

EXPORT CONTROL (MILK AND MILK PRODUCTS) ORDERS 2005
Understanding
SCHEDULE 7 - TRADE DESCRIPTIONS
DRAFT VERSION

THE PURPOSE OF THIS INFORMATION SHEET

This information sheet aims to provide an understanding of schedule 7, of the Export Control (Milk and Milk Products) Orders 2005, and give an appreciation as to the requirements that need to be in place at establishments producing Milk and Milk Products for export as food to comply with export requirements.

WHAT'S IN SCHEDULE 7?

The intent of this Schedule is to ensure Milk and Milk Products for export as food are adequately labelled and that all trade description requirements are met.

These new orders make reference to other Acts such as the Trade Practices Act, and the Food Standards Code which sets out the requirements of labelling for things such as composition, ingredients, directions for the use and storage of foods.

Note: Previously the trade description requirements were found in the “old” Prescribed Goods General Orders (otherwise known as the PGGO’s) This legislations has now been replaced with the Export Control (Prescribed Goods- General) Order 2005 but no longer has requirements for trade descriptions

WHAT DOES AN ESTABLISHMENT NEED TO HAVE IN PLACE TO COMPLY WITH SCHEDULE 7?

- The approved arrangement of the establishment must document all the controls used to ensure that the applicable requirements of these Orders, the Trade Practices Act, the Food Standards Code and any other state laws are all complied with at the establishment.
- All milk and milk products for export as food must have a trade description that contains the following information applied to their immediate container,
 - (a) A description of the milk and milk products. (e.g. Acme Dairies Cheddar Cheese)
 - (b) Where milk and milk products contain more than one ingredient a list of the ingredients. (see further information below on ingredients)
 - (c) The net contents of the milk and milk products; and
 - (d) The country of origin of the milk and milk products; and
 - (e) The registration number of the establishment at which the milk and milk products are last prepared (other than handled, loaded or stored) before being exported. **Note;** the registration number must be clearly distinguishable as being the establishments *AQIS* registration number. e.g. Registered Establishment N_o XXX
 - (f) The name and address of:
 - (i) The exporter; or
 - (ii) The occupier of the establishment at which the milk and milk products are last prepared (other than handled, loaded or stored) before being exported; or
 - (iii) The consignee; and
 - (g) The identity of the lot for the milk and milk products; and
 - (h) The directions for the use or storage if the milk and milk products are of a nature as to warrant such directions for reasons of food safety.

Note 1: The trade description must be applied before the milk and milk products leave the establishment at which they are last packed in their immediate container before being loaded for export.

Note 2: For the purposes of paragraph (f) above if:

- (a) The name and address of the exporter or consignee is used; and
- (b) The exporter or consignee is not a person who prepares the milk and milk products concerned;

The name must be preceded by the words “Packed for” or a statement of similar meaning.

- Trade descriptions must be applied before the milk and milk products leave the establishment at which they are last packed in their immediate container before being loaded for export.
- The trade description must be Accurate, Legible, Prominent, Conspicuous and not obscured in any way and be securely applied
- Milk and Milk products identified as not for retail sale, do not need a trade description (on the immediate packaging of the product) where the information required in the trade description is applied to the outer container of the milk and milk products.
- Canned milk and milk Products where the trade description is not applied at the time of filling of the cans and, unwrapped milk and milk products bulk loaded into container system units have special labelling requirements (See clause 2.1 of the schedule for further information).
- Where a trade description is applied to packaging material such as carton liners, wraps or sheets within blocks to separate milk and milk products or on an outer container, containing a number of immediate containers of milk and milk products, the trade description must not be inconsistent with any part of the trade description required to be applied under the Orders.
In other words the descriptions used on packaging should portray similar details to the immediate packaging of the product and clearly identify its contents.
- Any part of a trade description applied to milk and milk products in a language other than English must not be inconsistent with any part of the trade description in the English language.
However if any part of the trade description applied to milk or milk products for export appears in a language other than English you may be required to provide translation.
If you are the translation must be prepared by a person who has appropriate qualifications to make the translation and is independent of and not employed in operations to prepare or export milk and milk products.
- The trade description required under these Orders must not be altered or interfered with unless:
 - (a) The alteration or interference is done by, or under the direction of, an authorized officer; or
 - (b) An authorized officer gives written approval for the alteration or interference; or
 - (c) The applicable approved arrangement provides for the alteration and interference in the circumstances in which the alteration or interference is made.
- Additional information or pictures applied to milk and milk products for export as food must not be inconsistent with information required under these Orders to be contained in the trade description.

