

# Guideline for seafood retailers – Compliance with the Food Standards Code

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# Table of Contents

|   |           |
|---|-----------|
| <b>Introduction</b> .....                                   | <b>4</b>  |
| <b>Purpose and scope</b> .....                              | <b>4</b>  |
| Use of guidelines .....                                     | 4         |
| <b>Definitions</b> .....                                    | <b>5</b>  |
| <b>Notification of your food business</b> .....             | <b>7</b>  |
| <b>Design and construction</b> .....                        | <b>7</b>  |
| <b>Standard 3.2.2A – Food Safety Management Tools</b> ..... | <b>8</b>  |
| Category one .....  | 8         |
| Category two .....  | 8         |
| <b>Food Safety Supervisor</b> .....                         | <b>8</b>  |
| <b>Food handler training</b> .....                          | <b>8</b>  |
| <b>Showing food is safe</b> .....                           | <b>9</b>  |
| <b>Health and hygiene of food handlers</b> .....            | <b>9</b>  |
| <b>Purchasing and receiving food safely</b> .....           | <b>10</b> |
| <b>Safe storage of seafood</b> .....                        | <b>10</b> |
| Storage of live seafood .....                               | 11        |
| Wet storage of shellfish .....                              | 11        |
| Use of ice in retail seafood premises .....                 | 11        |
| Histamine .....   | 11        |
| <b>Seafood processing</b> .....                             | <b>12</b> |
| <b>Displaying seafood safely</b> .....                      | <b>12</b> |
| <b>Cleaning and sanitation</b> .....                        | <b>13</b> |
| <b>Labelling of seafood</b> .....                           | <b>14</b> |
| Unpackaged seafood .....                                    | 14        |
| Packaged food .....   | 14        |
| Product substitution .....                                  | 14        |
| <b>Safe processing of oysters</b> .....                     | <b>15</b> |
| Receival .....  | 15        |
| Storage .....   | 15        |
| Processing .....  | 15        |
| Display .....   | 16        |
| <b>Disposal of seafood</b> .....                            | <b>16</b> |
| <b>Food transportation</b> .....                            | <b>16</b> |
| <b>Temporary events and mobile vendors</b> .....            | <b>17</b> |
| <b>Charity fish auctions</b> .....                          | <b>17</b> |
| <b>References and further reading</b> .....                 | <b>17</b> |

## Introduction

The NSW Food Authority (Food Authority) is the state government agency responsible for ensuring food in NSW is safe and correctly labelled, and that consumers are able to make informed choices about the food they eat.

Food Authority food safety officers and local government environmental health officers are authorised officers under section 37 of the *NSW Food Act 2003* and have wide powers, which include the power to enter and inspect premises and inspect any records relating to the sale of food.

While the NSW Food Authority aims to educate industry and assist them with meeting their responsibilities, under the Act the Food Authority can, and will, prosecute businesses if they fail to comply.

This Guideline was developed by the Food Authority to assist seafood retailers in meeting the food safety and labelling requirements outlined in the Australia New Zealand Food Standards Code (the Code), which is law in Australia.

This document may not list all the requirements your business needs to comply with. Businesses should refer to the *NSW Food Act 2003*, NSW Food Regulation 2015 and the Code for complete requirements. NSW legislation can be found at [legislation.nsw.gov.au](http://legislation.nsw.gov.au) and the Code at [foodstandards.gov.au](http://foodstandards.gov.au).

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## Purpose and scope

This guideline was designed specifically to assist seafood retailers in understanding the requirements of the Code that are relevant to their business. It addresses food safety issues and labelling requirements encountered by seafood retailers. It also addresses other issues relevant to seafood retailers, such as notification requirements, product substitution, disposal, temporary events and charity fish auctions.

Certain seafood businesses, such as those involved in the wholesale and transport of seafood, must be licensed with the NSW Food Authority under the seafood safety scheme, and must ensure their business meets the requirements of the scheme, in addition to those outlined in this document.

Businesses that perform wet storage operations will be expected to implement controls that achieve the requirements of the NSW Shellfish Industry Manual available at [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au).

This guideline does not address occupational health and safety or environmental requirements.

