

AMIC Member Resource

As you are all aware compliance with Trade Measurement Law (Weights and Measures) is a must and can cause financial burden as in the way of fines.

Inspectors have the powers to enter your business and conduct their inspections at any time without warning. Under the *National Measurement Act 1960* they may examine, photograph, test, seize, copy documents and request assistance from the controller of the business at the time of inspection.

As it has been brought to AMICs attention non-compliance is still happening and we are here to give advice on what is required Nationally.

Tares and those regulations have been around for years, yet we still find people are making simple mistakes and we need to remind you all of these issues. As a trade qualified butcher, you do learn these regulations during the apprenticeship, but things change and you need to be current in your business practices

Tips for Compliance.

1. **Regular checks with your scales**, test weights is the best way and record when you do these tests as you are the person responsible to ensure that they are correct. Weights and Measures will ask if these checks are occurring and will request these records as evidence that they are being performed.
2. **A servicing licensee has verified your scales annually** a servicing licensee has verified your scales before using them for trade. Best practice is to have them checked yearly to ensure their calibration is still correct.
3. **Training and record training has taken place** in the correct use of scales and the packing of prepacked articles for all staff. Weights and Measures will ask if these records are being kept and will request to see them as evidence that it is being performed.
4. **All packaging must be tared**, this includes the film if you wrap your products in plastic and the bags you use for OTC sales.
5. **Check every day** that the counter bags used have been tared if a built-in tare is not in use in your scales. The best method is to have a built-in tare –your scale technician can assist you with this.
6. **Scales are level**, clean and read zero before you use, this includes before you apply a tare. (Reading zero will only apply here if they have a built-in tare. If they are manually taring, they will need to ensure the tare is applied before use and it will therefore read a minus figure).

7. **Speak with suppliers** on the tare weights used for your Whole fresh meat products you buy in, as soaker pads and Vacuum bags differ from processor to processor.
8. **Prepacked articles lose weight over time.** If your prepacked articles have been on the shelf longer than a few days, the chances are that they will have lost weight. If at the time of sale, your products weigh less than the stated amount, you are committing an offence. Best practice in this case is to recheck the weight of stock that has stayed on the shelf longer than a few days or overcompensate at the time of packing by placing extra product into packs to account for loss of weight. Perform random checks of products on the shelves to ensure compliance. Better still, record these checks and the outcomes. Weights and Measures inspectors will ask you if Inhouse Compliance Checks are occurring and will request these records as evidence. When performed regularly recorded, you are less likely to have non-compliance.

As we have regular discussion with weights and measures, they would like to see an improvement to butchers following the regulations and as suggested would like to see evidence of knowledge in scale use.

What we have designed for you is the regulations supplied by Department of Industry, Science and Resources and safe food with the latest regulations and evidence of training for your records.

NATIONAL MEASUREMENT INSTITUTE

Selling meat

Meat is any part of a dead animal, including any attached bone or bone marrow, connective tissue, fat, rind, nerves, blood or skin.

NAVIGATE NATIONAL MEASUREMENT INSTITUTE

Selling meat

- **Selling by weight**
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- **Pre-packaged meat**
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- **Selling by weight**
- **Meat not sold by weight**

- **Using scales**
- **Pre-packaged meat**
- **Regulating the sale of meat**

Trade measurement laws regulate the retail and wholesale sale of meat.

Selling by weight

You must sell the following types of meat by weight:

- amphibians,/ such as frogs
- birds/ (chicken, duck, emu, geese, guineafowl, ostrich, pheasant, quail, squab and turkey)
- buffalo / camel / cattle / deer /donkey / goat / hare / horse
- kangaroo and wallaby
- pig / reptiles (including crocodile) and sheep.

You must sell the following types of offal of the animals listed above by weight:

- cheek /liver/ spleen /tail/ tongue/ tripe.

