

SUBMISSION

REQUIREMENTS FOR FOOD SOLD ONLINE

NOVEMBER 2025

The Australian Retailers Association (ARA) and National Retail Association (NRA) welcome the opportunity to provide feedback on the draft Policy Guideline on Information Requirements for Prepackaged Food Sold Online.

The ARA and the NRA, which are amalgamating to form the Australian Retail Council (ARC) in February 2026, represent a \$444 billion sector that employs 1.4 million Australians—one in ten workers—making retail the nation's largest private sector employer and a cornerstone of the Australian economy.

Our combined membership spans the full breadth of Australian retail: from family-owned small and independent businesses, which comprise 95% of our membership, to the largest national and international retailers that support thousands of jobs and sustain communities across both metropolitan and regional Australia. Our industry operates more than 155,000 retail outlets nationwide, with the majority of those also represented by an online or e-commerce presence.

A strong retail sector delivers widespread benefits to all Australians, with a significant portion of every dollar spent in retail flowing back into employees, suppliers, superannuation funds, and local communities. We are united in advocating for the policy settings, reforms and collaboration that will drive growth, resilience, and long-term prosperity for Australian retail and the millions who rely on it.

EXECUTIVE SUMMARY

The Australian Retailers Association and National Retail Association (the Associations) welcome the opportunity to comment on the draft Policy Guideline on Information Requirements for Prepackaged Food Sold Online. Ensuring consumers can make safe and informed choices in digital retail environments is essential as online food purchasing continues to grow across Australia and New Zealand.

The Associations support a high-level, principles-based policy guideline that provides clarity on expectations while remaining proportionate and flexible. The guideline should enable practical delivery of essential information without imposing duplicative or de facto mandatory requirements that mirror physical labels online.

To maintain consumer confidence, accountability for product information accuracy must remain with the product originator, in line with existing responsibilities under the Food Standards Code. The scope of the guideline should be clearly defined, including reference to foods not required to bear a physical label and products using digital labelling technology, to ensure consistent application and minimise regulatory burden.

The Associations recommend a trial-first approach, beginning with low-risk food categories, to test the usability and operational impacts of digital information pathways such as QR codes and 2D barcodes. Evidence generated through such trials will help inform any future policy direction that is genuinely beneficial for consumers and workable for industry.

CONTEXT, SCOPE, PROBLEM STATEMENT AND AIM

The Associations recognise the context outlined in the consultation paper, including the continued growth of online food purchasing and the limitations this creates for consumers who cannot access physical packaging or mandatory label information at the point of purchase. The Food Standards Code clearly sets out the requirements for information that must appear on the physical label of prepackaged foods, but it does not specify how this information should be presented online when these foods are offered for retail sale.

The shared trans-Tasman framework has not previously provided guidance on online information requirements, and approaches among brand owners vary. This can result in inconsistent access to information, particularly nutrition, allergen and storage details, compared with what a consumer would expect when purchasing the same product in a physical store. The Associations acknowledge the problem statement agreed by Food Ministers, which highlights this inconsistency and its potential to limit consumers' ability to make safe and informed choices.

The Associations note the proposed desired outcome and aim of the policy guideline, which seek to provide clarity on expectations for presenting essential information in digital retail environments. Any such expectations should remain proportionate and adaptable to evolving digital capabilities, while ensuring accountability for information accuracy continues to rest with the product originator as under the Food Standards Code.

To improve clarity and reduce compliance uncertainty, the Associations consider that the scope of the guideline would benefit from explicitly referencing relevant exclusions, including foods not required to bear a physical label and those utilising digital labelling technology. Further clarification of how products such as hampers and foods sold to caterers are captured under Standard 1.2.1 would also support consistent interpretation.

The Associations therefore support a high-level, principles-based approach focused on enabling informed consumer choice while maintaining regulatory flexibility. Practical implementation should be informed by a trial-first approach, beginning with low-risk food categories, to ensure any future policy direction is grounded in real-world operational experience and consumer usability.

POLICY GUIDELINE SUPPORT, PRINCIPLES AND UNINTENDED CONSEQUENCES

The Associations support the development of a high-level, principles-based policy guideline to provide clarity on expectations for information presented when prepackaged foods are sold online. Any guideline should remain non-prescriptive and avoid creating de facto mandatory requirements. A flexible, outcomes-focused approach is essential to ensure the guideline can operate effectively across diverse digital retail environments and adapt to emerging technologies.

The Associations agree that consumers should have access to the information necessary to make safe and informed choices when purchasing food online. However, the Associations do not support mandating full replication of the physical label online. Such an approach would duplicate existing requirements under the Food Standards Code, impose significant operational burden and inhibit innovation. The Associations instead recommend explicitly recognising digital information pathways, including QR codes, SmartLabel-style microsites and 2D barcodes, as valid mechanisms for providing supplementary information.

