



# **FOOD INDUSTRY RECALL PROTOCOL**

INFORMATION ON RECALLING FOOD IN AUSTRALIA AND WRITING A FOOD RECALL PLAN

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# SECTION 1

## INTRODUCTION

### 1.1 What is the purpose of this Protocol?

The Food Industry Recall Protocol (Protocol) provides information on recalling food in Australia and guidance for food businesses on developing a written food recall plan. A food recall is action taken to remove from distribution, sale and consumption, food which is unsafe. This means food that may cause illness or other physical harm to a person consuming the food.

The three primary objectives of a food recall are to:

- stop the distribution and sale of the product as soon as possible
- inform the government, the food businesses that have received the recalled food and the public (consumer level recalls only) of the problem
- effectively and efficiently remove unsafe product from the market place.

This Protocol provides guidance only and is not legally binding; however it outlines legal requirements relating to food recalls that are enforceable by the state and territory governments. Food Standards Australia New Zealand (FSANZ) developed the Protocol in consultation with Australian state and territory governments and the food industry.

Recall systems should be tailored to the individual needs of a food business. A business may seek independent advice (including legal advice) about the system it develops for food recalls.

This Protocol does not apply to recalls conducted in New Zealand. The New Zealand Ministry for Primary Industries (NZ MPI) coordinates recalls in New Zealand. FSANZ and the NZ MPI liaise regularly on food recalls to establish whether any food subject to a recall has been exported to Australia or New Zealand.

## 1.2 What does the Protocol cover?

This Protocol helps food businesses plan for and respond to a need to recall potentially unsafe food by setting out:

- the roles and responsibilities of food businesses and government during a food recall
- the key steps in the food recall process
- the legal requirements for food businesses in relation to food recalls
- important elements of a food recall plan.

Attachments provided include:

- writing a food recall plan for your food business
- contact details for FSANZ and state/territory food enforcement agencies
- an explanation of how recalls are classified
- flow diagram to assist with deciding if food should be recalled or withdrawn
- examples of problems and suggested actions
- examples of recall notifications and press advertisements.

## 1.3 Does my food business need a food recall plan?

The Australia New Zealand Food Standards Code (the Code) requires manufacturers, wholesalers and importers of food to have a system in place to manage the recall of unsafe food. The requirement is specified in clause 12 of Standard 3.2.2 – Food Safety Practices and General Requirements. It states that:

*A food business engaged in the wholesale supply, manufacture or importation of food must –*

- a) have in place a system to ensure the recall of unsafe food;*
- b) set out this system in a written document and make this document available to an authorised officer on request; and*
- c) comply with this system when recalling unsafe food.*

A food recall plan is the written document a food business produces detailing their recall system. It enables a food business to recall unsafe food from the marketplace and consumers, effectively and efficiently in order to protect public health and safety. Guidance for food businesses on writing a food recall plan is included at *Attachment 1*. State/territory and/or local government may review a food business's recall plan during inspections and audits of the business.

## 1.4 Who initiates a food recall?

The food business with primary responsibility for the supply of a food product (sponsor) normally initiates food recall action. However, the Commonwealth Minister responsible for consumer affairs and state and territory food enforcement agencies have the legislative power to order a food recall when a serious public health and safety risk exists.

Recall action may be taken as a result of the food business's own verification/testing procedures, or from reports the food business receives from any one of a number of sources (e.g. a manufacturer, wholesaler, retailer, government or a consumer) which gives them reason to believe a product they have supplied is unsafe.

Food businesses need to contact FSANZ and the state or territory food enforcement agency where the head office of their business is located, as soon as they consider a food recall is, or may be, needed (see *Attachment 2* for government contact details).

## 1.5 What is FSANZ's role in food recalls?

FSANZ is an Australian Government statutory authority that develops food standards jointly with New Zealand. FSANZ develops and administers the Code, which includes requirements for the labelling of food, composition of food, safe handling of food, food additives and genetically modified foods. Enforcement and interpretation of the Code is the responsibility of state and territory departments and food agencies in Australia and New Zealand.

The *Food Standards Australia New Zealand Act 1991* (FSANZ Act 1991) specifies the functions of FSANZ. One of FSANZ's functions is responsibility for coordinating recall action, at the request of the Australian states and territories. This means that when FSANZ is notified of a food recall, it liaises with the food business and state and territory government to gather and collate all necessary information. This information is then disseminated to state and territory governments, other government bodies and the food industry.

FSANZ, in consultation with state and territory governments, also monitors the effectiveness of food recalls on behalf of the Australian Competition and Consumer Commission (ACCC). The ACCC is obliged to satisfy the Parliamentary Secretary to the Treasurer, who is responsible for consumer affairs, that a recall has been conducted satisfactorily and that consumers have been protected.



## 1.6 Definitions

Definitions for terms used in this Protocol are listed below.

### Australian Competition and Consumer Commission (ACCC)

The Australian Competition and Consumer Commission (ACCC) is an independent Commonwealth statutory authority which enforces the *Competition and Consumer Act 2010* and a range of additional legislation, promoting competition, fair trading and regulation of national infrastructure.

### Distribution information

Distribution information is information about the **types** of food businesses the recalled food product was sold to and helps consumers identify where the product was available for sale e.g. The recalled food product is sold at the following retail outlets: Woolworths (all stores nationally), Coles/Bi Lo (all stores nationally), Metcash/IGA (all stores nationally) and Franklins (NSW only).

### Distribution list

A distribution list contains contact information for the businesses who received the food being recalled. Contact information should include the name and address of each food business, contact person and phone number and needs to be in English. This information is not circulated to the public, but is circulated to the state and territory action officers and other government bodies so they can ensure these businesses remove the recalled food from sale. An example of a distribution list has been included at *Attachment 9* and an Excel template is available from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates).

### Distributor

In the context of a food recall, a distributor is a food business that sells food to other food businesses such as other distributors, wholesalers, retailers, food service and caterers.

### Food business

A food business (as defined in Standard 3.1.1 – Interpretation and Application of the Code) means a business, enterprise or activity (other than primary food production) that involves the handling of food intended for sale, or the sale of food. This definition covers all food businesses (other than primary food producers) whether or not the food is intended for sale, charity, or for commercial purposes. Types of food businesses include, but are not limited to, manufacturers, retail outlets, importers, wholesalers and charity organisations.

### Food recall plan

A food recall plan is a written document detailing a business's food recall system. Standard 3.2.2 – Food Safety Practices and General Requirements requires all food businesses engaged in the wholesale supply, manufacture and importation of food to have a written system in place to ensure the recall of unsafe food and to follow this system when recalling unsafe food.

## Food recall

A food recall is an action taken to remove from distribution, sale and consumption, food which is unsafe. Possible reasons for a food recall are outlined in Section 3.1 of this Protocol.

There are two levels of food recalls, a **trade** recall and a **consumer** recall.

### *Trade recall (product has not been available for direct sale to consumers)*

A trade recall is conducted when unsafe food has **not** been available for direct purchase by the general public but has been sold to other food businesses such as distribution centres, re-processors, manufacturers and wholesalers. It may also involve recovering unsafe food from hospitals, restaurants and other major catering establishments, and outlets that sell food manufactured for immediate consumption.

### *Consumer recall (product has been available for sale to consumers)*

A consumer recall involves recovering food product from all points in the production and distribution network including any affected product in the possession of consumers. Distribution networks include, but are not limited to, trade outlets, retail outlets, supermarkets, grocery stores, health food stores, online stores, pharmacies and gyms that sell food.

## Food recall system

A food recall system includes the procedures and arrangements that a food business has that enable the business to retrieve unsafe food products from the food supply chain.

## Food retailers

Food retailers are businesses that sell food to consumers, such as supermarkets or grocery stores but they can also be gyms, pharmacies, newsagents, online stores and any other business that sells food to consumers as either their main business or part of their business. Food retailers may have received the recalled product direct from the sponsor or from another distributor.

## Food withdrawal

A food withdrawal is action taken to remove food from the supply chain where there is no food safety risk or the food safety risk has not yet been confirmed.

## FSANZ recall coordinator

The FSANZ recall coordinator is the FSANZ officer responsible for coordinating food recalls in Australia.

## GS1 Recallnet

GS1 Recallnet is a web-based portal which can be used by the Australian food industry<sup>1</sup> to initiate, receive, distribute and update information about a food product being recalled and withdrawn. Product information is distributed via the portal electronically (including to FSANZ when required).

<sup>1</sup> To use the Recallnet service, a business must become a member and pay any associated fees. More information can be found on the website: <https://www.gs1au.org/our-services/recall/>

## Home state

The home state is the state or territory where the head office of the sponsor is located.

## Mandatory recall

A mandatory recall is when the relevant government body, either the Commonwealth Minister responsible for consumer affairs or the state/territory government, orders a food recall by a legal order in accordance with the relevant Act. This occurs when the sponsor has not taken all the necessary steps to remove an unsafe food from the supply chain. There may be penalties imposed on the sponsor associated with a mandatory recall.

