised on the label***

#### **Example**

If the label on a packet of jelly sweets states 'made with real fruit juice', the fruit juice content is being emphasised and therefore the percentage of fruit juice should be declared.

#### **Example**

If the label on a frozen pizza emphasises that it has 'extra cheese' then the percentage of cheese should be declared.

## **When is an ingredient shown on the label not an emphasised ingredient?**

In many of the following cases, the percentage declaration of an ingredient shown on the label may not be needed because there is no special emphasis on that ingredient. For example:

- where the pictorial representation is of the whole food as offered for sale,
- where the pictorial representation is in the form of a serving suggestion,
- where the pictorial representation shows all of the major ingredients without emphasising any particular ingredient,
- where the pictorial representation is descriptive of the agricultural origin of certain ingredients without emphasising the quantity of those ingredients (such as a picture of a sheaf of wheat on the label of a loaf of bread), or
- where the wording used for the name of the product, but with no particular emphasis, appears on different surfaces of the packaging.

However, care needs to be taken in all of these cases when deciding whether or not an ingredient is being emphasised (triggering the requirement for percentage declaration), particularly when a pictorial or graphic is used. Decisions regarding percentage labelling in these situations need to be made on a case-by-case basis, taking into consideration the overall impression created by the pictures, graphics and wording on the label.

### ***What about when labelling requirements elsewhere in the new Code require statements on the label?***

Fulfilling labelling provisions required in other standards in the new Code could also be interpreted as emphasis on ingredients that then would require percentage declaration. For example, the presence of certain substances such as egg etc must be declared whenever they are present in a food to fulfil the requirements of Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations. ANZFA considers such a declaration could be considered emphasis of the ingredient, thus triggering the requirement for percentage labelling, even in cases where the egg is present in small amounts and but for the required declaration would not need to be percentage labelled. This issue may be examined in the near future.

### ***What about a description of the food sufficient to indicate its true nature?***

The new Code requires that a name or description of the food sufficient to indicate the true nature of the food be included in the label unless a prescribed name applies.

*Clause 1 of Standard 1.2.2 – Food Identification Requirements details naming requirements for food.*

Sometimes a food is sold under a trade name and that trade name may not be sufficient to indicate the food's true nature. Accordingly, a name or description of the food, in addition to the trade name, will be required on the label.

In these cases an ingredient mentioned in that additional description could be considered to be a characterising ingredient because the naming requirements result in emphasis of certain ingredients on the label in words.

ANZFA considers that fulfilling this minimum naming requirement may be considered emphasis, however, this may be examined in the near future. If the description goes further than the minimum requirements for describing the food and places special emphasis on an ingredient, then it should be percentage labelled because the ingredient has been specially emphasised.

### **Example**

#### **A confectionery bar sold under the trade name Ding Dong Bar<sup>®</sup>**

The name of the food (Ding Dong Bar<sup>®</sup>) is not sufficient to indicate the true nature of the food and so, to fulfil the naming requirements of the new Code, a description must also be provided on the label that is sufficient to indicate the food's true nature. Two ways of describing the food are shown below:

Ding Dong Bar<sup>®</sup> – layers of wafer biscuit and caramel covered in milk chocolate,

OR

Ding Dong Bar<sup>®</sup> – layers of fresh crisp wafer biscuit and creamy caramel covered in smooth delicious milk chocolate.

The first description of the Ding Dong Bar<sup>®</sup> is a minimal description that indicates clearly the nature of the food but without particular emphasis on any ingredient. ANZFA considers that this description does not constitute emphasis and would not of itself trigger the requirement for percentage labelling.

The second description of the Ding Dong Bar<sup>®</sup> contains adjectives that enhance the description of the three ingredients mentioned. ANZFA considers the enhanced descriptions to be emphasis, which then triggers the requirement to declare the percentages of (fresh crisp) wafer biscuit, of (creamy) caramel and of (smooth delicious) milk chocolate.

## **Characterising ingredient or component is essential to characterise a food and to distinguish it from other foods with which it might be confused because of its name or appearance**

The range of foods that this provision relates to is likely to be limited. It is designed to cover foods where consumers might have particular compositional expectations for foods with certain names.

### **How do I declare characterising ingredients and characterising components?**

Characterising ingredients or components may be declared anywhere on the label. The examples shown below illustrate the declaration of characterising ingredients/components near the name of the food or in/near the ingredient list.