Processed meat

You must sell processed meat by net weight. This includes meat processed by:

- adding preservatives, colourings or flavours
- boning
- cooking (except where you sell to the customer on the premises where you cook it)
- crumbing
- curing
- dicing
- drying
- freezing
- glazing
- marinading
- mincing
- pickling
- salting
- seasoning

- shredding
- slicing
- smoking
- tenderising

Selling per item

If you sell meat that is not pre-packaged at a predetermined price (e.g. \$2.00 chops or pre-priced roasts), you must advertise the weight and price per kilogram close to the marked price.

Meat not sold by weight

You do not have to sell the following by weight:

- rabbit
- some offal (brains, feet and heads)
- meat you cook on the premises where you sell it
- blended meat (such as hamburgers, pastrami, sausages)
- combined meat (such as shish kebab, stir fry)
- fermented meat (such as salami)
- filled meat (such as chicken kiev)
- reconstituted or pressed formed meat (such as chicken nuggets, devon)
- stuffing.

If you do decide to sell these items by weight, you must follow the regulations for selling meat by weight.

Using scales

If you use a scale to weigh and sell meat that isn't pre-packaged, you must ensure that:

- the National Measurement Institute (NMI) has approved your type of scale and any attached modules (i.e. point of sale system)
- a **servicing licensee** has verified your scales and any attached modules
- you and your staff use the scales in the correct manner (e.g. level and indicating zero before use)

- you position the scales so that the customer can easily see the weighing process (if not, you must provide a written statement of the weight)
- you keep the scales clean and in good working order.
- a servicing licensee verifies the scales after each repair or adjustment.

You are responsible for making sure the scale is correct at all times.

We recommend that you have all your scales checked **yearly** by a technician licensed by NMI (servicing licensee). For a list of servicing licensees, email tmlicensees@measurement.gov.au.

Daily Scale Checks

The following procedure should be followed when performing daily scale checks. This could be performed each morning at start up when scales are switched on.

1. Switch on weighing instrument (scale).
2. Place check weight on the middle of the weighing platter and record the indication in the table below.
3. Place the check weight with a test weight in all four corners of the weighing platter and record the indication in the table below.
4. Check everyday that the counter bags used have been tared.
5. Record all findings to ensure that checks have been completed!



If any indication does not display the correct weight, perform the following checks:

- a) Scale is level,
- b) Scale is clean (has nothing binding the load cells under the weighing platter),
- c) Scale is on zero, and
- d) Scale is not affected by wind/vibration/unstable platform or any other environmental factors.
- e) Repeat the scale weight checks.

If the above have been checked and the scale is still not indicating the correct weight, record the error and call your scale technician!

Regular checks with your scales, test weights is the best way and record when you do these tests as you are the person responsible to ensure that they are correct

Pre-packaged meat

If you sell pre-packaged meat, you must:

1. All packaging must be tared, this includes the film if you wrap your products in plastic.
 2. Scales are level and read zero before you use, this includes before you apply a tare.
 3. Speak with suppliers on the tare weights used for your Whole fresh meat products you buy in, as soaker pads and Vacuum bags differ from processor to processor.
 4. Have sample trays of each size tray that have been wrapped in your packaging type whether it's a Vacuum Bag or film. (also, if you use soaker pads include that as well)!
- label each package with the weight of the meat.
 - label each package with the name and address of the packer (unless you pack them on the same premises where you sell them)
 - only display the net weight of the meat (do not include the weight of any packaging).

You should print weight statements either on labels attached to the package or directly on the package itself. When you pack and sell meat on the same premises, you can hand-write the statement.

The weight statement must be:

- clear to read, at least 2 mm from the edge of the principal display panel and at least 2 mm from other graphics.
- in the same direction as the brand or product name
- in a colour that provides a distinct contrast with the colour of the background.

In addition, if the packages are not all the same weight, you must mark the total price and price per kilogram either:

- on the package in the same format as the weight statement
- immediately adjacent to the package in characters at least 10 mm high.