## Sponsor

A sponsor is the food business or other entity that has primary responsibility for undertaking the recall. This business usually has primary responsibility for the sale or supply of the recalled food product in Australia. A sponsor will often be a manufacturer of a food product made in Australia, the importer of the food product or a business who owns, or has rights to, the product brand. Due to the complexity of the food supply chain, there may occasionally be more than one sponsor for a particular food product, resulting in multiple food recalls for that product. Examples include when:

- a food is sold under a supermarket brand and under other brands, it may be recalled by the supermarket and the manufacturer
- different importers need to recall the same product
- the same product is sold under different brand names by different food businesses.

## State and territory action officers

The state and territory action officers are the senior food officers (or their deputies) of the government in each state and territory of Australia with responsibility for food recalls.

## Traceability

Traceability is the ability to track a food through all stages of production, processing and distribution (including importation and at retail). Traceability should mean that movements can be traced one step backwards and one step forward at any point in the supply chain.

## Unsafe food

For the purposes of this Protocol, unsafe food is food that may cause illness or physical harm to a person who consumes it (e.g. it contains pathogenic microorganisms at potentially harmful levels, chemical or physical hazards or an undeclared allergen).

# SECTION 2

## RESPONSIBILITIES DURING A FOOD RECALL

### 2.1 Food business/sponsor

Food businesses have a legal requirement to have a written food recall plan in place and follow this plan in the event of a recall. The sponsor (food business or other entity that has primary responsibility for undertaking the recall) is responsible for:

- notifying government about the recall, i.e. the state or territory food enforcement agency where the head office of the business is located and FSANZ (see *Attachment 2* for contact details)
- obtaining and consolidating all necessary information about the food product
- determining the level of recall required (consumer or trade level recall)
- notifying trade customers (including any overseas customers) and the public (if a consumer level recall) about the recall
- retrieval of the unsafe food from the supply chain and removal from sale
- disposal of the food product
- monitoring the effectiveness of the recall
- keeping appropriate records
- reporting on the recall, including the action taken to prevent a recurrence of the problem.

A checklist summarising the actions a food business needs to take, if a food safety issue is identified with a food product, is at *Attachment 3*.

When a food recall occurs, the Commonwealth Government, including the Minister responsible for consumer affairs, requires notification of the event. This requirement is met by the food business notifying FSANZ, who in turn, notifies other relevant government bodies on behalf of the food business.

## 2.2 Distributors

Distributors play an important role in food recalls. The sponsor depends on the assistance and cooperation of these businesses to ensure the effectiveness of the food recall process. Food distributors (as wholesalers) are required to have a written recall system in place as outlined in this document. This system must include the procedures a distributor will follow to inform customers about a recalled product. Distributors must therefore maintain accurate distribution records that enable the business to trace individual batches of product to customers. During a recall, distributors are responsible for:

- complying with the directions of the supplier in relation to the recalled food, which is likely to include:
  - removing the recalled food from the supply chain
  - either returning, destroying or holding the recalled food
- contacting businesses they have sold the recalled food to and explaining to these businesses what actions need to be taken in relation to the recalled food.

## 2.3 Food retailers

Retailers must ensure that recalled food is not sold or available for sale to consumers. The sponsor of the recall will provide food retailers with instructions about the collection and/or disposal of recalled food. Food retailers are responsible for:

- removing all recalled food product from sale and (if the food is not for immediate destruction or disposal) ensuring it is held, separated and identified from other food
- complying with the directions of the supplier, distributor or the sponsor of a recalled food product
- accepting returns of the recalled product from consumers and issuing refunds.

## 2.4 The home state

The home state's responsibilities are:

- where appropriate, providing technical advice to the sponsor to help with assessing the food safety issue identified
- in consultation with a sponsor, advising on whether a food product should be recalled
- if a recall is needed, advising the sponsor on recall actions and requirements—this may include how the recalled food product is to be collected and disposed of and corrective actions needed
- liaising with the FSANZ recall coordinator about food recalls occurring in their state or territory
- monitoring the effectiveness of food recalls in their state or territory and if any issues with the recall are identified, notifying the recall sponsor.

All states and territories have legislative powers to require that a food product be recalled where necessary to:

- prevent or reduce the possibility of a serious danger to public health; or
- mitigate the adverse consequences of a serious danger to public health.

This is called a mandatory recall. However, mandatory recalls are rare with almost all recalls being initiated by the sponsor.

State and territory action officers are government officers responsible for providing advice on recalls and coordinating monitoring and enforcement activities in relation to recalls within their own state or territory.

## 2.5 Local government

Local government may be responsible for the following monitoring and enforcement activities in relation to recalls:

- checking that local food businesses have removed recalled food from sale
- the disposal of recalled food, including:
  - overseeing the destruction of food
  - issuing a statement certifying that the food product has been destroyed
- reporting back to the state or territory government, as required.

## 2.6 FSANZ recall coordinator

The responsibilities of the FSANZ recall coordinator in relation to a food recall are to:

- liaise with the sponsor about the food recall. The FSANZ recall coordinator will complete a recall report with the sponsor in order to gather all necessary information on the food product to be recalled, including why the food is being recalled and action to be undertaken
- classify the recall according to the reason the food is being recalled, e.g. the presence of *Listeria monocytogenes* will be classified under ‘microbial’—see *Attachment 4* for a list, and explanation of, recall classifications
- if required, help the sponsor draft a method of communicating the food recall to the public (e.g. press advertisement)
- liaise with the home state and other state or territory action officers about the food recall as required

- disseminate the official food recall notification to state and territory governments, Commonwealth government (e.g. ACCC, Department of Agriculture and Department of Health), the New Zealand Ministry for Primary Industries<sup>2</sup> and industry contacts<sup>3</sup> (e.g. major Australian retailers, manufacturers and food industry associations)—this notification includes information about the food product being recalled including package description and image, date marking details, distribution and disposal details
- notify international government organisations
- notify the International Food Safety Authorities Network<sup>4</sup> (INFOSAN), if the food product has been imported or exported
- notify the allergen information group<sup>5</sup>, if the recall is due to an undeclared allergen
- notify OzFoodNet<sup>6</sup> which in turn notifies epidemiologists in all state and territory health departments for appropriate follow up action if there are human cases of illness
- alert subscribers<sup>7</sup> of FSANZ food recall alerts
- ensure the food recall information is published on the FSANZ consumer recalls webpage as well as on the FSANZ Facebook and Twitter accounts, if it is a consumer recall
- provide the ACCC with the sponsor's post recall report which includes details on the effectiveness of the food recall and proposed corrective action.

## 2.7 ACCC

The ACCC does not normally coordinate or manage food recalls. The ACCC receives food recall information from FSANZ and:

- advises the federal minister responsible for consumer affairs of the food recall
- advises the relevant state/territory ministers for fair trading of the food recall
- posts information about the recall on its recall website (recalls.gov.au) and via social media.

2 Although Australia and New Zealand have separate food recall systems, we provide recall information directly to contacts in New Zealand in order to streamline the investigation of food issues in both countries.

3 This does not replace the sponsor's requirement to contact all their customers.

4 INFOSAN is a joint initiative between the World Health Organization and the Food and Agriculture Organization of the United Nations. It is a global network of food authorities that promotes the rapid exchange of information during food safety related events and the sharing of information on food safety related issues of global interest.

5 The allergen information group includes Allergy and Anaphylaxis Australia and other allergy awareness groups. Allergen-related recall information is sent to these groups which enable them to promptly inform their members of an allergy-related recall.

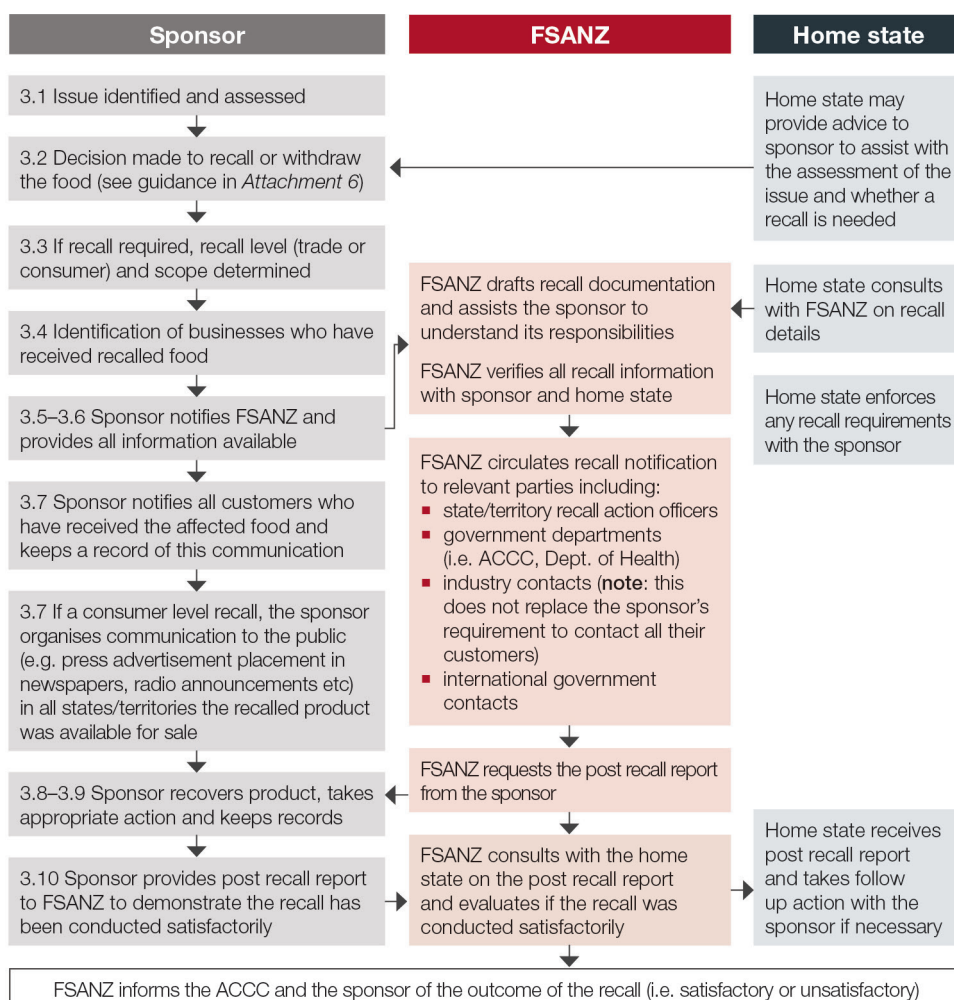
6 OzFoodNet conducts surveillance for and investigates foodborne illness clusters and outbreaks at local, state and national levels. In addition, OzFoodNet contributes to the design and management of national epidemiological studies on foodborne disease.