WHAT DOES AN ESTABLISHMENT NEED TO HAVE IN PLACE TO COMPLY *CONTINUED*

- Where there is more than one ingredient in milk products the ingredients must be listed in accordance with the requirements of Schedule 7, Division II, of the Export Control (Milk and Milk Products) Orders 2005, which states “The trade description applied to milk and milk products must meet each of the applicable requirements for the labelling and naming of ingredients and compound ingredients that are specified in Standard 1.2.4 of the Food Standards Code” and they must also be listed in the order specified in Standard 1.2.4 of the Food Standards Code.
- Compositional Claims, where a claim as to composition is made or implied regarding milk and milk products, a quantitative statement supporting the claim must be included in the trade description.
- Where the importing country has specific requirements, these must be met and documented in the approved arrangement.

TRANSITION ARRANGEMENTS & NEW ESTABLISHMENTS

For currently registered establishments existing approvals remain until in place until 30 June 2007, after 30/6/07 it is mandatory that all registered establishments must meet all the regulations of the Export Control (Milk and Milk Products) Orders 2005 and have an approved arrangement in place

Where an establishment amends their food safety program (in practices and/or documentation) to reflect the new requirements in preparation for implementation of an approved arrangement, approval must be sought from the relevant State Regulatory Authority prior to implementation.

All new establishments must meet all the requirements from day 1 and have an approved arrangement in place.

NOTE:

- Please notify the DRU if you are using/planning to use imported ingredients in your products as there are other requirements that need to be met.

FURTHER INFORMATION

The details of this Schedule are the specific provisions or the framework in meeting the requirements of parts 1 through 10 specified in the Orders, which can be found prior to the schedule information of the Export Control (Milk and Milk Products) Orders 2005, the schedule information must be read in conjunction with the relevant orders.

A copy of the Export Control (Milk and Milk Products) Orders 2005, legislation which details the orders and schedule information can be found at <http://www.comlaw.gov.au/>

For information on food standards, sampling & analysis and HACCP principles the Food Standards Code web address is http://www.foodstandards.gov.au/foodstandardscode/index.cfm#_FSCchapter1

FURTHER INFORMATION *CONTINUED*

For information on food standards and labelling requirements see part 1.2 of the Food Standards at http://www.foodstandards.gov.au/foodstandardscode/index.cfm#_FSCchapter1

The Trade Practices Act clarifies “product of Australia” and “made in Australia” claims, the Trade Practices Act legislation can be found at <http://www.comlaw.gov.au/>

Trade description information can also be found on the Customs website at <http://www.customs.gov.au/site/page.cfm> And using “Trade Description” in the search tool.

Known importing country requirements are available from the Dairy Review Unit, the Export Dairy Unit also has other information sheets, procedural manuals and guidelines and importing country requirements located on our website at www.aqis.gov.au/dairy

For any further queries on the information provided here please feel free to contact one of the Dairy Review Unit during business hours on the numbers listed below

Name	Contact Number	Email
Faye McLarty	03 8318-6762	faye.mclarty@aqis.gov.au
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Phil Golledge	03 8318 6765	phil.golledge@aqis.gov.au
Jalal Dean	08 8201-6121	jalal.dean@aqis.gov.au

State Dairy Authority Contacts are:

State/Region	Authority	Contact Number
Victoria	Dairy Food Safety Victoria	03 9810-5900
New South Wales	NSW Food Authority	02 9741 4777
Queensland	Safe Food Queensland	07 3253 9800
Tasmania	Tasmanian Dairy Industry Authority	03 6421-7638
Western Australia	Western Australian Dept. of Health	08 9388 4958
South Australia	Dairy Authority of South Australia	08 8223-2277