Read the [Guide to the sale of pre-packaged goods](#) to find out more.

Regulating the sale of meat

The [National Measurement Act 1960](#) and the [National Trade Measurement Regulations 2009](#) regulate how meat is sold using measurement.

NMI employs [trade measurement inspectors](#) throughout Australia. They regularly inspect meat being sold to ensure that sellers are following the correct process.

If an inspector finds that you are short-measuring your customers, you could be fined up to \$222,000 per offence.

Contact

Email infotm@measurement.gov.au

Trade measurement helpline phone 1300 686 664

Food safety requirements

In February 2021, Food Standards Australia and New Zealand (FSANZ) announced new requirements for allergen labelling on packaged foods, to help make food allergen declarations clear and consistent for consumers and enable them to make safe food choices. This takes effect from February 2024

Prior to this, FSANZ required the 11 known foods and ingredients that can cause severe allergic reactions to be declared on labels when they are present in food. However, there was no requirement on *how* these declarations were to be made, leading to confusion and uncertainty in consumers which may have potential life-threatening consequences.

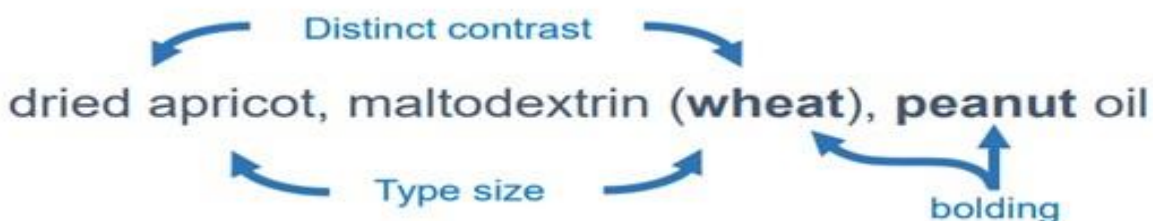
What has changed?

Under the new requirements in the Australia New Zealand Food Standards Code (the Code), businesses must state allergens using **mandatory specified terms** (see Appendix 1) in **bold font**, with additional requirements to **display them in the statement of ingredients**, as well as in a **separate allergen summary statement**.

The Code amendments require businesses to separate the declaration of molluscs, individual tree nuts (such as Brazil nuts, cashews, and pecans among others) and wheat, barley, rye or oats and gluten if present.

Furthermore, allergen declarations must be made in the statement of ingredients (ingredients list), and must be:

- printed in **bold** font that provides a distinct contrast with any other text.
 - printed in a size of type no less than that used for other text.
 - provided as a separate word for each ingredient that is, or contains, an allergen.



dried apricot, maltodextrin (wheat), peanut oil

Example above provided by FSANZ – Derek Castles

In addition, an allergen summary statement must be provided. This is the list of allergens that are or may be present in the product. This allergen summary statement must be:

- printed in a **bold** font that provides a distinct contrast with any other text in the statement of ingredients that is not a required name.
- printed in the same type face and size of type as the declarations in the statement of ingredients.
- commence with the word 'Contains' and only include the allergens required to be declared.

Contains: Wheat and Peanut
May Contain: Molluscs

Example of allergen summary statement

When do these changes come into effect?

This variation to the Code came into effect in **February 2021**, with a **three-year transition period** followed by a **two-year stock-in-trade** period to implement PEAL. The transition period will allow any relevant food that has already been packaged to be sold, so long as the food complies with either the existing allergen declaration requirements in the Code or the new amendments.



What does this mean for your business?

All accredited businesses with Safe Food must be aware of their labelling requirements under the [Food Standards Code](#). Several sections in the Code provide information regarding labelling requirements.

Accredited businesses will need to comply with the PEAL changes by 2026. If you are purchasing new labels, it is recommended that you implement these new changes while doing so.

Accredited businesses that are not packaging products will still need to have correct PEAL allergen information readily available for consumers. For example, butchers that sell food containing allergens (e.g. eggs, wheat, gluten, nuts) within a display cabinet.