Ensuring accuracy of online information is critical to maintaining consumer trust. However, practical realities must be recognised. Retailers rely on brand owners and manufacturers as the originating source of product data and labelling, and it is neither feasible nor reasonable for retailers to physically verify every attribute of every product against the physical packaging supplied. To avoid unintended regulatory burden or enforcement exposure for discrepancies outside retailer control, accountability for the accuracy and consistency of product information must remain with the product originator.

Policy settings should reinforce that online information obligations reflect existing accountabilities under the Food Standards Code, supported by clear transition periods when label changes occur and mechanisms that address

known data system limitations. Flexible, digital-first presentation of information should be explicitly enabled so that retailers can provide necessary information efficiently, while maintaining the principle that product originators are responsible for ensuring the data supplied is complete and current.

It is also important to recognise current limitations in the transfer and display of structured product data in online retail systems. Technical constraints may prevent an exact digital replication of physical label content, including allergen formatting such as bolding or special characters, nutrition information panels where non-numerical values are used, and multi-product statements in variety packs. In these instances, retailers should be able to demonstrate compliance by providing a clear image of the complete and current physical product label. This ensures consumers are still able to access the full information they would have in a store setting, while acknowledging that product originators remain responsible for the accuracy of the information supplied.

A prescriptive interpretation of the guideline could lead to several unintended consequences. These include increased compliance complexity for both retailers and suppliers, pressure on product data systems, inconsistencies with global digital labelling developments and misalignment with industry transition to enhanced 2D barcode capabilities. These risks reinforce the need for a trial-first approach, commencing with low-risk food categories, to assess consumer usability and operational feasibility before any future policy direction is set.

HEALTH STAR RATING

The Associations note that considerations relating to the display of the Health Star Rating (HSR) system in online retail environments are subject to the current five-year review. The HSR can assist consumers to compare like products when shopping digitally, where such information is already displayed on the physical package.

The HSR should continue to operate as a voluntary front-of-pack labelling scheme. Where a HSR is present on the physical label, it may be displayed online to support informed consumer choice. However, its absence on non-priority foods should not be interpreted as non-compliance. Any expectation regarding online display must remain consistent with existing policy settings and avoid creating operational complexity or expanding the scheme beyond its intended purpose.

PROPOSED SPECIFIC POLICY PRINCIPLES

Several clarifications are required to ensure the principles are practical, proportionate and aligned with existing regulatory responsibilities.

Food safety, nutrition and informed choice information

The current principle refers to providing food safety, nutrition and informed choice information online. These terms are not defined within Standard 1.2.1 of the Food Standards Code which may lead to inconsistent interpretation by both industry and enforcement agencies. To reduce uncertainty, the guideline should explicitly reference the relevant sections of the Food Standards Code that set out mandatory label information. This approach would mirror international best practice such as Codex CXG 104-2024, which clearly references Codex CXS 1-1985 to define the required information.

Advisory to check the physical food label before consumption

The Associations support the inclusion of a statement advising consumers to check the physical food label before consumption. This is essential, noting that online information may occasionally lag behind physical label changes or vice versa during product transitions. To help reduce unnecessary compliance burden on retailers, supporting context should be included to reaffirm that the physical label remains the definitive source of truth.

Information availability without charge prior to purchase

The Associations agree that mandatory information should remain freely accessible to consumers before purchase provided that the guideline offers clear expectations for how this is to be delivered in practice. However, further clarification is needed regarding expectations during minor or soft label changes, where old and new packaging may be in circulation simultaneously. Given that product data originates from brand owners and manufacturers, obligations for the accuracy and timeliness of online information must remain with the product originator. Clarity on transition expectations would reduce compliance risk and ensure practical implementation across diverse retail platforms.

The Associations consider these refinements essential to support clear, consistent and achievable application of the specific policy principles across industry.

CONCLUSION

The Associations welcome progress toward greater clarity on expectations for online food information and supports continued collaboration with government to ensure that consumers can access the information they need in digital retail environments.

Any policy settings arising from this guideline must remain proportionate, flexible and aligned with technological advancement. Digital information pathways offer a practical and future-focused means of supporting informed consumer choice, without duplicating physical labelling requirements. Accountability for product information accuracy should remain with product originators, consistent with the Food Standards Code, supported by clear transition periods during label changes.

A measured, trial-first approach provides the best pathway forward. Testing implementation across low-risk food categories will ensure future decisions are grounded in real-world usability, operational feasibility and consumer outcomes. The Associations stand ready to support further consultation and share insights from industry throughout this process.

The ARA and NRA appreciate the opportunity to contribute to this important discussion.

We encourage the Government to continue collaborating with business groups and service providers to ensure any future policy settings are informed by practical trials and grounded in real-world implementation experience.

Any queries in relation to this submission can be directed to our policy team at policy@retail.org.au.