If the declaration of a characterising ingredient is made in the ingredient list, it **must** appear immediately after the name of the ingredient in the ingredient list. Components are not listed in the ingredient list, so the percentage declaration for a component cannot appear in the list.

In all cases the declaration must be:

- in the form of a percentage, and
- rounded to the nearest whole number (unless it is below 5%, in which case it should be rounded to the nearest 0.5%).

*Subclauses 5(2) and 7(2) of Standard 1.2.10 deal with the rounding of ingredient and component quantities.*

Characterising ingredients and/or components may be declared as either:

- the actual percentage, or
- a minimum percentage.

If a minimum percentage is declared, it should be indicated clearly that it is a minimum percentage (see examples below).

*Subclauses 5(3) & 7(3) of Standard 1.2.10 permit declaration of minimum percentages of characterising ingredients and components.*

*Subclause 5(4) of Standard 1.2.10 requires that wherever a minimum percentage is declared it must be clearly indicated as a minimum percentage.*

### ***Characterising ingredients declared near the name of the food***

#### **Example**

#### **Blueberry muffins**

#### **BLUEBERRY MUFFINS**

(Contains a minimum of 8% blueberries)

### ***Characterising ingredients declared in or near the ingredient list***

#### **Example**

#### **Blueberry muffins**

Ingredients: Wheat flour, sugar, butter, egg, blueberries (8% minimum), water

OR

Ingredients: Wheat flour, sugar, butter, egg, blueberries, water

Blueberries: 8% minimum

### ***Characterising components declared near the name of the food***

#### **Example**

#### **Ice cream**

#### **VANILLA ICE CREAM**

(with 10% milk fat)

## ***Characterising components declared near the ingredient list***

### **Example**

Ice cream

Ingredients: Cream, skim milk concentrate, whey solids, sugar, water, glucose syrup, emulsifier (471), maltodextrin, vegetable gums (407a, 410, 412), flavour, colour (150).

Milk fat: 10%

### **How do I calculate the percentage of characterising ingredients?**

There are two methods for calculating the percentage of characterising ingredients.

The percentage of characterising ingredients can be calculated either as:

- the ingoing weight of the ingredient expressed as a proportion of the total weight of all the ingoing ingredients. This method specifies that any added water or added volatile ingredient that is removed during processing is not to be included in the total ingoing weight of ingredients (see Attachment 1),

*Clause 3 of Standard 1.2.10 sets out the method for calculating percentages of ingredients based on their ingoing weight.*

OR (where moisture loss from ingredients occurs in processing)

- the final weight of the characterising ingredient expressed as a proportion of the total weight of the final food (see Attachment 1).

*Clause 4 of Standard 1.2.10 sets out the method for calculating percentages of ingredients based on their final weight in the final food.*

### **How do I calculate the percentage of characterising components?**

The method of calculating the percentage of a characterising component is similar to the second method for calculating the characterising ingredient (see Attachment 1). That is, the

percentage of the characterising component is expressed as the proportion of the final weight of the component in the final total weight of the food.

*Clause 6 of Standard 1.2.10 details how to calculate the percentage of a characterising component.*

## **How do I declare concentrated or dehydrated ingredients and components?**

If concentrated or dehydrated ingredients are used in the manufacture of a product and are reconstituted or rehydrated during that process, the weight of the reconstituted or rehydrated ingredient may be used in the calculation of the percentage of the characterising ingredient.

If the food itself requires reconstitution or rehydration before it can be consumed, the characterising ingredient may be calculated as a percentage of the food as reconstituted or rehydrated. Similarly, the percentage of the characterising component may be calculated as percentage of the food as reconstituted or rehydrated.

If the provisions for reconstitution and rehydration are invoked, note of this should be made on the label.

*Subclauses 3(3), 3(4), 5(5), 7(5) & 7(6) of Standard 1.2.10 outline the calculation and declaration of concentrated or dehydrated ingredients.*

For further information on how to declare reconstituted or rehydrated ingredients see ANZFA's user guide on ingredient labelling.

## **Exemptions to percentage labelling**

Some foods are exempt from percentage labelling requirements because:

- they are specifically exempted in the standard, or
- they do not have a characterising ingredient or component (see *Exempt ingredients*).

### ***Foods specifically exempted in the standard***

The following are specifically exempted from percentage labelling requirements.