## Use of guidelines

This guideline should be read in conjunction with other NSW Food Authority guidelines and codes of practice - refer to the References for the full list of documents.

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## Definitions

### **Batch**

A quantity of bivalve molluscs which is harvested, depurated or handled from the same lease number and with the same harvest date.

### **Clean**

Clean to touch and free of extraneous visible matter and objectionable odour.

### **Control**

A measure that prevents, eliminates or reduces to an acceptable level, a food safety hazard.

### **Depuration**

A process using a controlled environment to reduce the level of certain pathogenic organisms that may be present in live shellfish and crustaceans.

### **Food business**

A business, enterprise or activity (other than primary food production) that involves:

- a. the handling of food intended for sale; or
- b. the sale of food;

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

### **Hazard**

A biological, chemical or physical agent in, or condition of, food that has the potential to cause an adverse health effect in humans.

### **Impervious**

Will not absorb water, moisture or grease.

### **Potable water**

Water that is acceptable for human consumption. The Australian Drinking Water Guidelines are used as a reference guide for potable water.

### **Potentially hazardous food**

Food that has to be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food.

### **Ready-to-eat food**

Food that is ordinarily consumed in the same state as that in which it is sold and does not include nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling or washing by the consumer.

### **Sanitise**

To apply heat or chemicals, heat and chemicals, or other processes, to a surface so that the number of micro-organisms on the surface is reduced to a level that:

- a. does not compromise the safety of food with which it may
- b. come into contact; and
- c. b. does not permit the transmission of infectious disease.

### **Seafood**

All aquatic vertebrates and aquatic invertebrates intended for human consumption, but excludes amphibians, mammals, reptiles, and aquatic plants.

### **Seafood business (Food Regulation 2015)**

A business involved in the handling of seafood, including (but not limited to) the carrying on of any of the following activities:

- a. the culture, harvesting and collecting of shellfish and gastropods,
- b. the depuration of shellfish,
- c. aquaculture,
- d. the processing of seafood, including (but not limited to) skinning, gill and gutting, filleting, shucking, cooking,
- e. smoking, preserving and canning,
- f. the packaging of seafood,
- g. the storage of seafood,
- h. the transportation of seafood,
- i. the wholesaling of seafood.

It does not include the retail sale of seafood.

### **Shellfish**

All edible species of molluscan bivalves such as oysters, clams, scallops (except when the consumed product is only the adductor muscle), pipis and mussels, either shucked or in the shell, fresh or frozen, whole or in part or processed.

### **Temperature control**

Maintaining seafood at a temperature of:

- a. 5°C or below if this is necessary to minimise the growth of infectious or toxigenic microorganisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature; or
- b. 60°C or above; or
- c. another temperature – if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food.

### **Wet storage**

The temporary storage of shellfish in tanks containing natural seawater or saline water made from sea salt and potable water. Wet storage may be used to store, remove sand or to add salt to shellfish.

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## Notification of your food business

Seafood retailers need to notify their local council of their business and food activity details, such as trading name, contact details, location(s), owner details and information indicating the nature of the business.

Councils collect this information in different ways. You may need to apply for a service, permit or approval, or complete a notification form. A good place to start is your local council's website. Contact them if you are unsure.

Businesses that wholesale seafood need to be licensed with the Food Authority. For more information on licensing, visit [foodauthority.nsw.gov.au/industry/seafood](http://foodauthority.nsw.gov.au/industry/seafood)

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## Design and construction

Standard 3.2.3 of the Code outlines how your premises must be constructed and maintained. It is an outcome-based standard that details requirements for floors, walls, ceilings, fixtures, fittings and equipment and hand wash facilities.

When constructing a new premises you must contact your local council and it is recommended that you refer to the document Australian Standard AS 4674-2004 Construction and Fitout of Food Premises. This Standard can be purchased from Standards Australia ([saiglobal.com/shop](http://saiglobal.com/shop)).