7 Australian food recall alerts are issued via email to inform the public of new consumer level recalls. Any person or organisation can subscribe to this free service provided by FSANZ via the website: [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

# SECTION 3

## THE FOOD RECALL PROCESS

The following schematic provides an overview of the recall process and the functions of the key roles of the sponsor, FSANZ and home state. The numbers in the 'sponsor' boxes correspond to the sections below.





### 3.1 Identification and assessment of an issue

A food business may be informed of a problem with any of its food products by:

- in-house testing indicating there may be a potential problem with a particular food product or batch
- customer/consumer complaints/feedback (e.g. phone call or email from a customer or wholesaler informing the business about a potential problem)
- a supplier of a raw material that is used by the company in making its food products informing the business that there is a problem with an ingredient
- government bodies, such as health departments, local councils, or the police, indicating that there may be a problem with a particular food product.

Such problems may include:

- the presence of pathogenic bacteria (e.g. *Salmonella*)
- chemical contamination (e.g. chemical sanitiser)
- foreign matter contamination (e.g. pieces of glass, metal or plastic), which could cause physical harm to a person consuming the food
- labelling errors (e.g. incorrect/insufficient cooking instructions)
- undeclared allergens (e.g. allergens such as peanut, milk or soy products not being declared on the label)
- packaging defects (e.g. where the integrity of the package is compromised and a piece of the packaging results in a choking hazard)
- under-processing resulting in potentially unsafe food.

It is important that all necessary information about the nature of the problem/hazard is obtained so that an assessment can be made to establish whether the food product is unsafe and recall action is required. In assessing the risk the sponsor needs to:

- identify the hazard associated with the food, for example, is it microbiological, physical, chemical or allergen related
- determine if the identified hazard poses a potential food safety risk, for example the food may contain harmful levels of pathogenic bacteria
- what action needs to be taken to manage the food safety risk.

The sponsor may need to seek expert advice to help assess the problem and the appropriate course of action from the home state and/or independent expert. The decision on whether a recall is necessary should be made by the sponsor in consultation with the home state. See *Attachment 5* for examples of problems that may occur with food and possible actions to address the identified issues.

If there is evidence, or a suspicion, that a food product in the supply chain has been tampered with, the police and the relevant state or territory authority should be notified immediately. All subsequent actions should then be taken in consultation with, and on advice from, the police and the home state.

In Queensland, it is mandatory to immediately report when there is a reasonable suspicion that tampering has occurred, without waiting for confirmation or analysis of evidence, by phoning the hotline number 13 HEALTH (13 43 25 84) when calling within Queensland or 13 QGOV (13 74 68) when calling from outside Queensland.

### 3.2 Recall or withdrawal

A flow diagram is included at *Attachment 6* to assist a food business to determine if a food needs to be recalled or withdrawn. Food should only be recalled if a food safety risk can be identified. A withdrawal should be used if the issue relates to quality, ethical or suitability issues or the food safety risk has not been confirmed.

A food product **may** be withdrawn from sale because:

- the food product has a quality defect (e.g. colour or texture)
- it is underweight
- it does not comply with the Code (provided the breach does not pose a food safety risk)
- as a precaution, pending further investigation of a potential food safety risk. If a risk to food safety is then confirmed, the food product must be recalled.

For example, if microbiological testing gives a presumptive result for a pathogen in a food, the food can be withdrawn from the distribution network, pending the outcome of further test results. If these results indicate the product is safe, it may be able to be returned for sale, if sufficient shelf life remains. However, if the results confirm a pathogen is present at unsafe levels, the product will need to be recalled.

If a food business wants to remove food from the marketplace because of quality, ethical or suitability issues (e.g. non-pathogenic spoilage or reports of unpleasant odour or taste), this should **not** be carried out as a food recall but as a food withdrawal. Initiating recall action for quality, ethical or suitability issues may undermine the food recall process and reduce the importance consumers place on food recall notifications.

Food withdrawals do not require notification to the government. However, if there will be public notification of a withdrawal (e.g. through a media release or advertisement), it is recommended the food business notifies FSANZ, in case of consumer or industry queries.

In any correspondence by a food business withdrawing a food product, the term 'recall' should not be used as it may be confusing to consumers. If placing advertisements for a food withdrawal, food businesses must **not use** the food recall internationally recognised hatched border with safety triangle.

### 3.3 Conducting a recall

Once the decision to recall a food product has been made, there are three primary objectives:

- stop the distribution and sale of the product as soon as possible
- inform the government, the food businesses that have received the recalled food and the public (consumer level recalls only) of the problem
- effectively and efficiently remove unsafe product from the market place.

The sponsor has primary responsibility for implementing the food recall and for ensuring compliance with its food recall plan.

#### 3.3.1 Level of recall

There are two levels of food recall—**trade** and **consumer**. Depending on the extent of distribution of the food product, the recall action initiated by the sponsor will be one of these levels. In determining the recall level, the principal factors to be considered are:

- the channels by which the food product has been distributed (e.g. food product destined only for catering purposes would usually result in a trade level recall only)
- the extent of distribution (e.g. if the food product has reached the retail chain and consumers, this would usually result in a consumer level recall).

A trade level recall is conducted when the food has not been available for direct purchase by the public, such as food sold to wholesalers and caterers. A consumer level recall is conducted when the food has been available for retail sale.

It is recommended that the level of recall is determined in consultation with the home state.

#### 3.3.2 Scope of recall

Where a food safety issue has been identified, sponsors should also consider the possibility of the same problem occurring in:

- different package sizes of the same line
- different flavours or varieties of the product
- food products with a different batch number or date marking
- a different food product processed on the same line or in the same plant
- the same or similar food products packaged under a generic label.

If the food safety issue is present in other foods, batches, sizes or brands, all of these foods will need to be recalled.

The sponsor must also consider whether there are other products on the market or in the food supply chain that may have been affected by the same hazard as the food subjected to the recall. This is referred to as trace-back. For example, if the problem is found to be linked to one or more raw materials supplied to the sponsor, then the sponsor needs to notify the supplier of the raw materials to enable this supplier to notify other customers of the raw materials. This may then result in additional recalls being initiated for more food products by other food businesses.

### 3.4 Identifying food businesses who have received recalled food

Once a decision has been made to recall food, the sponsor must urgently identify where the food has been distributed (trace-forward activities). This ensures rapid cessation of the use, distribution and sale of the food to be recalled.

The sponsor needs to:

- identify the physical location of the affected product in the food chain
- compile the most complete list possible of all customers or entities that received the affected product and provide this list (in English) to FSANZ (see Section 3.5 below).

Having easy access to up-to-date and accurate records of the businesses you supply requires a business to have a traceability system. Both chapters 3 and 4 of the Code specify requirements for food businesses to ensure they can trace food received by the business and sold by the business. For more information on your legal requirements see Section 4. For more information on establishing a traceability system, see *Attachment 1* (Writing a food recall plan).

### 3.5 Notifying FSANZ and home state

Food businesses need to contact government as soon as they consider a food recall is, or may be, needed. Relevant government officers to be notified include:

- the home state—by telephone (food enforcement agency in the state/territory where the food business's head office is located)
- FSANZ—by telephone
- ACCC—FSANZ will notify the ACCC but the sponsor may do this on their own behalf.

A full list of government contact details is at *Attachment 2*.

Food businesses who are able to notify all customers who have purchased the food being recalled, for example, by accessing customer records through membership or loyalty programs, must still notify FSANZ and the home state of the recall. Notifying customers is only one requirement of a recall. Government needs to be notified to confirm that all customers have been informed, the affected food has been removed from the supply chain, appropriate correction action has been taken and the food has been disposed of in accordance with food legislation.