- Food assembled in the presence of the purchaser, e.g. sandwiches, filled rolls, etc.
- Food for catering purposes, e.g. restaurant meals, take-away meals, meals served in hospitals, airline meals, etc.
- Food delivered packaged and ready for immediate consumption at the express order of the purchaser, e.g. home delivered pizza.
- Pre-prepared filled rolls, sandwiches, bagels and similar products.
- Food sold at fund raising events, e.g. cake stalls, school fetes, etc.
- Food in small packages, i.e. a package with a surface area of less than 100 cm<sup>2</sup>.
- Cured and/or dried meat flesh in whole cuts or pieces, e.g. leg and shoulder ham, prosciutto, pickled pork, corned beef, pumped mutton and lamb.

**Please note** that ‘cured and/or dried meat flesh in whole cuts or pieces’ is defined in Standard 2.2.1 – Meat and Meat Products. This definition requires a minimum of 160 g/kg of meat protein on a fat-free basis. Products complying with this definition are exempt from percentage labelling requirements.

Other meat products that have been cured and/or dried may be supplied as whole cuts or pieces. However if they have less than 160 g/kg of meat protein on a fat-free basis they are not exempt from percentage labelling requirements.

*Subclause 2(3) of Standard 1.2.10 list foods exempted from percentage labelling.*

*Clause 1 of Standard 2.2.1 – Meat and Meat Products defines ‘cured and/or dried meat flesh in whole cuts or pieces’ and provides that they must contain a certain amount of meat protein.*

### ***Exempt Ingredients***

In some situations ingredients are exempt from percentage labelling because they are not regarded as characterising ingredients.

### **Characterising ingredients do not include:**

- an ingredient or a category of ingredients which is used in small quantities for the purposes of a flavouring; or
- an ingredient that is the sole ingredient of a food; or
- a category of ingredients that comprises the whole of the food; or
- an ingredient or category of ingredients which, while appearing in the name of the food, is not such as to govern the choice of the consumer, because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from other foods; or
- an ingredient or category of ingredients the characterising components of which have been declared in accordance with Standard 1.2.10. (Please note that ANZFA will examine the wording of this exemption in the standard in the near future in order to make the intended meaning clear.)

*Clause 1 of Standard 1.2.10 defines characterising ingredients and lists cases where an ingredient is considered NOT to be characterising.*

### **WHERE AN INGREDIENT IS USED IN SMALL QUANTITIES FOR THE PURPOSES OF A FLAVOURING**

This exemption applies not only to food additives used as flavourings but also to ingredients normally used as foods by themselves. When an ingredient appears in the name of the food but is used only in small quantities for the purposes of flavouring, then it need not be declared. The same exemption applies to a category of ingredients.

#### **Example**

A product called 'Instant Vanilla Pudding'.

**The word 'vanilla' is mentioned in the name of the food but it is used in a small quantity for the purpose of flavouring. Therefore the exemption to characterising ingredients, which exempts ingredients used in small quantities for the purposes of flavouring from**

**percentage declaration, would apply and there would be no need to declare the percentage of vanilla.**

**Other examples include:**

- garlic in garlic bread
- lemon flavouring in lemonade
- herbs and spices such as curry powder in curried egg
- chocolate, vanilla and strawberry used in small quantities for the purposes of flavouring in Neapolitan ice cream (however milk fat would need to be declared as the characterising component of the ice cream).

*Subclause 1(e) of Standard 1.2.10 exempts ingredients used in small quantities for the purposes of flavouring from percentage declaration.*

(See *What are some examples of foods that do not have a characterising ingredient or component?* for further examples of foods where this exemption may apply.)

**WHERE THE INGREDIENT IS THE SOLE INGREDIENT OF A FOOD**

**Examples**

- orange juice
- frozen peas
- dried sultanas

*Subclause 1(f) of Standard 1.2.10 exempts an ingredient that is the sole ingredient of a food from percentage declaration.*

**WHERE A CATEGORY OF INGREDIENTS COMPRISES THE WHOLE OF THE FOOD**

**Examples**

- fruit in a fresh fruit salad (that has no other ingredients)

- vegetables in frozen mixed vegetables
- dried fruit in mixed dried fruit

An exception would be if one of the ingredients were made prominent and emphasised on the label by words, pictures or other means. The percentage of the emphasised ingredient would then need to be declared, e.g. ‘Mixed dried fruit with lots of apricots’.