### **To comply with Standard 3.2.3 you will need to demonstrate the following:**

- The layout of the premises should adequately separate food handling areas and equipment from possible sources of contamination, for example wash up areas, garbage storage areas, and chemical storage.
- The design and layout of the premises should allow for easy cleaning, that is, minimising cracks and crevices and areas in which dirt and debris can accumulate.
- The construction of the premises should exclude dirt, dust and other contaminants and not harbour or permit the entry of pests.
- Materials used in the construction of food premises should allow for easy cleaning and, if necessary, sanitising. Materials used in food premises should be smooth and impervious to moisture, for example stainless steel, or tiles. Bare timber items are not permitted as they are not impervious to moisture and do not allow for easy cleaning and sanitising. Treated or sealed timber may comply with requirements in the Code.
- Fixtures, fittings and equipment should be able to be easily and effectively cleaned and food contact surfaces should be able to be sanitised if necessary.
- Designated (separate) hand wash facilities need to be located within areas where food handlers work and adjacent to any toilets. Hand wash facilities need to be permanent fixtures and connected to a supply of warm running potable water and provided with a supply of single-use towels and soap.

Note: This list is not exhaustive and there are other requirements listed in this Standard, for example lighting and ventilation. Refer to SafeFood Australia – A Guide to the Food Safety Standards available at [foodstandards.gov.au/publications/safefoodaustralia](http://foodstandards.gov.au/publications/safefoodaustralia).

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## Standard 3.2.2A – Food Safety Management Tools

Seafood retailers that sell or serve ready-to-eat food that requires temperature control must meet requirements under Standard 3.2.2A of the Code.

The Standard classifies businesses into 2 categories, depending on their activities.

### Category one

Businesses that **process** unpackaged, potentially hazardous food, into a food that is also potentially hazardous and ready-to-eat, are required to:

- have a qualified Food Safety Supervisor (already a requirement for some businesses),
- ensure all food handlers have adequate skills and knowledge in food safety and hygiene, and
- be able to show their food is safe.

### Category two

Businesses that only slice, weigh, repack, reheat or hot-hold ready-to-eat potentially hazardous food they have not made themselves, are required to:

- have a qualified onsite Food Safety Supervisor
- ensure all food handlers have adequate skills and knowledge in food safety and hygiene.

More information on each requirement is outlined below. See also [foodauthority.nsw.gov.au/safetytools](http://foodauthority.nsw.gov.au/safetytools).

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## Food Safety Supervisor

Seafood retailers will need to appoint a certified Food Safety Supervisor (FSS) in their business if the food they prepare and serve is:

- unpackaged
- ready-to-eat
- potentially hazardous (needs temperature control).

Food Safety Supervisors oversee day-to-day food handling operations and ensure risks are managed. They must be certified within the past 5 years and have skills and knowledge in food safety, especially around high-risk foods. FSS training is delivered by approved Registered Training Organisations (RTOs).

See [foodauthority.nsw.gov.au/fss](http://foodauthority.nsw.gov.au/fss) for more information.

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## Food handler training

Seafood retailers selling unpackaged, potentially hazardous, ready-to-eat food, must ensure their food handlers have skills and knowledge in food safety and food hygiene.

To meet their obligations, businesses can choose how food handlers are trained, but the training should cover:

- safe handling of food
  - understanding of food contamination
  - cleaning and sanitising of food premises and equipment
  - personal hygiene.
-



Various online food safety training programs, courses from vocational training providers, past experience, or training developed by the business, may be used or recognised.

Additional training may not be needed if food handlers can already demonstrate adequate skills and knowledge in the above areas.

For more information on the requirements, and to access the Food Authority's free food handler training course, see [foodauthority.nsw.gov.au/handlerbasics](http://foodauthority.nsw.gov.au/handlerbasics)

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## Showing food is safe

Food businesses that **process** unpackaged, potentially hazardous food into a food that is ready-to-eat and potentially hazardous, must be able to show their food is safe under Standard 3.2.2A of the Code. These businesses must be able to demonstrate they are monitoring and managing key food safety risks related to receiving, storing, processing, displaying and transporting potentially hazardous food, and cleaning and sanitising.

The requirements can be met by either:

- demonstrating safe food handling practices, such as having a written instruction sheet or standard operating procedure, and/or being able to walk and talk an authorised officer through their food handling practices, **or**
- keeping records.

For more information on this requirement, go to [Showing food is safe](#).

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## Health and hygiene of food handlers

Standard 3.2.2 Clauses 13-18 of the Code outline the health and hygiene requirements for food handlers. These include food handlers notifying supervisors of any disease or illness they may be suffering from as well as hand washing and personal hygiene requirements.