### 3.6 Information requirements

It is important that the food that needs to be recalled can be properly identified and traced in order to retrieve it from the market place. The sponsor should be able to provide the following information to FSANZ, in order to facilitate an effective food recall:

- your company contact details
- the product manufacturer's details
- product details including: name (as it appears on the product packaging), date marking, package size and description, and any other identifying markings available including Lot/APN/EAN code
- an image of the product or product label
- nature of the problem, the results of any testing undertaken and what corrective action will be taken
- quantity of the batch manufactured and the date and amount released
- quantity of the recalled food product that can be accounted for
- distribution in Australia—where possible and practical, include a distribution list in English, with contact details of who you sold the recalled food to—at a minimum, state the types of premises at which the food product is being sold (see *Attachment 9* for an example of a distribution template)
- any import/export information (if applicable) including overseas distribution and/or importer details.

The above information is normally provided to FSANZ through a phone interview and forms the basis of an initial recall report. A copy of a blank recall report is available from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates). If your business is conducting the recall through the GS1 Recallnet portal, the above information will be sent to FSANZ electronically.

#### 3.6.1 Commercially sensitive information

Food businesses providing information to FSANZ may regard it as commercially sensitive in nature. If this is the case, the FSANZ recall coordinator must be advised during the food recall interview. Section 114 of the FSANZ Act provides that confidential commercial information may not be disclosed except under extenuating circumstances<sup>8</sup> and following consultation with the provider of the information.

<sup>8</sup> Extenuating circumstances includes disclosing the information to any court in any proceeding or where deemed to be in the public interest.

Under the FSANZ Act confidential commercial information, in relation to food, means:

- a trade secret relating to food
- any other information relating to food that has a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.

Similarly, state and territory governments are subject to disclosure of information requirements. If these governments are a sponsor's first point of contact the sponsor must inform them if it is supplying commercially sensitive information.

### 3.7 Notifying customers and the public

The relevant parties to notify of a food recall include: government (FSANZ, home state—see Section 3.5 above), all direct customers who have received the affected product (e.g. the distribution network/chain, trade customers and retailers) and the public (in the case of a consumer level recall).

#### 3.7.1 Customers

Distribution networks and trade customers need to be notified to stop distribution of the food product. The sponsor is responsible for advising all direct customers that the food is being recalled. This may include notifying distributors, wholesalers, overseas importers and retailers. It is important that distributors and sub-distributors also provide the recall notification to their direct customers so that each business in the supply chain that has received the recalled food is notified.

Food recall notifications need to include a clear statement about the reasons for the recall, plus details allowing easy identification of the food and information about how it will be recovered and/or disposed of. Notification should be made urgently by telephone and followed up in writing via emails, fax or through the use of rapid electronic systems such as GS1 Recallnet.

The sponsor should confirm with its customers that the notification has been received, for example, by requesting confirmation of having received an email. A template for notifying distribution networks/chains and trade customers of a food recall is provided in *Attachment 7*.

The sponsor must keep records to demonstrate that all of its direct customers have been notified of the food being recalled, in order to satisfy the post recall reporting requirements.

### 3.7.2 The public

Public notification of the food recall is essential for consumer level food recalls, as the food poses a food safety risk to the public. There are numerous ways that the public can be informed of a recall and these are discussed below. In most circumstances, using multiple methods to inform the public will be the most effective. The methods chosen will depend on:

- the urgency of the food safety issue, e.g. if the food presents a high safety risk to consumers a media release and/or radio advertising may be needed, as it can take several days to place a newspaper advertisement
- how widely the product has been distributed i.e. locally or nationally
- the customer base of the food being recalled, e.g. if the recalled food is sold to particular groups (e.g. specific nationalities/cultural groups), the public notification should be targeted to these groups.

Having regard to the options discussed below, and in consultation with your home state, you should consider the most effective method(s) to inform consumers that may have purchased the recalled product.

FSANZ supports notifying the public of consumer level recalls through notices placed on the FSANZ website at [www.foodstandards.gov.au](http://www.foodstandards.gov.au), via email through the food recall alert subscription service and through social media networks such as Facebook and Twitter.

#### Press advertisement

Press advertisements can be an effective way of communicating recalls to the public and when used, should be placed in all states and territories where the food product was available for sale.

For help drafting a press advertisement, refer to *Attachment 8* or the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates). FSANZ can help by drafting a press advertisement on the sponsor's behalf. However, it remains the sponsor's responsibility to verify, book and pay for press advertisements.

If you draft your own advertisement, it should be submitted to FSANZ for checking **before it is sent for publication** to ensure it meets the requirements of a public food recall notice. The FSANZ recall coordinator will also liaise with the home state on the text, where appropriate.

A written recall notice needs to contain the following information:

- **Product description including picture of the product** (wherever possible)—the product description needs to include the name of the product(s) being recalled, packaging size, best before/use by dates affected.
- **Where the product has been sold**—an explanation of the types of food businesses the product was sold from. For example, 'The recalled product has been sold at Woolworths and Coles supermarkets nationally'.

- **The problem**—a clear description of what the problem is. The problem should be described simply so consumers can understand the problem. For example, ‘The recall is due to *Listeria monocytogenes* contamination’.
- **Food safety hazard**—a clear explanation of the food safety hazard and associated risk with consuming the product. For example, ‘*Listeria monocytogenes* may cause illness in pregnant women and their unborn babies, the elderly and people with low immune systems’.
- **What to do**—a clear explanation of the immediate action the consumer should take. For example, ‘Do not consume and return product to the place of purchase for a full refund’.
- **Contact details**—who consumers should contact to receive a refund or have the product replaced and/or if they have questions or concerns about the recall. Include business and after hours telephone numbers, preferably toll free and website addresses.

Food recall press advertisements should:

- be headed ‘Food Recall’ in red bolded text
- be a minimum of 3 columns wide and 12 centimetres high
- be enclosed in a red diagonally hatched border, with the internationally recognised red safety triangle in the top left-hand corner
- use appropriate font size and style to ensure the printed text is easy to read
- include the words ‘See [www.foodstandards.gov.au/recalls](http://www.foodstandards.gov.au/recalls) for Australian food recall information’ at the base of the advertisement.

It is important that, wherever possible, food recall advertisements appear in the front pages of the chosen daily print media. If this is not possible they should appear in the first half of the newspaper (early general news). The classifieds section is **not** a suitable location for recall advertisements. Advertisements may also be placed in online versions of newspapers.

The choice of print media should be made in consultation with the FSANZ recall coordinator and the home state. A list of the preferred newspapers in each state and territory is available from the FSANZ recall coordinator or via the food recall link on the FSANZ website.

Consideration should also be given to placing press advertisements in relevant cultural, regional and community newspapers.

The recall notice must **not** include the words ‘voluntary recall’. While this term was previously used to indicate that a food business had voluntarily undertaken the recall, it created confusion for retailers and consumers, with some interpreting it to mean that it was voluntary for them to take action in relation to the recalled food.



### Media release

To ensure the quickest and widest possible dissemination, and to cover both electronic and print media, sponsors undertaking a consumer level recall should consider issuing a media release. This is particularly important if the food product presents a very high food safety risk to the public, for example, the recalled food has been associated with illness. The media release should contain the same information as a paid press advertisement and should be developed jointly by the sponsor and the home state. Expert advice from a medical practitioner or other specialist may be required when writing the media release if the recalled food is associated with illness. Consideration should be given to informing relevant cultural, regional and community media.

The sponsor should identify a company contact person to liaise with the media. The person's contact details should be included on the media release to allow access to further information.

Media releases can bring the problem to the attention of consumers quickly, and may be needed when there is a delay of several days in the publication of a paid advertisement in the newspaper. A media release may also be issued by the home state in addition to a sponsor's paid advertisement.

A media release can be published through a media release distribution service. Media release distribution companies usually offer a 24 hour service, and setting up an account will only take a short amount of time. You can find details about media release distribution services by using an internet search or searching the yellow pages.

### Radio announcements

In consultation with the home state, a sponsor may decide that a radio announcement may be the best way to communicate the recall to the public. Radio advertising can be effective in reaching a large audience, or to target a specific audience and can work well in addition to newspaper advertisements. An example of a radio announcement is provided in *Attachment 8*.

### Point of sale notification

FSANZ encourages the use of a point of sale notification as a cost effective way to notify consumers about a food recall. The notification can be an enlarged copy of the press advertisement. Usually the notification is placed at a prominent place at the front of the store and in the area where the food was for sale for at least two weeks or the length of the shelf life of the food (if less than 2 weeks).

Normally a point of sale notification would be used together with another form of public notification but may, for very small localised recalls, be used on its own following consultation with the home state. In circumstances where no press advertisements are placed, the advertisement template can be used to generate a point of sale notification.

### Online notification

If the food business recalling a food has a website, information about the recall should be posted on the business's website. This is essential if the product has been sold online. The business should also consider, where appropriate, using Facebook, Twitter, blogs and any other relevant online social media/communication systems, to inform customers of the recall, including online advertisements.