*Subclause 1(g) of Standard 1.2.10 exempts a category of ingredients that comprises the whole of the food from percentage declaration.*

**WHEN AN INGREDIENT OR CATEGORY OF INGREDIENTS WHICH, WHILE APPEARING IN THE NAME OF THE FOOD, IS NOT SUCH AS TO GOVERN THE CHOICE OF THE CONSUMER, BECAUSE THE VARIATION IN THE QUANTITY IS NOT ESSENTIAL TO CHARACTERISE THE FOOD, OR DOES NOT DISTINGUISH THE FOOD FROM OTHER FOODS**

ANZFA’s interpretation of this is that if the ingredient, or category of ingredients, is mentioned in the name of the food but the variation in the quantity would not characterise the food or enable consumers to distinguish it from another similar food, then it need not be declared because it would not govern the choice of the consumer.

### **Examples**

The following foods have an ingredient in the name of the food but the variation in the quantity of that ingredient would not characterise the food or distinguish it from another similar food.

- Rice in rice crackers—rice crackers are comprised mostly of rice with small amounts of a few other ingredients such as salt and flavourings. The variation in the quantity of rice in different types of rice cracker would not be such as to govern the choice of the consumer.
- Poppy seeds on poppy seed bread rolls—the variation in quantity of poppy seeds on poppy seed rolls would not be such as to govern the choice of the consumer in choosing one type of poppy seed roll over another.
- Gum in chewing gum and bubble gum—chewing gum and bubble gum are mostly just flavoured gum. The variation in the quantity of gum in different types of chewing gum and

bubble gum would not be such as to govern the choice of the consumer in choosing one type of chewing gum or bubble gum over another.

- Potato in potato crisps—potato crisps are usually sliced potatoes cooked in fat or oil, with some added salt and flavourings. If the products were made from sliced potato, then there would be no need for percentage declaration because the variation in the quantity of potato in different types of potato crisps would not be such as to govern the choice of the consumer. However, should the products be formulated from minced potato with additional functional ingredients, then percentage declaration of the potato content would likely be required.

*Subclause 1(h) of Standard 1.2.10 exempts ingredients mentioned in the name of the food from declaration if the ingredient or category of ingredients is not such as to govern the choice of the consumer because the variation in the quantity is not essential to characterise the food, or does not distinguish the food from other foods.*

*(See What are some examples of foods that do not have a characterising ingredient or component? for further examples of foods where this exemption may apply.)*

#### **WHERE THE INGREDIENTS CONTAIN A CHARACTERISING COMPONENT THAT IS DECLARED**

When a manufacturer declares a characterising component, there is no need also to declare levels of the ingredients that contain the characterising component.

#### **Example**

Cocoa solids should be declared as a characterising component of chocolate, but there is no need also to declare percentages of the ingredients in the chocolate that contain the cocoa solids. That is, cocoa, cocoa butter, cocoa liquor, cocoa mass etc. in the chocolate need not be declared because total cocoa solids have been declared.

#### **Example**

Milk fat should be declared as a characterising component of ice cream, but there is no need also to declare percentages of the ingredients in the ice cream that contain the milk fat. That is, whole milk, milk powder, cream etc. in the ice cream need not be declared because total milk fat has been declared.

*Subclause 1(i) of Standard 1.2.10 exempts an ingredient or category of ingredients that comprises the whole of the food, the characterising components of which have been declared in accordance with Standard 1.2.10, from percentage declaration.*

## **Foods that do not have a characterising ingredient or component**

Unless there are ingredients or components emphasised in the label, the following foods may not require percentage labelling because, after applying the definitions and exemptions outlined in this guide, there are no characterising ingredients or components requiring declaration.

The examples listed below are for illustration purposes only. There may be some cases where the general example does not hold and percentage declaration would be required.

### **Example**

#### **White bread**

Using the definitions for a characterising ingredient listed in clause 1 of the standard:

- There is no ingredient mentioned in the name of the food ‘white bread’.
- There is no particular ingredient in bread that would be associated with the name of the food by consumers.
- Therefore, providing there is no ingredient emphasised on the label, white bread could be considered to have no characterising ingredient requiring percentage declaration.

### **Example**

#### **Sesame seed buns**

Using the definitions for a characterising ingredient listed in clause 1 of the standard:

- sesame seed is mentioned in the name of the food ‘sesame seed buns’.
- there is no other ingredient in sesame seed buns that consumers would use to distinguish one sesame seed bun from another.

**Note:** The variation in quantity of sesame seeds in sesame seed buns might not be such as to govern the choice of the consumer and so this declaration would not be necessary. That is, the percentage declaration of sesame seed is not required because the exemption under subclause 1(h) applies.