### **To comply with this Standard you and your staff will need to demonstrate the following:**

- Staff have the required skills in, and knowledge of food safety and food hygiene relative to their work activities. These skills may include good hand washing practices, knowledge of how to safely handle food, knowledge of how to avoid the risk of cross contamination and knowledge of temperature control.
- Staff demonstrate good hand washing practices.
- Staff are not permitted to smoke in food handling areas.
- Staff with communicable illnesses do not work or are assigned to non-food handling areas and are assigned to non-food handling duties.
- Staff have clean uniforms or clothing.
- Utensils or other suitable methods are used when handling food to minimise the risk of cross contamination.
- The hand washing facilities have soap, paper towel (or other approved means) and warm running potable water.
- A probe thermometer that can be inserted into the food must be readily available and accurate to +/- 1°C. The temperature of potentially hazardous food must be monitored regularly and temperatures recorded.

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## Purchasing and receiving food safely

Standard 3.2.2 of the Code outlines the measures a business must take to help ensure that food is received safely. These requirements include ensuring the food has been protected from likely contamination, food is received at the correct temperature and information is available on who has supplied or manufactured the food and what the food is.

### **The following points will help you demonstrate compliance with this Standard:**

- The temperature of potentially hazardous food, such as seafood, should be checked upon receipt and only accepted if the temperature is equal to or below 5°C. This is generally only possible if the transport vehicle is refrigerated or sufficient ice has been used.
- Frozen product deliveries should only be accepted if the product is hard frozen (no thawing).
- Food should only be accepted if there is no evidence of contamination of the product, for example, packaging is undamaged and ready-to-eat seafood has not been in contact with raw seafood.
- Sufficient information should be supplied with the product to identify who has supplied, manufactured, packed or imported it, as well as identifying what the product is.
- Under the Food Regulation 2015, NSW seafood wholesalers (refer to definition of seafood business on page 5-6) are required to be licensed with the Food Authority. You can check that your supplier is licensed by requesting a copy of their Food Authority licence. Seafood caught by recreational fishers (including fish from charity fish auctions) cannot be sold commercially.
- You must be able to demonstrate who you purchased food from. You must keep information relating to the name and business address of the vendor, manufacturer or packer (or if the food is imported, the name and business of the importer) of any food for sale.

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## Safe storage of seafood

Standard 3.2.2 Clause 6 of the Code outlines the requirements for storing food safely. These requirements are to protect food from contamination and store the food under temperature control.

### **The following practices will help you to demonstrate compliance with this Standard for the storage of seafood, other than live seafood:**

- Raw and ready-to-eat food (including oysters) should be stored separately to ensure no contact between raw and cooked product. It is best practice to store raw food below ready-to-eat food to minimise the risk of cross contamination through dripping blood or juices.
- Product in storage should be covered to help minimise the risks of cross contamination.
- Seafood needs to be stored at temperatures equal to or below 5°C. This can be achieved through active refrigeration such as a fridge or coolroom and with the assistance of ice.
- Frozen seafood needs to remain 'hard frozen' during storage.
- Use a clean and sanitised thermometer at least daily to verify that product temperatures are equal to or below 5°C.
- Do not overload coolrooms or fridges, allow for sufficient air flow around the food to cool it down.
- To assist the cooling process it may be necessary to remove food from foam boxes when stored in the coolroom or fridge.
- Ensure that food and food contact surfaces do not come into contact with the floor of the coolroom, for example, store food above the floor on shelving.
- Ensure waste products are stored in clearly labelled bins or tubs and away from edible products.

## Storage of live seafood

Live seafood must be stored in such a way that the conditions under which it is stored will not adversely affect the safety and suitability of the seafood. Potential hazards to live seafood include temperature abuse and inappropriate environmental conditions, for example water quality, pH, salinity, humidity, overcrowding and packaging conditions.

Seafood that is stored live includes fish such as Barramundi, Silver Perch, and reef fish; crustaceans such as rock lobsters and crabs, and molluscs such as abalone, mussels and oysters.