### Direct notification to customers

If the food business recalling a food has contact information for customers that have purchased the recalled food, for example via customer loyalty or membership programs, the business should notify these customers directly. This would commonly be done by sending an email or SMS to these customers. If all customers who have purchased the recalled food can be notified, no other public notification of the recall may be needed. However, FSANZ and the home state must still be notified of the recall to ensure the recall has been carried out effectively and the legislative requirement to inform the ACCC has been met.

## 3.8 Retrieving food product

Recalled food products may be recovered by returns to retailers, returns via distribution chains or direct returns from consumers. The recovered product may be returned to a central site or, in the case of a widely distributed food product, to major recovery sites. Many retailers will retrieve and dispose of the food at store level.

Accurate records should be kept of the amount of recovered food product and the lot identification details of that food product. The records need to be reported to FSANZ in the post recall report.

## 3.9 Food product disposal

Food that is subject to recall must be handled (i.e. disposed of, relabelled, used for purposes other than human consumption or further processed) in accordance with the requirements of clause 11 of Standard 3.2.2 – Food Safety Practices and General Requirements of the Code (see Section 4.1 for an explanation of the requirements).

Recalled food product must be separated from other food and clearly identified. The sponsor should determine the method of disposal or method of rectifying the health and safety risk in conjunction with the home state. In some circumstances, recalled food may need to be destroyed under supervision from the home state/local government.

### 3.10 Post recall reporting

After the recall has been conducted, FSANZ will request that the sponsor completes an interim and final report on the outcome of the recall. A post recall report template will be emailed to the sponsor to assist with completing this task. A copy of this report can also be accessed from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates).

The information provided in post recall reports enables FSANZ to advise the ACCC and the home state, that a sponsor has conducted the recall satisfactorily. When a sponsor has taken all reasonable steps to effectively manage the risk posed by the unsafe product, the recall can be closed.

#### 3.10.1 Interim report

The interim report enables FSANZ to verify whether the sponsor can account for all the recalled food produced and has communicated information about the recall to customers, including the public. This report is due **within two weeks** of the recall being initiated. When the interim report is received, FSANZ informs the home state of the progress of the recall. If any information has not been received or requirements have not been met, the home state may take follow up action.

#### 3.10.2 Final report

FSANZ uses the final report to assess whether the recall has been carried out successfully. This includes evaluating the corrective action taken to decrease the chance of the food safety issue recurring and recording the final stock accountability numbers. The final report is due **within one month** of the recall being initiated. Once the final report has been received, FSANZ forwards a copy to the home state and the ACCC.

If the final report is not received or is unsatisfactory, FSANZ will liaise with the home state and will also notify the ACCC.

# SECTION 4

## LEGAL REQUIREMENTS

### 4.1 The Australia New Zealand Food Standards Code

The current version of the Code is available at the ComLaw website at [www.comlaw.gov.au](http://www.comlaw.gov.au). The requirements in the Code relating to food recalls are discussed below.

#### 4.1.1 Food receipt

Clause 5(2) of Standard 3.2.2 specifies:

*A food business must provide, to the reasonable satisfaction of an authorised officer upon request, the following information relating to food on the food premises –*

- a) the name and business address in Australia of the vendor, manufacturer or packer or, in the case of food imported into Australia, the name and business address in Australia of the importer; and*
- b) the prescribed name or, if there is no prescribed name, an appropriate designation of the food.*

This requires businesses to be able to identify all food that it has on the premises, specifically what the food is and the supplier of the food. This enables the recall of food if it is found to be unsafe. In order to comply with this requirement, a food business should not accept food that cannot be identified.

#### 4.1.2 Food recall

Clause 12 of Standard 3.2.2 Food Safety Practices and General Requirements specifies:

*A food business engaged in the wholesale supply, manufacture or importation of food must –*

- a) have in place a system to ensure the recall of unsafe food*
- b) set out this system in a written document and make this document available to an authorised officer on request*
- c) comply with this system when recalling unsafe food.*

This clause requires wholesale suppliers, manufacturers and importers to have in place a food recall system and comply with the system when they recall unsafe food. A recall system ensures that unsafe food is removed from the supply chain and retail sale and disposed of by the retailer or returned to the sponsor of the recalled food or the business who supplied the food. This requires these food businesses to maintain up-to-date lists of the businesses to which they supply their products as well as which batches of product have gone where.

The food recall system must be documented in a written form. This document is the business's food recall plan. The food recall plan may be kept electronically; however, the business must be able to provide a printed copy to an authorised officer on request during an inspection and audit of a food business.

Food retail businesses are not required to have a food recall system unless they are also engaged in the wholesale supply, manufacture or importation of food. It may be the case, for example, that supermarket chains are required to have a food recall system because they also operate as wholesale suppliers.

While all retail food businesses may not necessarily need a food recall system, they may be part of another business's food recall. For example, they may need to remove recalled food from shelves and return it to the manufacturer, importer or wholesaler. If a business is required to remove recalled food from sale, they must comply with the food disposal requirements of the Code (see Section 4.1.4).

Retail businesses in the food service sector (e.g. restaurants, cafes, takeaways) are generally not required to have a food recall system. This is because the food supplied by these businesses is usually eaten shortly after it has been made, and if a problem was to occur, the food will most likely have been consumed before it can be recalled.

### 4.1.3 Traceability

Both chapters 3 and 4 of the Code specify requirements for food businesses to ensure they can trace food received by the business and sold by the business. An effective traceability system is an essential component of a food recall plan. For more information see *Attachment 1* (Writing a food recall plan).

Standard 3.2.2 Food Safety Practices and General Requirements requires all food businesses to be able to trace one step backwards, and for food businesses required to develop a food recall plan, keep records of where product has been distributed i.e. one step forward. These legislative requirements are explained in more detail under 'Food receipt' and 'Food recall' (see Sections 4.1.1 and 4.1.2).

Chapter 4 of the Code contains standards for businesses engaged in primary production and processing. Businesses to which these standards apply are required to have a traceability system identifying the immediate supplier and immediate recipient of the food product.

Businesses to which these standards apply need to be familiar with the traceability requirements applying to their primary production sector.

More information about traceability can be found in the traceability fact sheet on the FSANZ website at [www.foodstandards.gov.au/foodtraceability](http://www.foodstandards.gov.au/foodtraceability).

#### 4.1.4 Food disposal

Clause 11 of Standard 3.2.2 – Food Safety Practices and General Requirements specifies:

*A food business must ensure that food for disposal is held and kept separate until it is –*

- a) destroyed or otherwise used or disposed of so that it cannot be used for human consumption;*
- b) returned to its supplier;*
- c) further processed in a way that ensures its safety and suitability; or*
- d) ascertained to be safe and suitable.*

*A food business must clearly identify any food that is held and kept separate as returned food, recalled food, or food that is or may not be safe or suitable, as the case may be.*

This means that recalled food must be held, separated and identified from other food until it is either destroyed, used for purposes other than human consumption (e.g. animal feed), returned to its supplier, or further processed or otherwise determined to be safe and suitable.

## 4.2 The Competition and Consumer Act

The Australian Competition and Consumer Commission (ACCC) is an independent statutory authority that administers the *Competition and Consumer Act 2010*. The purpose of Competition and Consumer Act is to enhance the welfare of Australians by promoting fair trading and competition, and through the provision of consumer protections. Schedule 2 of this Act contains the Australian Consumer Law, which includes laws relating to product safety such as the recall of consumer goods.

### 4.2.1 Notifying food recalls (product sold domestically)

The Australian Consumer Law requires a person who voluntarily takes action to recall consumer goods in Australia, to notify the Commonwealth Minister responsible for consumer affairs in writing within two days of initiating the recall. Legally, this notification must state that the food product is subject to recall and provide details of the food product and nature of the defect. On behalf of the sponsor, FSANZ can notify the Minister responsible for consumer affairs via the ACCC. A person who fails to notify the Minister responsible for consumer affairs, if convicted of a breach, may be fined.

### 4.2.2 Notification of food recalls (exported product)

The Australian Consumer Law stipulates that, where goods which have been exported are recalled, a firm is required to notify in writing, as soon as practicable, overseas recipients of the recalled stock. The notification must state that the goods are subject to food recall and if the goods contain a defect, have a dangerous characteristic or do not comply with a prescribed consumer product safety standard. It must also set out the nature of the problem or non-compliance.

The sponsor must provide a copy of the written notification to the Minister responsible for consumer affairs within 10 days of providing the notice. There are penalties associated with breaches of this provision. As part of the recall processes, FSANZ will provide this notification to the Minister on behalf of the sponsor. If a sponsor wishes to notify the Minister themselves, the sponsor must provide a copy to FSANZ.

#### **4.2.3 Responsibilities of the Minister under the Australian Consumer Law**

The Australian Consumer Law empowers the Minister responsible for consumer affairs to order a supplier to recall goods which will or may cause injury to any person if it appears to the Minister that the sponsor has not taken satisfactory action to prevent the goods causing injury. The Minister's recall order will stipulate the manner and timing of the food recall. The Minister may also require that the sponsor inform the public and clients of the defect or dangerous characteristic of the goods, the circumstances in which the use of the goods is dangerous, and procedures for disposing of the goods. If appropriate, the Minister may also order the sponsor to repair or replace the goods or provide refunds to consumers and clients within a specified period.

