

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates, Tuesday, 31 May 2005:

Question: Bud 113

Topic: Labelling of imported fruit and vegetables

Hansard Page: E93

Senator MURRAY asked:

Another issue has been raised recently in Western Australia. I do not know whether it has been raised elsewhere. It is the issue of fresh fruit and vegetables. The word 'fresh' automatically connotes in a consumer's mind that it subscribes to Australian regulations and laws and so on. But there was a claim run by, amongst others, Paul Murray—no relative—a former editor of the West Australian, and I think elsewhere, that foreign fruit and vegetables are coming in. They said that some were from China and were tainted with human faeces and with chemicals that are not permitted in this country. But there was no way of the consumer knowing, in the big spread of fruit and vegetables that is available in the supermarket and the stores that sell them, where those fruit and vegetables come from, which is a complete contrast to bottled or canned goods where the labelling is often very helpful as to origin and content and so on. Has the matter been raised with you? Do you have any comment on it?

Answer:

The ACCC has received no specific representation/s regarding the labelling or identification of imported fruit and vegetables allegedly contaminated with human faecal matter or prohibited chemicals. The ACCC is aware of media reports discussing Food Standards Australia New Zealand proposed Country of Origin of Food Labelling proposal and the concern raised surrounding the absence of origin identification of some imported commodities such as seafood and fruit and vegetables.

The ACCC also has a memorandum of understanding with Food Standards Australia New Zealand to enable mutual assistance on regulatory matters. The Trade Practices Act 1974 does not require goods to be labelled with their country of origin. Prime regulatory responsibility for food labelling rests with State and Territory health or agriculture (as is the case with NSW) authorities. The ACCC works closely with these regulatory authorities who may refer matters for consideration under trade practices law.

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While the ACCC does not have an enforcement role in relation to any *food specific* regulations or standard, any claim, representation, implication or impression that is made by any labelling or promotional material must be accurate and not misleading or deceptive or likely to mislead or deceive. These provisions, under Part V of the Trade Practices Act 1974 provide a general prohibition against misleading and deceptive conduct and the ACCC may consider enforcement action necessary in certain circumstances.