Refer to Safe Seafood Australia – A Guide to Standard 4.2.1 Primary Production and Processing Standard for Seafood (available at [foodstandards.gov.au/publications/safeseafoodaustralia](https://www.foodstandards.gov.au/publications/safeseafoodaustralia)) and Master Fish Merchant Association (MFMA) Code of Conduct for the Welfare on Live Seafood (available from [mfma.com.au/industry-issues/code-for-live-seafood](https://mfma.com.au/industry-issues/code-for-live-seafood)) for specific requirements for storage of live seafood.

## Wet storage of shellfish

The wet storage of bivalve molluscs is considered a high-risk activity and therefore extra precautions should be taken to ensure they are safe to consume. Bivalve molluscs feed by drawing water across the gill surface, which traps particles from the water and transports them to the mouth for ingestion. As they feed, bacteria, viruses and harmful substances that are in the water will be accumulated in the shellfish.

See the Food Authority's [Food Safety Guidelines for the wet storage of shellfish at retail](#) (PDF, 53 KB) for basic measures to prevent contamination of bivalve molluscs during wet storage.

Wholesale wet storage of shellfish requires additional measures and more formal requirements. New requirements for wholesale wet storage are in development and expected to be published in mid-2024.

## Use of ice in retail seafood premises

When using ice in retail seafood premises to help maintain temperature control of food, ensure that the ice is made from potable water (such as town water).

If you make your own ice, ensure the ice machine is cleaned out regularly and sanitised. Ensure filters are also cleaned regularly.

If purchasing ice from a supplier ensure that the ice is 'food grade'.

As ice comes into contact with the food ensure it is handled hygienically. Ice should not be reused.

## Histamine

Histamine fish poisoning (or Scombroid poisoning) is a type of food poisoning caused by elevated levels of histamine being present in the fish.

Naturally occurring bacteria in fish produce an enzyme which converts histadine in the fish to histamine.

Histamine fish poisoning usually occurs in certain species of fish, such as tuna, sardines, mackerel, swordfish and marlin.

Histamine is not destroyed by cooking. Therefore, the best way to keep histamine at a minimum is to ensure proper temperature control.

In some cases, low levels of histamine may already be present in the fish when you receive it. To minimise histamine formation, you should always:

- purchase from reputable suppliers who store the fish on ice or under refrigeration
- receive product at refrigeration temperatures (equal to or below 5°C)
- place the fish under refrigeration as soon as it is received
- keep the fish at refrigerated temperatures when not being used
- if the fish is frozen, thaw the fish under refrigeration.

When displaying fish for sale, always ensure there is enough ice on the product and refrigeration units are set at a temperature equal to or below 5°C.

For more information on histamine refer to the [Controlling Histamine Food Poisoning' fact sheet](#) (PDF, 203 KB).

## Seafood processing

Standard 3.2.2 Clause 7 of the Code outlines the requirements for handling and processing food safely. Processing includes steps such as thawing, filleting, gilling and gutting, cooking and marinating.

### The following practices will help you to demonstrate compliance with this Standard:

- It is best practice to process ready-to-eat product in a designated area separate from where raw product is handled to reduce the risk of cross contamination. Designated knives, chopping boards and tongs are advisable for the handling of ready-to-eat product.
- Ensure all equipment such as benches, knives, chopping boards and display trays, are cleaned and sanitised prior to use (particularly if processing ready-to-eat product).
- If thawing frozen product, ensure that the time the product is out of refrigeration is minimised. It is best practice to thaw frozen ready-to-eat products, for example smoked salmon and prawns, in the coolroom (see the Safe Food Australia guide for further information on safe methods of thawing).
- Minimise the time seafood is kept out of refrigeration while being processed. Only bring out of the coolroom enough product that can be processed within 2 hours.
- Ensure chemicals, garbage bins and other contaminants are kept away from seafood being processed.
- When cooking seafood, ensure the product is thoroughly cooked. The flesh should be white and set. A clean and sanitised thermometer can be used to confirm that the temperature in the centre of the product has reached 65°C.
- When cooling cooked ready-to-eat product the food needs to be cooled quickly. The food must be cooled from its cooking temperature to below 21°C within 2 hrs and from 21°C to equal to or below 5°C within a further 4 hours.
- See the additional section below for safe processing of oysters.