It is a criminal offence for a sponsor to continue to supply goods subject to a compulsory product recall order made by the Minister responsible for consumer affairs, or to otherwise breach the conditions of a compulsory product recall. Penalties apply.

Sponsors should keep adequate documentary evidence and other written records in connection with recalls. This is in case the Minister responsible for consumer affairs requests additional information to prove the food recall has been completed satisfactorily.

Enquiries about the recall provisions of the Australian Consumer Law should be directed to the Product Safety Policy Section of the ACCC, phone 1300 302 502 or email [recalls@recalls.gov.au](mailto:recalls@recalls.gov.au).

### **4.3 The state and territory food Acts**

In circumstances where a food business refuses to undertake recall action for an unsafe food, the state and territory food Acts include powers to require the business to recall the food. They enable the relevant food enforcement agency to issue a recall order to:

- prevent or reduce the possibility of a serious danger to public health; or
- mitigate the adverse consequences of a serious danger to public health.

The recall order can require a person (at this person's own cost) to notify to the public:

- the particular food or type of food being recalled
- the reason why the food is considered to be unsafe
- the circumstances in which the consumption of the food is unsafe
- procedures for disposing of the food.

# SECTION 5

## ATTACHMENTS

### Attachment 1 – Writing a food recall plan

A recall plan should detail the procedures, arrangements, staff responsibilities and records required as part of the food business's recall system. This attachment provides advice on what information should be included in a food recall plan.

#### Features of a recall plan

##### Objectives

The objectives of a food recall plan should be to:

- stop any further distribution and sale of the recalled food product as soon as possible
- inform the relevant authorities (home state and FSANZ) of the problem
- for consumer level recalls, inform the public of the problem (through a range of methods)
- retrieve and dispose of the recalled food product (this may include rectifying the problem, for example, relabelling the product).

Key elements of the food recall plan should include:

- internal procedures and staff responsibilities for conducting a recall
- contact details and procedures for notification (e.g. FSANZ and home state, distributors, wholesalers, retailers and consumers)
- distribution and other records that will help identify and retrieve the recalled food
- arrangements and procedures for food retrieval and assessing the recalled product returns.

A food recall plan should detail all the necessary procedures, arrangements, staff responsibilities and records as required.



## Key personnel and responsibilities

Depending on the size of the business, a food recall plan may assign roles and responsibilities to members of a food recall committee. This would involve a number of people from various areas of the business. In the case of a small business, just one or two people may be involved in the food recall. It is important that personnel assigned roles can make and implement decisions.

The responsibilities of each person in regard to a food recall should be clearly defined in the food recall plan. For example, it is helpful during a food recall if one person is responsible for notifying and disseminating information to all relevant parties and so a recall coordinator for the business may be appointed.

In general, the responsibilities in relation to food recall action may include:

- liaison with government—state/territory and FSANZ (including notification and reporting)
- liaison with customers (including method of retrieval/disposal)
- preparing a press advertisement, or other methods of consumer notification (if required) (see *Attachment 8*)
- reporting on the distribution of the food product
- maintaining a distribution register of the food product (see *Attachment 9*)
- determining and implementing corrective actions
- post recall reporting, including assessing the effectiveness of the recall (how much product was returned).

## Notification procedures and contact details

### *Government*

The food recall plan should include a list of government officers to be notified of the food recall. This includes FSANZ and the relevant home state action officers. It should also contain current contact lists. Contact details for FSANZ and state and territory enforcement agencies are provided in *Attachment 2*.

### *Distributors, wholesalers, retailers*

To ensure that the distribution of the food product is stopped and arrangements are put in place to retrieve it, the food business needs to notify its customers of the recall and provide detailed recall information. A template to notify customers of the recall is provided at *Attachment 7*.

The recall plan should include current contact lists (including contact person, telephone, fax and email details) for suppliers, distributors, wholesalers and retailers and should document the procedures a business has in place for notifying the distribution network and trade customers, including methods for stopping distribution and sale. It should also include the food product disposal arrangements.

It may be useful to use the Australian Food and Grocery Council (AFGC) Australia and New Zealand Product Recall Withdrawal Form. The form is available at [www.afgc.org.au](http://www.afgc.org.au).

### GS1 Recallnet

GS1 Recallnet is a standardised, industry-driven communication tool enabling organisations of any size (including manufacturers, wholesalers, retailers and importers) to efficiently share product recall and withdrawal notifications with FSANZ and their trading partners. FSANZ receives recall notices from companies that have signed up to use GS1 Recallnet.

GS1 Recallnet is a whole-of-industry project developed with the support of the Australian Food and Grocery Council. It is a service run by industry and for industry designed to replace manual, paper-based, recall and withdrawal notification processes.

To use the Recallnet service, a business must become a member and pay any associated fees. More information can be found on the Recallnet website: <https://www.gs1au.org/our-services/recall/>.

### The public

If a consumer level recall is necessary, consideration needs to be given to the type of publicity that may be required to inform the public (e.g. press advertisements, media releases, radio notifications, displaying signs in retail outlets, social networking and company website notifications). The food recall plan should include the arrangements the business has in place to prepare publicity material, including the staff responsible. It could also include examples of food recall notices. Informing the public of a food recall should be done in consultation with the home state and on a case-by-case basis.

It is the responsibility of the sponsor to communicate the food recall information to the public in each state and territory the recalled food product has been available for sale. In most circumstances, using multiple methods to inform the public will be the most effective. The methods chosen will depend on the urgency of the food safety issue, how widely the product has been distributed and the customer base of the food being recalled (see Section 4.8.3).

Food businesses may wish to seek specialist advice from an external agency when preparing publicity material for a food recall. There are consultants who specialise in various types of marketing communication, from advertising and direct mail, to public relations and corporate communications. There are also many agencies that can provide all-round advice. Having a record of some relevant companies' details in the food recall plan may be useful, and it is worth contacting these companies for advice before a recall occurs.

The communication strategy for the recall needs to be discussed with the home state before being finalised. FSANZ and the home state will also require a draft copy of any communication information (such as a press advertisement) **before** it is released to the public, to ensure it meets requirements.

Templates for press advertisements and radio notifications are available from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates). Examples of advertisements are provided in *Attachment 8*.

## Traceability

Traceability is the ability to track any food or food inputs (ingredients and packaging) through all stages of production, processing and distribution. Traceability means that food can be traced one step forward and one step backward at any point in the supply chain. A traceability system is an essential tool with which food business operators can trace food throughout the food chain.

In the context of a food recall, the objectives of traceability are to:

- uniquely identify a lot/batch/consignment of food in a way that allows tracing of the food forwards through the food chain to the immediate customer and tracing backwards to the immediate supplier
- enable corrective action (i.e. food recall) to be implemented quickly when something goes wrong and enable food businesses to target the product(s) affected by a food safety problem, minimising disruption to trade
- efficiently isolate and prevent contaminated products from reaching consumers.

Key steps involved in establishing a traceability system are listed below.

1. Decide the scope of the traceability system.
2. Decide the size of the optimal production unit for tracing purposes (e.g. lot, batch, consignment). While selecting larger production units can simplify tracing activities, it could mean that more food would have to be recalled should a food related event occur.
3. Identify the traceability information needed, including information on food ingredients, internal processes, packaging material and food products.
4. Establish a system of record-keeping and retrieval.
5. Establish procedures for review and testing of the traceability system.
6. Document the traceability system.

An effective traceability system should allow a food business to identify where each batch of its food product, and the quantity, have gone. Sponsors should maintain accurate traceability records for the food products they manufacture that are easy to follow and can be provided within a short time period at the demand of government officers. The records should:

- contain complete and up-to-date histories of all batches of food products, from starting materials to the finished food products
- state the use and disposal of all raw materials and bulk food products
- provide adequate details of customers to whom the end food product has been sold or distributed.

In order to determine the total quantity of the batch of food product manufactured and its location, the traceability system should identify the procedures and personnel responsible for obtaining and reporting on production records. As part of this process it may be necessary to undertake an in-house stocktake to identify any remaining food from the recalled batch.

This food should be isolated to prevent accidental distribution from occurring. Once the amount of food product manufactured and the amount of food product in-house is known, the quantity of food product unaccounted for can be determined.

Depending on the extent of distribution, a food product may have to be retrieved from a number of different customers (e.g. wholesalers, distribution centres, importers, retailers). The sponsor must be able to identify the states, territories and, where relevant, countries that have received the food product. For effective tracing, a food business must have up-to-date lists, including contact details, of the businesses which the sponsor supplies food product to.

Most standard reports from existing electronic financial and stock control systems have to be manipulated to include the required information for a distribution list. The business must therefore be able to sort distribution information by state or territory and suburb to avoid unnecessary delays.

To help track and account for distributed food product, it may be useful to use a recall distribution register (template provided at *Attachment 9*). A recall distribution register is used to log the quantity of food product distributed to each customer. It helps to determine the total amount of food unaccounted for. Any procedure like this should be documented in the recall plan.

Food businesses may use intermediate distributors and not be in a position to provide distribution information for further down the distribution chain. Businesses need to check that their distributors can also quickly produce a list of customers receiving the food product and have a way to quickly notify them.