Appendix 1

Table 1: Required names for making mandatory declarations

Allergen declaration		For declarations in a Statement of ingredients	For all other declarations
Added sulphites in concentrations of 10 mg/kg or more		sulphites	sulphites
Wheat and its hybrids		wheat	wheat, gluten (when gluten is present)
These cereals and their hybrids (when gluten is present)	Barley	barley	gluten
	Oats	oats	
	Rye	rye	
Milk		milk	milk
Egg		egg	egg
Fish		fish	fish
Crustacea		crustacean	crustacean
Mollusc		mollusc	mollusc
Sesame seed		sesame	sesame
Lupin		lupin	lupin

Allergen declaration	For declarations in a Statement of ingredients	For all other declarations
Soybean	soy, soya or soybean	soy
Peanut	peanut	peanut
Almond	almond	almond
Brazil nut	Brazil nut	Brazil nut
Cashew	cashew	cashew
Hazelnut	hazelnut	hazelnut
Macadamia	macadamia	macadamia
Pecan	pecan	pecan
Pine nut	pine nut	pine nut
Pistachio	pistachio	pistachio
Walnut	walnut	walnut

Your responsibility as a food business

The only way for people with a food allergy to manage their allergy is to completely avoid the food allergen.

For this reason, the Food Standards Code requires that for food produced or sold in Australia that contain any of the allergens mentioned above, the allergen be declared on product labels. This includes its presence as an ingredient, or its presence as a component of food additives or processing aids.

Allergen management and your food safety program

Food businesses are required to have an effective allergen management plan as part of their food safety program, should train their staff in food allergen risks, management and communication, should provide clear and accurate information on their products and manage the unintentional presence of food allergens. Their food safety program should include information on labelling, segregation and storage of ingredients and finished products to prevent cross-contamination.

An allergen management plan should consider the following:

- detailed information on all ingredients. This information may come from supplier specification, ingredient declarations or from Product Information Forms (PIFs). PIFs contain supplier contact details, production information including ingredients, compositional and other information that meets legal and regulatory compliance in Australia and New Zealand in a standardised manner. To find out more about PIFs visit the [Australian Food and Grocery Council](#).
- appropriate storage and handling of ingredients and equipment to prevent cross contact
- segregation of ingredients and or lines or scheduling to avoid cross contact. In some instances, this may require having separate production lines to mitigate risk
- appropriate and effective cleaning to remove allergens from surfaces and equipment
- a testing schedule to test raw ingredients, environmental surfaces and finished products. Further information on allergen testing can be found here at [Allergen Bureau food allergen analysis](#)
- staff training in food allergen risks and management, including the unintentional presence of food allergens. A free presentation on Food Allergen Fundamentals is available at [Food Allergen Fundamentals](#)
- a review of your product labels to ensure compliance with the Food Standards Code.



What to do if you suspect an undeclared allergen may be present in your products

If you suspect that a product may contain an undeclared allergen, it's important to act swiftly and rectify the issue. The following activities should be undertaken:

- Stop production of any products believed to be implicated immediately. Isolate any existing batches to ensure they are not distributed any further.
- Contact your state regulator to discuss the issue, corrective actions required and whether a trade withdrawal or a product recall is necessary.
- Refer to your food safety program for nominated corrective actions.
- Review your processes and identify the root cause of the issue.
- Use allergen analysis to assist in investigating the issue where appropriate. This may include the analysis of raw materials, surfaces and finished product.
- Review your ingredients list to ensure it accurately reflects the ingredients that have been used in production.
- Review and update your product labels, including the allergen declarations, to ensure they comply with legal requirements.

By being proactive and having an effective allergen management plan in place, you'll not only help protect consumers with life threatening allergies, but also prevent the risk of having to undertake a food recall.

Food recalls can incur significant financial costs, cause reputational damage and risk potential litigation for food businesses.