Chapter 1.3 in [the Code](#), Substances added to food, sets out what substances can be added to food and how much can be added.

The receipt, storage and use of these substances, as well as other ingredients, must also comply with the requirements of the Code. It is important to note that some ingredients may not be considered 'potentially hazardous' when first received, for example unopened marinade, but once opened may be deemed 'potentially hazardous' and therefore must be stored under temperature control.

## Displaying seafood safely

Standard 3.2.2 Clause 8 of the Code outlines the minimum requirements for the displaying of seafood. This clause requires you to take all practicable measures to protect the food from likely contamination and to display the food under temperature control.

### The following practices will help you demonstrate compliance with this clause:

- Seafood must be displayed under temperature control. This means that seafood on display must be maintained equal to or below 5°C using refrigeration or sufficient ice. This also means that frozen product is displayed 'hard frozen' with no evidence of thawing.

- Do not overload display cases.
- Raw seafood needs to be adequately separated from ready-to-eat seafood while on display to prevent cross contamination of ready-to-eat product with juices and/ or contaminated ice. This can be achieved by using Perspex dividers or separate containers.
- Separate utensils need to be used for handling raw and ready-to-eat product to minimise the risk cross contamination.
- Material used to display ready-to-eat seafood must be clean and free from contamination and made of smooth, impervious material. Foam fish box lids are not impervious and can absorb contaminants such as raw product juices, therefore should not be used to display ready-to-eat product.
- See the additional section of labelling of displayed seafood.

Raw whole fish may be stored in tubs on ice inside the premises, however all other product such as fillets and ready-to-eat product must be stored in refrigerated display cabinets. All product must be adequately protected from contamination, such as from customers, insects or dust, and stored under temperature control.

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## Cleaning and sanitation

Standard 3.2.2 Clauses 19 and 20 of the Code outline the requirements for cleaning and sanitising for food businesses. These clauses require you to maintain the food premises and equipment to a standard of cleanliness where there is no accumulation of garbage, dirt, food waste, grease or any visible matter. It also requires you to sanitise the food contact surfaces of equipment and utensils. Sanitising occurs after cleaning, and requires the application of heat and/or chemicals to equipment so that the number of bacteria are reduced to an acceptable level.

### **To comply with this Standard you will need to demonstrate the following:**

- All walls, floors, ceilings, coolrooms, freezers, drains and other fixtures are clean and free of visible food scraps, mould, rust, grease, rubbish and other debris.
- All benches, ice machines, display cases, chopping boards, utensils and other equipment are clean and free of visible food scraps, mould, rust, grease, rubbish and other debris.
- You have implemented a method of sanitising food contact surfaces, for example knives, chopping boards, tubs and benches. Chemical sanitisers can be used for this purpose; provided the label states that they are suitable for use in food preparation areas. Sanitising of food contact surfaces will only be effective if the surface has been thoroughly cleaned first.
- Ensure all cleaning chemicals are suitable for use in a food preparation area. Check also whether the cleaning chemical needs to be rinsed off prior to food preparation commencing.

## Labelling of seafood

The Code outlines the requirements for labelling of food for retail sale and wholesale. Labelling requirements vary depending on the nature of the food and whether the food is packaged or unpackaged.

There are several fact sheets regarding labelling available at [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au). Should you require additional information on how to comply with the labelling requirements of the Code, you can contact the Food Authority on 1300 552 406.

**You will need to demonstrate the following when labelling product in your premises:**

### Unpackaged seafood

- All unpackaged seafood for retail sale on your premises (includes both fresh and processed seafood) must include a label indicating the country or countries where the seafood was harvested, processed or manufactured (Country of origin labelling), for example Vietnamese Basa must be labelled 'Product of Vietnam'. (Country of origin labelling is administered under Australian Consumer Law. See: <https://www.accc.gov.au/consumers/advertising-and-promotions/country-of-origin-claims>.)
- Product harvested, processed or manufactured in Australia is also subject to Country of Origin labelling requirements.
- Oysters must be labelled with the name of the harvest area. It is also recommended that labelling include the estuary name.
- The label must be in English, be clearly visible to customers and the lettering on the label must be a minimum of 9mm in height. If the seafood is in an 'assisted service' refrigerated display cabinet (an enclosed or partially enclosed cabinet that requires a person to serve the food to the purchaser), the lettering must be a minimum of 5mm in height.
- If the seafood contains more than 1 ingredient, indicate that the seafood is a mix of local and/ or imported ingredients\*.
- If the seafood is mixed with other ingredients, for example it is crumbed, pickled or marinated, indicate that the seafood is a mix of local and/ or imported ingredients\*.