### **Arrangements for food product recovery and corrective action**

Food products may be recovered by returns to retailers, returns via distribution chains or direct returns from consumers. If the product is widely distributed it may be necessary to establish collection sites across the network. It is the responsibility of the sponsor to inform all customers about how the recalled product will be retrieved. This would include any arrangements for returning the food product to the sponsor. The recall plan should document the arrangements the business has in place for retrieving food products that are returned by its customers. This would include the personnel responsible for coordinating and establishing such arrangements.

To monitor the effectiveness of the recall, it is important that food businesses have procedures to record food product returns, such as a recall distribution register. The recall plan should document the recording system or other arrangement the business has for logging food product that has been returned.

The sponsor must clearly identify any recalled food returned by customers and keep it separate until it is disposed of or the problem is rectified (e.g. further processing or relabelling). It is best to consult with the home state as to what sort of safety risk rectification is adequate, depending on the specifics of the situation. The recall plan should document the system the business has in place to hold recalled food product. This would include personnel responsible for implementing the system and liaising with the home state on the method of safety risk rectification.

### Post recall reporting

FSANZ requests an interim report (within two weeks of the recall being initiated) and a final report (within one month of the recall being initiated) on food recalls, as described in Section 3.10 of this Protocol. The food recall plan should document which staff are responsible for the preparation of these reports.

### General considerations in developing and maintaining a food recall plan

#### Mock recalls

To prepare for a food recall, it is important that a food recall plan is tested using simulation exercises based on current food products. The recall plan should be thought of as an emergency procedure, similar to an evacuation plan in the case of a fire. By putting your plan into practice there is an opportunity to rectify any problems before a genuine food recall. It is recommended that a business conduct a mock recall (including traceability) exercise annually.

#### Review

Regularly review the food recall plan, at least annually, particularly if there is a change in the food products manufactured, sold or imported, change in staff or staff responsibilities, change in distribution networks or there are changes to the legal obligations of the business. The plan should also be reviewed if the company carries out a food recall to assess whether the plan was effective or whether changes need to be made.

#### Staffing a recall

It is worth considering whether additional help will be required to manage a food recall. This could mean employing extra staff to enable permanent staff to deal with the food recall. Specialist help may also be required, for example, to draft and deliver any publicity material.

#### Staff training

Staff, particularly those with allocated roles and responsibilities in the food recall plan, should receive training on the food recall system. Additional training should occur whenever there are new staff members or a change in staff responsibilities, to ensure all staff understand their role and responsibilities in the case of a food recall.

#### Paying for a food recall

A food recall will cost money. Just as it makes sense to agree with suppliers and business customers in advance about who should organise a food recall if it is needed, it should also be decided who will pay. Insurance may cover the cost of carrying out a food recall and any loss of profits related to it. Businesses should find out if they already have this cover under any existing business catastrophe or disaster insurance policy. If not, a business may wish to consider taking out a specialist policy.

## Attachment 2 – Contact details for FSANZ, Australian state and territory food enforcement agencies and the ACCC

The table below provides contact details for FSANZ, each state and territory and the ACCC. Food businesses need to contact FSANZ and the state or territory department or agency where their business is located, as soon as they consider a food recall is, or may be, needed. More extensive and up-to-date contact information for the food enforcement agencies in each state and territory, is available from the FSANZ website at [www.foodstandards.gov.au/foodenforcementcontacts](http://www.foodstandards.gov.au/foodenforcementcontacts).

FSANZ does not coordinate food recalls in New Zealand. This is the responsibility of the **New Zealand Ministry for Primary Industries**. If you need to conduct a food recall in New Zealand, please contact the Ministry on 0011 64 4 894 2500 or email [info@mpi.govt.nz](mailto:info@mpi.govt.nz). More information is available from the Ministry's website [www.foodsafety.govt.nz](http://www.foodsafety.govt.nz).

### Food Standards Australia New Zealand

Food Recall Coordinator

P 02 6271 2610 (After hours 0412 166 965)

E [food.recalls@foodstandards.gov.au](mailto:food.recalls@foodstandards.gov.au)

[www.foodstandards.gov.au](http://www.foodstandards.gov.au)

### TAS Department of Health and Human Services

Food Unit

P 03 6222 7705 or 1800 671 738

E [pophealth.foodincident@dhhs.tas.gov.au](mailto:pophealth.foodincident@dhhs.tas.gov.au)

[www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)

### ACT Department of Health

Health Protection Service

P 02 6205 1700

E [hps@act.gov.au](mailto:hps@act.gov.au)

[www.health.act.gov.au](http://www.health.act.gov.au)

### VIC Department of Health

Food Safety Regulation

P 1300 364 352

E [foodsafety@health.vic.gov.au](mailto:foodsafety@health.vic.gov.au)

[www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)

### NSW Food Authority

P 1300 552 406

E [contact@foodauthority.nsw.gov.au](mailto:contact@foodauthority.nsw.gov.au)

[www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

### WA Department of Health

Food Unit

P 08 9388 4999

E [foodunit@health.wa.gov.au](mailto:foodunit@health.wa.gov.au)

[www.public.health.wa.gov.au](http://www.public.health.wa.gov.au)

### NT Department of Health

Environmental Health

P 08 8922 7152 or 1800 095 646

E [envirohealth@nt.gov.au](mailto:envirohealth@nt.gov.au)

[www.health.nt.gov.au](http://www.health.nt.gov.au)

### SA Department of Health and Ageing

Food Safety and Nutrition Branch

P 08 8226 7100

E [food@health.sa.gov.au](mailto:food@health.sa.gov.au)

[www.health.sa.gov.au](http://www.health.sa.gov.au)

### QLD Department of Health

Food Safety Standards & Regulation Unit

P 07 3328 9310

E [foodsafety@health.qld.gov.au](mailto:foodsafety@health.qld.gov.au)

[www.health.qld.gov.au/foodsafety](http://www.health.qld.gov.au/foodsafety)

### Australia Competition and Consumer Commission

Recalls & Hazard Assessment Section

P 1300 302 502

E [recalls@recalls.gov.au](mailto:recalls@recalls.gov.au)

[www.recalls.gov.au](http://www.recalls.gov.au)

Correct as of 6 March 2014.

### Attachment 3 – Food recall checklist

This checklist details what a sponsor should do if a problem is identified with a food product.

This checklist was developed as a guide only. It may or may not suit the needs of individual businesses. The following steps can be ticked when completed.

- ☐ Nominate the person/team who will assess the problem.
- ☐ Contact the home state to help determine the appropriate course of action.
- ☐ If a food recall is to occur, comply with your food recall plan. Key steps should include:
  - ☐ identify which batches of food product are affected
  - ☐ isolate stock that is still with the sponsor (to minimise further distribution of the recalled food product)
  - ☐ contact the FSANZ recall coordinator to assist with coordinating the food recall
  - ☐ identify where the recalled food product has been distributed
  - ☐ compile a distribution list containing all your direct customer contact details and identify the types of premises at which the food product is likely to be sold
  - ☐ contact distributors
  - ☐ inform the public (for consumer recalls only)
  - ☐ implement a course of action to prevent a recurrence of the problem
  - ☐ arrange for the isolation, storage and disposal of affected stock
  - ☐ monitor the effectiveness of the food recall
  - ☐ prepare an interim and final post recall report for FSANZ to provide to the ACCC, home state and relevant Minister for consumer affairs.

## Attachment 4 – Classifying food recalls

FSANZ classifies recalls under the following headings, according to the reason the food is being recalled.

### Microbial

Microbial recalls occur as a result of contamination with various pathogens such as bacteria, viruses or parasites. Recalls under this classification may pose a high safety risk for consumers, depending on the nature of the pathogen involved, particularly for pregnant women and their unborn babies, young children, the elderly and immuno-compromised individuals.

### Undeclared allergen

The ‘undeclared allergen’ classification was introduced in 2011. Previous to 2011, recalls due to undeclared allergens were classified under various recall categories depending on the food safety issue. Undeclared allergen recalls can occur due to incorrect labelling; incorrect packaging due to processing errors; or contamination of the product by an allergen in the raw ingredient, or during the production processes.

### Labelling

Recalls classified under ‘labelling’ are a result of a labelling omission or error, which may result in a food safety risk to the public, for example an incorrect use-by-date or cooking instructions. This category **does not** include undeclared allergens due to labelling errors.

### Foreign matter

Foreign matter contamination occurs when material is unexpectedly present in the final product and its presence is likely to pose an injury risk to consumers. This may include glass, metal and plastic objects.

### Chemical/contaminant

Chemical/contaminant recalls include substances unexpectedly found in foods where the presence of these substances is likely to pose a risk to consumer safety. This includes cleaning products, metals such as lead, and other substances where presence in food in low concentrations may not pose a safety concern, however at elevated levels could cause consumer health concerns.

### Biotoxin

Biotoxin recalls occur as a result of the presence of various toxic biological contaminants at unsafe levels (e.g. histamine in fish, aflatoxins in nuts and paralytic shellfish toxin in shellfish).



