

NUTRITION INFORMATION REQUIREMENTS

Larger fast food and snack food chains (eg. quick service restaurants, supermarkets, pizza, coffee, bakery, ice-cream, doughnut, beverage and salad chains) are required by law to display nutrition information at the point of sale.

Food outlets that need to comply

Only 'standard food outlets' that sell 'standard food items' need to comply.

Standard food items are:

- ready-to-eat food (not pre-packaged)
- sold in single or multiple serves that are standardised for portion size and content (may include a combination of items eg. meal deal)
- shown on a menu or displayed with a price or label

Standard food outlets only need to comply if they have:

- 20 or more locations in NSW, or
- 50 or more locations nationally.

The laws apply to businesses that are company-owned, franchised or operating as part of a chain.

Examples

A burger franchise operates 15 premises in NSW and 40 in other states. The businesses in NSW need to comply because there are more than 50 locations nationally.

A coffee shop chain operates 22 premises in NSW. All 22 businesses need to comply.

Supermarkets

Only certain products sold in supermarkets are affected by the laws. These are:

- hot chickens
- deli salads
- hot deli meals (eg. lasagne, sausage rolls)
- selected bakery products (eg. cheese and bacon rolls, custard tarts, donuts, whole cakes)
- sushi and sashimi

Exemptions

These businesses are exempt from the requirements:

- convenience stores
- petrol service stations
- food catering service providers
- restaurants with no takeaway services
- retail food sold at a healthcare facility

Information that must be displayed

Standard food outlets need to display both of these elements of nutrition information:

- Energy content of each standard food item (expressed in kilojoules 'kJ')
- Reference statement 'The average adult daily energy intake is 8700 kJ'

Where the nutrition information must be displayed

The requirement to display nutrition information applies to both printed and electronic menus at the premises (menu boards, posters, leaflets, LCD screens, display cabinet tags, drive-through menus and shelf edge tickets for supermarkets).

It also applies to menus that are distributed outside the premises (printed leaflet or internet) which a customer can order from.

The kilojoule content does not need to be displayed for electronic or print advertising (billboards, newspapers, magazines, television).



Display of the kilojoule (kJ) content

The kilojoule content of each standard food item must be clearly legible and displayed next to and in the same font type and at least the same font size as the price for each item (or, if no price is displayed, as the name for each item).

Supermarkets can display kJ information in the same measure used for the nutritional information panel (NIP), ie. per 100g. This information must also be in the same font type and at least the same font size as the total price (or unit price) for the item.

Standard food items sold in different sizes or portions (eg small, medium, large) are to be treated as separate food items and the kilojoules for each must be displayed.

Display of reference statement 'The average adult daily energy intake is 8700 kJ'

This statement must be clearly legible, placed in a prominent position on the menu and in each area or display cabinet (so it is clearly associated with the standard food items), and also in the same font type and at least the same font size as the name of the standard food item with the largest font size.

Standard food outlets that are not affected by the laws may choose to voluntarily display this nutrition information. However, if they do, it must be displayed in accordance with all of the above requirements.

Trial products

Standard food outlets that trial new product concepts at no more than five stores, and for no more than sixty consecutive days, are not required to display the nutrition information for these items.

How to calculate nutrition information

To determine the nutrition information, calculate the average energy content of each standard food item in accordance with Standard 1.2.8 of the Food Standards Code (making necessary adjustments to ensure that the calculation is done in relation to the whole of the food item rather than per 100g).

There are numerous methods for calculating the average kJ content. These include:

- online Nutrition Panel Calculator developed by Food
- Standards Australia New Zealand,
- nutritional analysis software (eg. FoodWorks® used as per manufacturer's recommendations),
- laboratory analysis, or
- food composition tables and databases.

The number of calculated kilojoules may be rounded to the nearest 10 kJ.

Businesses that do not comply may be fined

Businesses can be fined if they are found to be in breach of these laws. Penalty notice fines range from \$330 to \$880 for individuals and \$660 to \$1760 for corporations.

Consumer information

This 'fast choices' initiative is promoted to consumers as 8700.com.au

More information

- Fast choices user guide on the Authority's website
- Section 106K-106R of *Food Act 2003*
- www.legislation.nsw.gov.au
- Clause 30-37 of Food Regulation 2015 www.legislation.nsw.gov.au
- Standard 1.2.8 of the Food Standards Code www.foodstandards.gov.au
- visit the NSW Food Authority's website www.foodauthority.nsw.gov.au
- phone the helpline on 1300 552 406

Note

This information is a general summary and cannot cover all situations. Food businesses are required to comply with all of the provisions of the Food Standards Code and the Food Act 2003 (NSW).



About the NSW Food Authority: The NSW Food Authority is the government organisation that helps ensure NSW food is safe and correctly labelled. It works with consumers, industry and other government organisations to minimise food poisoning by providing information about and regulating the safe production, storage, transport, promotion and preparation of food.

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More resources at foodauthority.nsw.gov.au



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