\*Please note that the order of local/ imported ingredients on your label depends on which of these comprises the major part, for example if there is more imported product, then the sign should say that this is a mix of imported and local ingredients.

### Packaged food

- All packaged food for retail sale needs to be correctly labelled (food that is made and packaged on the premises is exempt). Information that needs to be included on the label of packaged food includes; name of food, lot or batch number (a date mark is sufficient), date mark ('use by' – or 'best before'), name and address of supplier, ingredients in order of ingoing weight, nutrition information panel, country of origin and any relevant warning statements about the presence of allergens.
- Be aware that any food manufactured elsewhere that is taken out of its original packaging and repackaged on the premises will require a label.

### Product substitution

The *NSW Food Act 2003* requires you to describe food correctly with it being an offence to call one type of seafood another; this offence is commonly known as seafood substitution.

When describing the type of seafood for sale it is recommended that you use the names in the Australian Fish Names Standard (AS 5300). The Standard includes names for fish, crustaceans and shellfish and can be viewed on the Fisheries Research Development Corporation website [frdc.com.au](http://frdc.com.au).

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## Safe processing of oysters

Oysters are considered a particularly high-risk food as they are a raw, ready-to-eat product and as such may not undergo any cooking step prior to being eaten.

The absence of a cooking step (which normally kills any food poisoning bacteria) means that oysters must be handled and opened hygienically with good temperature control being maintained throughout storage, processing and display.

The Product Record (PR) number is a unique number that traces oysters back to a location, time and date of harvest. If you open and package oysters, this number can be very useful to maintain traceability and demonstrate the oysters you sell are safe.

### **The following are best practice procedures for handling and opening of oysters:**

#### Receival

- Only purchase and receive oysters from an oyster farmer or processor who is licensed with the Food Authority. If purchasing oysters from another state, the business must comply with the requirements of that state.
- Ensure that all unopened oysters received from NSW suppliers are labelled with the batch number or PR number, date of harvest or date of depuration/wet storage, farmer's name and address, estuary of harvest and lease numbers, the species of oyster and the storage requirements for that product (for traceability purposes it is important to keep copies of this information, for example invoices).
- Unopened Sydney Rock oysters are to be received at less than 25°C if received within 72 hours of harvest and at less than 21°C once 72 hours has elapsed. All other unopened bivalve shellfish are to be received at less than 10°C if 24 hours has elapsed since harvest.

#### Storage

- Unopened Sydney Rock oysters are to be stored at less than 21°C. All other unopened bivalve shellfish are to be received and stored at less than 10°C.
- Opened oysters need to be stored equal to or below 5°C.
- Unopened oysters should be stored away from pooling water which may cause them to open or gape. Unopened oysters should be stored away from other raw product.
- Opened oysters need to be stored away from raw product to minimise the risk of cross contamination.
- If storing multiple batches of unopened or opened oysters, it is best practice to ensure that each batch is labelled with the PR number.

#### Processing

- To assist with traceability, it is best practice for only one batch (PR number) of oysters to be processed and displayed at a time.
- Ensure all benches, aprons, opening blocks, knives, display trays etc are cleaned and sanitised before use.
- Ensure the processor washes their hands thoroughly.
- When rinsing oysters after opening, oysters should be rinsed under running, potable (town) water to remove any dirt from the exterior of the shell that may contaminate the product. (Dipping oysters into a bucket, bowl or sink of water has been shown to increase the risk of contamination by food poisoning bacteria and therefore this practice does not comply with the requirements of the Code). A shower rose fitting to the opening sink is recommended for rinsing oysters.

- Opened oysters should not be stacked on top of each other (as there is a risk of contamination of the oyster meat). If layering oysters on trays it is recommended that food grade paper and plastic sheets be used in between layers.
- Once opened, oysters need to be stored or displayed equal to or below 5°C.