### **Packaging fault**

Recalls due to a packaging fault occur when either the design of the packaging is faulty or its integrity is compromised, resulting in a safety risk to consumers. Examples include, poor packaging design resulting in a choking hazard or where a seal on a can or vacuum pack is faulty, allowing for potential contamination of the product.

### **Tampering**

Recalls can also occur following reports of tampering, where a company undertakes a recall of the associated product to ensure the health and safety of the public. This type of recall is rare.

### **Other**

The 'other' recall classification is where a product is being recalled due to a reason which does not fall into the classifications listed above. Recalls can be categorised under 'other' when there is an obvious food safety problem with a product (such as complaints of consumer illness) but the company is unable to clearly identify the cause.

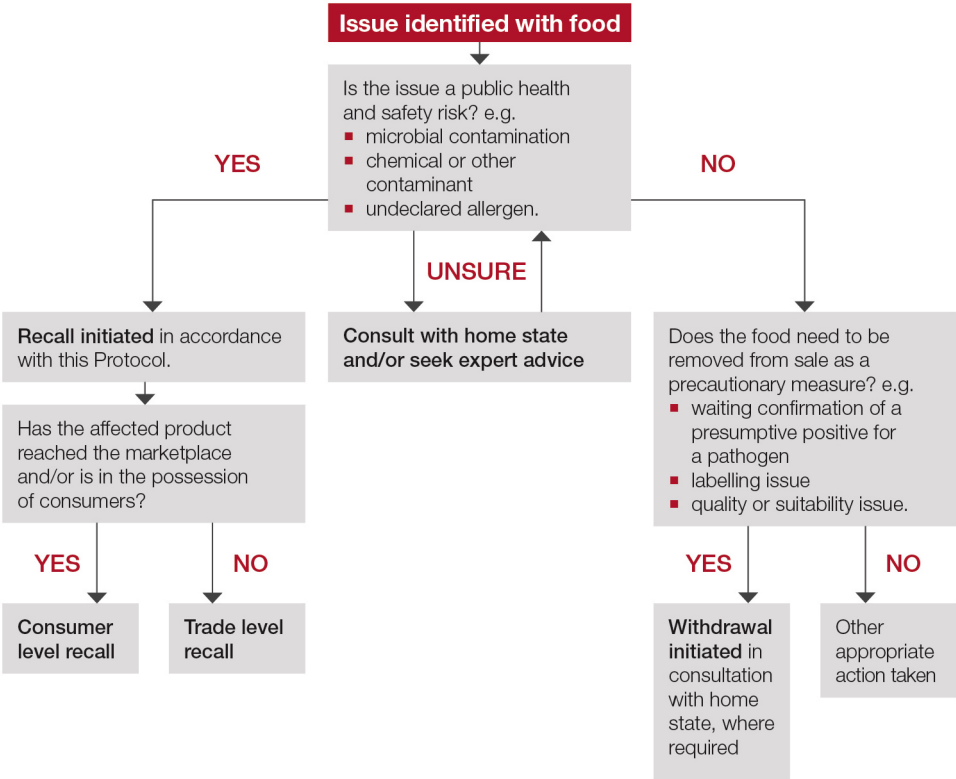
## Attachment 5 – Examples of problems and suggested action

### Examples of problems that may be encountered with food products and the suggested action

Food product	Problem	Distribution	Suggested action*
Cold cooked meats	Microbiological results indicate presence of <i>Listeria monocytogenes</i>	Food product has been distributed at retail level	<b>Consumer level recall</b> Food may pose a potential public health and safety risk
Cold cooked meats	Microbiological results indicate presence of <i>Listeria monocytogenes</i>	Product has been sold to caterers but not directly to the public	<b>Trade level recall</b> Food may pose a potential public health and safety risk
Pasta sauces containing peanuts	Packaging lacks an allergen declaration for the presence of peanuts	Food product has been distributed at retail level	<b>Consumer level recall</b> Food may pose a potential public health and safety risk to consumers with a peanut allergy
All food product types	Presence of foreign matter (contamination by metal fragments) which may cause injury or choking hazard	Food product has been distributed at retail level	<b>Consumer level recall</b> Food may pose a potential public health and safety risk
All food product types	Underweight packaging	Food product has been distributed at retail level	<b>Withdraw food product</b> Food does <b>not</b> pose a potential public health and safety risk

\* Indicative only – may vary depending on the specific issue.

Attachment 6 – Deciding whether to recall or withdraw



## Attachment 7 – Template to notify customers of the recall

For both consumer and trade level recalls, contact all your distributors/customers by phone and email/fax and provide the following information. Insert details specific to the recall where there is red text below.

*Distributor's name*

*Distributor's address*

### FOOD RECALL

Customers are advised that [name of the sponsor] is conducting a food recall due to [the reason for the recall].

The food involved is [name of the food product, package size, date marking, batch code and all other information that will identify the food].

We are recalling all supplies of the food with the above identification.

[For consumer level recalls, insert the following sentence]

Consumers have been advised of the recall and asked to return the purchased food. They will receive a refund of the purchase price.

If you have distributed any of the recalled stock to other distributors or retailers please immediately inform those distributors or retailers of the recall.

If you have re-packaged or re-processed the recalled food under another brand name, you, or the business you supply the re-packaged or re-processed food, may need to conduct a separate trade or consumer food recall. If this is the case, please immediately contact FSANZ on 02 6271 2610 and your state or territory health department.

Please hold the recalled food in an isolated and secure area pending further advice.

We apologise for the inconvenience.

[The name of the sponsor, address and contact numbers]

[Date]

## Attachment 8 – Example advertisements

The most recent versions of templates are available from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates).

### Example printed press advertisement

**FOOD RECALL**

**Pete's Pasta Fresh Cannelloni**  
500g, Use By 20 Jan 2012

[Insert product picture]

The recalled product has been available for sale in  
Coles and Woolworths Supermarkets nationally

**Problem:** The recall is due to *Listeria monocytogenes* contamination.

**Food Safety Hazard:** *Listeria monocytogenes* may cause illness in pregnant women and their unborn babies, the elderly and people with low immune systems.

**What to do:** Consumers should not eat this product and should return it to the place of purchase for a full cash refund. Any consumers concerned about their health should seek medical advice.

**Contact details:** For further information please contact Pete's Pasta Company Ltd on 02 9999 9999 or via their website at [www.petespasta.com.au](http://www.petespasta.com.au)

See [www.foodstandards.gov.au/recalls](http://www.foodstandards.gov.au/recalls) for Australian food recall information

### Example radio advertisement

Consumers are warned by Pete's Pasta Company not to eat Pete's branded Fresh Cannelloni in 500g packages, with a use by date of 20 January 2012 due to *Listeria monocytogenes* contamination. No other Pete's Pasta Company products are affected by this recall.

The product has been available for sale at Coles and Woolworths supermarkets in Sydney and the Hunter Valley, NSW.

*Listeria* may cause illness in pregnant women and their unborn babies, the elderly and people with low immune systems. Anyone concerned about their health should seek medical advice.

Consumers should return the product to place of purchase for a full cash refund.

For further information please call 02 9999 9999 or go to our website at [www.petespasta.com.au](http://www.petespasta.com.au).

Attachment 9 – Example of a recall distribution list

To ensure that the distribution of recalled food is stopped the sponsor needs to provide FSANZ with a detailed list of the businesses to which they have directly supplied the affected product. This distribution list needs to include: business name, business address including state or territory, contact person and phone number. The relevant state and/or territory enforcement agencies may investigate to ensure these businesses have been notified of the recall details.

This template is available from the FSANZ website at [www.foodstandards.gov.au/recalltemplates](http://www.foodstandards.gov.au/recalltemplates), which can be used by the sponsor to provide FSANZ with the detailed information required.

EXAMPLE ONLY

Food Recall FSANZ (year/recall number)

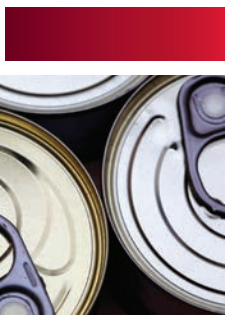
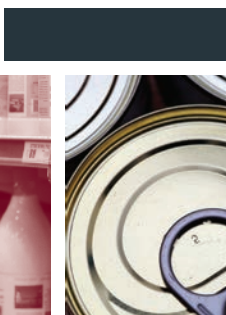
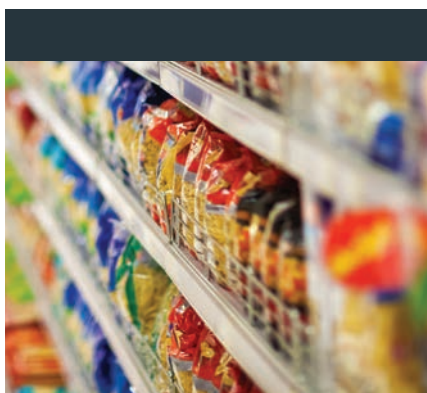
Distribution List

Date: dd mm yy

Product Name	
Total quantity manufactured/imported (in units or kg)	
Total quantity distributed (in units or kg)	
Total quantity remaining in warehouse (in units or kg)	

Business Name	Address	State/Territory	Country (if applicable)	Contact Person	Contact Phone Number	Units (if known)





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