It might also be argued that sesame seed is an ingredient used in small quantities as flavouring. That is, the percentage declaration of sesame seed is not required because the exemption under subclause 1(e) applies.

### **Example**

#### **Single cereal breakfast cereals that mention a cereal in their name e.g. puffed wheat**

Using the definitions for a characterising ingredient listed in clause 1 of the standard:

- the cereal is mentioned in the name of the food,
- there is no other ingredient in single cereal breakfast cereals that consumers would use to distinguish one breakfast cereal from another.

Therefore, providing there is no other ingredient emphasised on the label, the cereal could be considered to be the characterising ingredient requiring percentage declaration.

**Note:** The variation in quantity of cereal in the breakfast cereal might not be such as to govern the choice of the consumer and so this declaration would not be necessary. That is, the percentage declaration of cereal is not required because the exemption under subclause 1(h) applies.

In some cases the single cereal breakfast cereal may contain significant amounts of another ingredient such as sugar. In this instance, the variation in the quantity of cereal in the breakfast cereal would be likely to govern the choice of a consumer and so the characterising ingredient (cereal) would require percentage declaration, i.e. the exemption under subclause 1(h) would not apply.

## **Example**

### **Products such as pickles and sauces**

In many cases, sauces and condiments do not have a characterising ingredient. This is because if an ingredient is mentioned in the name of the food, or is associated with the name of the food by the consumer, the percentage declaration of the ingredient is not required because it is either:

- used in small quantities for the purposes of flavouring, i.e. no declaration is required because the exemption under subclause 1(e) applies; or
- the variation in quantity of the ingredient is not such as to govern the choice of the consumer, i.e. percentage declaration is not required because the exemption under subclause 1(h) applies.

There would be some pickles and sauces where these arguments do not hold and percentage declaration would be required.

## **Example**

### **Products such as cakes, snacks, dessert mixes**

These products are essentially mixtures of flour or other carbohydrates, oil/fat, sugars/salt, and flavourings/seasonings.

In general these products would be considered to have no characterising ingredients or components requiring percentage declaration because either:

- the variation in the quantity of the ingredient might not be such as to govern the choice of the consumer, i.e. the exemption under subclause 1(h) applies; or
- ingredients are used in small quantities as flavouring, i.e. the exemption under subclause 1(e) applies.

There would be some cakes, snacks and dessert mixes where these arguments do not hold and percentage declaration would be required. For example, a product named 'Madeira Cake' would be unlikely to require percentage labelling but a product named 'Apple Cake' would.

### **Example**

#### **Seasonings and mixtures of spices and herbs, stock and stock cubes**

In many cases, the exemptions under subclauses 1(e) and 1(h), discussed in the examples above, would apply. However, there would be some seasonings and mixtures of herbs and spices where these arguments do not hold and percentage declaration would be required. For example, a spice mix may emphasise a particular spice in a graphic on the label, which may trigger a percentage labelling requirement for the emphasised ingredient.

### **Food where characterising ingredients *and* characterising components should be declared**

The standard requires that, subject to permitted exemptions, both characterising ingredients and components of a food should be declared.

### **Example**

#### **Fruit and nut milk chocolate**

The fruit and nuts are characterising ingredients (because they are mentioned in the name of the food); the cocoa solids and milk solids are characterising components (because they are associated with the name of the food by the consumer).

The percentage declaration can appear in two ways:

Ingredients: Milk chocolate (sugar, cocoa fat, skim milk powder, milk fat, cocoa mass, lactose, emulsifier (476), flavour), fruit (raisins and sultanas) (12%\*), nuts (peanuts and cashews) (8%\*)

Cocoa solids 25%\* Milk solids 2%\*

\* minimum percentages

OR

Ingredients: Milk chocolate (sugar, cocoa fat, skim milk powder, milk fat, cocoa mass, lactose, emulsifier (476), flavour), fruit (raisins and sultanas), nuts (peanuts and cashews)

Cocoa solids 25%\*, milk solids 2%\*, fruit 12%\*, nuts 8%\*

\*minimum percentages

## Where can I get more information?

For more information on the new standards call the:

### Standards Information Unit

**1300 652 166** (Australia)

**0800 441 571** (New Zealand), or

**Email:** [advice@anzfa.gov.au](mailto:advice@anzfa.gov.au)

### See also

ANZFA's user guide on:

- Ingredient Labelling

## Attachment 1

### Calculations of percentage of characterising ingredients & components

#### *Calculations based on ingoing weight (without moisture loss from added water)*

This method involves dividing the ingoing weight of the characterising ingredient by the total weight of all ingoing ingredients and multiplying by 100.