## Display

- Opened oysters must be displayed equal to or below 5°C (sufficient ice may be required around the oyster to help achieve this temperature).
- Opened oysters need to be adequately separated from raw product when on display to minimise the risk of cross contamination.

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## Disposal of seafood

Food that is unsafe or unsuitable for human consumption must not be sold and must not contaminate safe and suitable seafood. 'Food for disposal' refers to product that has been recalled or returned, or is unsafe or unsuitable seafood.

### **To comply with Standard 3.2.2 of the Code you will need to demonstrate the following:**

A food business must ensure that 'food for disposal' is held and kept separate until it is:

- destroyed or otherwise used or disposed of so that it cannot be used for human consumption
- returned to its supplier
- processed in a way that ensures its safety and suitability
- ascertained to be safe and suitable for sale.

To comply with this standard, the business must also clearly identify any seafood that is held and kept separate for the reasons above.

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## Food transportation

Vehicles used to transport seafood must be designed and constructed to protect seafood from contamination and be able to be effectively cleaned.

- Floors and walls of vehicle to be smooth, impervious with no open joints.
- Coolroom panels or insulated fibreglass for walls with aluminium plate or fibreglass floors are suitable.

The Code requires food to be transported under temperature control. Temperature control requires product to be transported equal to or below 5°C, or if the product is frozen it is to remain hard frozen during transport. This can be achieved by using a refrigerated transport vehicle and/ or using sufficient quantities of ice.

Food must also be protected from birds, insects, dust and other sources of contamination during transport. This can be achieved by ensuring food is adequately covered during loading, transport and unloading.



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## Temporary events and mobile vendors

A temporary event is any occasion which is not permanent in nature, where food or produce for human consumption is sold or offered for sale to consumers. Examples include but are not limited to fairs, festivals, farmers' markets, shows and markets.

A person selling food for operating stalls and outlets used for selling food, produce, fruits and vegetables or pre-packaged food for human consumption, is deemed to be a 'food business'. A 'food business' is required to sell safe and suitable food in accordance with the provisions of the *NSW Food Act 2003*.

There are also requirements for food business notification. Refer to the Food Authority website [foodauthority.nsw.gov.au/](http://foodauthority.nsw.gov.au/) for further requirements.

More information is also available in the [Guidelines for food businesses at temporary events](#) (PDF, 396 KB) via [foodauthority.nsw.gov.au/resource-centre](http://foodauthority.nsw.gov.au/resource-centre).

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## Charity fish auctions

Recreational fishers in NSW are not permitted to sell or auction their catch under the *Fisheries Management Act 1994*. However, organisations can apply for a permit from NSW Department of Primary Industries (DPI), which authorises the sale of fish by auction for a charitable purpose.

Auction organisers must submit details of fish sold and financial records of the auction.

Once a permit has been issued, organisers of charity fish auctions must notify their local council.

Organisers of charity fish auctions must comply with Standards 3.2.2 and 3.2.3 of the Code.

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## References and further reading

- Food Standards Australia and New Zealand (2003) Australian New Zealand Food Standards Code, available at [www.foodstandards.gov.au/code](http://www.foodstandards.gov.au/code).
- Food Standards Australia New Zealand (2023) Safe Food Australia: A Guide to the Food Safety Standards, available at [www.foodstandards.gov.au/publications](http://www.foodstandards.gov.au/publications).
- NSW Food Act 2003 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))
- NSW Food Authority (2019) [Guidelines for the Wet Storage of Shellfish at Retail](#) (PDF, 53.8 KB) available at: [foodauthority.nsw.gov.au/resource-centre](http://foodauthority.nsw.gov.au/resource-centre)
- NSW Food Authority (2001) [NSW Shellfish Industry Manual](#) (PDF, 589 KB), available at [foodauthority.nsw.gov.au/resource-centre](http://foodauthority.nsw.gov.au/resource-centre).
- NSW Food Regulation 2015 ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))
- Australian Fish Names Standard (AS 5300) ([frdc.com.au](http://frdc.com.au)).
- Standards Australia (2004) Australian Standard – Design, Construction and Fitout of Food Premises (AS 4674-2004) (available for purchase from [saiglobal.com](http://saiglobal.com))