
26 November 2015

Free Range Egg Labelling Consultation Paper
Small Business, Competition and Consumer Policy Division
Submitted via Australian Treasury Website

Free Range Egg Labelling – Consultation Regulation Impact Statement (October 2015)

The Australian Food and Grocery Council (AFGC) welcome the opportunity to make this submission in response to the consultation on free range egg labelling.

The AFGC provides the following feedback to Treasury for consideration.

The AFGC supports accurate labelling of food and grocery products in order to assist consumers to make informed choices and to prevent misleading and deceptive conduct.

Member companies of the AFGC are not egg producers or marketers however, they do have an interest in achieving a definition of free range eggs which is uniform and consistent across all jurisdictions. This would assist where claims are made about the nature of eggs used in manufactured foods – consistency is important to ensure that consumers are comparing like with like.

The AFGC supports option 1.

Option 1: Status quo, with upcoming ACCC guidance

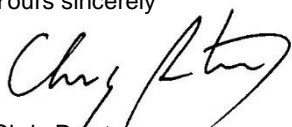
The existing regulation provides sufficient remedies for claims that are misleading or deceptive, both in terms of enforcement as well as private legal action. ACCC Guidance should provide specific advice in relation to its regulatory expectations as to the evidence required to substantiate a claim.

The substantiation of 'free range' claims remains an issue open to debate, and it is not helpful to draw arbitrary rules in mandatory information standards that deny the opportunity for consideration as to the context around a particular claim. The huge advantage of existing law is its ability to capture all the circumstances of a claim when considering whether or not it is false or misleading.

Further, the development of an information standard, even one that codifies existing case law, serves to halt the further development and expansion of that case law as community expectations and standards evolve.

Finally, imports and exports of manufactured foods need to reflect 'free range' definitions of the trading partner countries, and it would not be appropriate for Australia to establish trade barriers, based on iconoclastic concepts of 'free range', to the detriment of Australian consumers. Such a measure may in fact contravene Australia's World Trade Organisation obligations.

Yours sincerely



Chris Preston
Director, Legal and Regulatory