#### **Example**

##### **Canned peas**

Ingredients	Weight (kg)
Peas	88
Water	10
Salt	0.9
Sugar	1.1
<i>Total ingoing ingredients</i>	<i>100</i>

The percentage of the characterising ingredient (peas) is calculated as  $88/100 \times 100 = 88.0\%$  where 88 kg is the ingoing weight of the peas and 100 kg is the total weight of ingoing ingredients. Rounded to the nearest whole number, the percentage of the characterising ingredient (peas) is 88%.

***Calculations based on ingoing weight (where there is moisture loss from added water)***

This method involves dividing the ingoing weight of the characterising ingredient by the total weight of all ingoing ingredients and multiplying by 100. If there is added water or other added volatile ingredients in the total weight of ingoing ingredients, that total should be reduced by the weight of these ingredients that are removed during the course of manufacture.

**Example**

**Fried fish in batter**

Ingredients	Weight (g)
Fish	70
Flour	32
Water	8
<i>Total before frying</i>	<i>110</i>
Frying oil taken up	7
<i>Total ingoing ingredients</i>	<i>117</i>
Water lost from batter	-5
<i>Net total ingoing ingredients</i>	<i>112</i>

The percentage of the characterising ingredient (fish) is calculated as  $70/112 \times 100 = 62.5\%$  where 70 g is the ingoing weight of the fish and 112 g is the total weight of ingoing ingredients of 117 g less 5 g water loss from the added water in the batter. Rounded to the nearest whole number, the percentage of the characterising ingredient (fish) is 63%.

*Clause 3 of Standard 1.2.10 sets out the method for calculation of percentage of characterising ingredient based on ingoing weight.*

### ***Calculations based on final weight of ingredient in final weight of food***

Manufacturers also have the option of calculating the proportion of the characterising ingredient based on the final weight of the characterising ingredient in the final weight of food. This is done by taking into account the moisture loss from the characterising ingredient and from the food as a whole. Values for the final weight of an ingredient can be determined by direct laboratory analysis of the final food.

OR

Where a value from direct analysis is not available, an estimate of the final weight of the ingredient can be calculated from the ingoing weight and the water content of the ingoing ingredients (see example below). This option becomes complicated in cases where there are many ingredients that contain water because you cannot make judgements on which ingredients lose water preferentially. The only exception is in the case of added water, which is always calculated as being lost in its entirety first.

In the example below, the weight of water in each ingredient is calculated from the percentage of water in the ingredient. Values for the percentage of water in an ingredient can be obtained from the ANZFA website or from food composition tables. The amount of water in an ingredient can also be measured for example by the use of a relevant AOAC method for your food.

<b>Example</b>						
<b>Apple cake</b>						
Ingredients	Ingoing weight	Water content	Total weight of water	Weight of water lost	Final weight	
	(g)	(%)	(g)	(g)	(g)	
Flour	225	14	31.5	9.1	215.9	
Sugar	185	0	0.0	0.0	185.0	
Butter	125	16	20.0	5.8	119.2	
Eggs (2)	125	75	93.8	27.2	97.8	
Apple	120	88	105.6	30.6	89.4	
Milk	125	88	110.0	31.9	93.1	
<b>Total weight</b>	<b>905</b>		<b>361</b>	<b>105</b>	<b>800</b>	

The final weight of the cake after baking is 800 g. That is, a total of 105 g water was lost from 361 g water total in the ingredients.

Percentage water loss for the whole cake is then  $105/361 \times 100 = 29\%$ . This water loss is assumed to occur equally from each ingredient that contained water.

There was 88% water in the apple, so the apple had  $120 \times 88/100 = 105.6$  g water, before baking.

29% of the water was lost from the apple during baking, i.e.  $105.6 \times 0.29 = 30.6$  g water.

Final weight of apple is  $120 - 30.6 = 89.4$  g being the original weight of apple minus the water lost from it.

The percentage of apple in the final cake is calculated by dividing the final weight of the apple after baking (89.4 g) by the final weight of the cake after baking (800 g):  $89.4/800 \times 100 = 11.2\%$ .

Rounded to the nearest whole number, the percentage of the characterising ingredient (apple) is 11%.

*Clause 4 of Standard 1.2.10 sets out the method for calculation of percentage of characterising ingredient based on the final weight in the final food.*