

FOOD INDUSTRY FOOD RECALL PROTOCOL

Guidance on recalling food in Australia and writing a food recall plan



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Acknowledgement of Country

Food Standards Australia New Zealand acknowledges the Traditional Owners and Custodians of Country throughout Australia and acknowledges their continuing connection to land, waters and community. We pay our respects to the people, the cultures and the Elders past, present and emerging.

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Glossary of terms

An explanation of common terms used in the food recall process and in this Protocol is provided below.

Consumer

An individual who has or may purchase a food available for sale, whether for themselves or others, for non-commercial consumption.

Customer

A business who has purchased or received a food product intended for sale to another business or consumers.

Distribution information

Distribution information describes the **types** of food businesses the recalled food product was sold to and helps consumers identify where the product was available for sale. For example, 'The recalled food product has been available for sale at Woolworths and Coles nationally, and independent food retailers including IGA in NSW.'

Distribution list

A distribution list contains accurate, up-to-date contact information for the businesses who received the food product being recalled (including overseas distribution, if applicable). Contact information for each business must be in English and should include the business name, address, contact person and phone number. This information is not circulated to the public, but is circulated to state and territory Food Recall Action Officers and other government bodies so they can ensure these businesses remove the recalled food from sale. A distribution list template is available from the [FSANZ website](#)¹.

Distributor

A distributor is a food business that supplies food to other food businesses such as other distributors, wholesalers, retailers, food service businesses and caterers.

Food business

A food business (as defined in Standard 3.1.1 – Interpretation and Application of the Food Standards 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 applies regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only. The types of food businesses include, but are not limited to, manufacturers, retail outlets, importers, distributors, wholesalers, caterers and charity organisations.

¹ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

Food recall

A food recall is action taken to remove unsafe or potentially unsafe food from distribution, sale and consumption.

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

Consumer recall (*unsafe food has or may have been sold to the general public*)

A consumer recall is conducted when unsafe food has or may have been supplied to the general public. 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. This includes, but is not limited to, any businesses that would usually be affected by a trade recall only i.e., wholesalers, re-processors, manufacturers, and retail outlets such as supermarkets, grocery stores, health food stores, online stores including food subscription and meal delivery services, pharmacies and gyms.

A consumer recall can apply to food that may have been sold to the general public that is difficult to distinguish from similar products. For example, food sold through markets with limited traceability or labelling (such as fruit or eggs). Additional public messaging can be used to identify products that are still safe to consume and provide advice on what the public should do if they are affected by the food recall.

Trade recall (*unsafe food has not been sold to the general public*)

A trade recall is conducted when unsafe food:

- has not been sold (or made available for sale) to the general public but has been supplied to other food businesses (including but not limited to distribution centres, re-processors, manufacturers and wholesalers); or
- has been sold to the general public by food businesses that have sold the food for immediate consumption or with limited shelf life (including but not limited to hospitals, restaurants, and caterers); or
- any combination of the above.

A trade recall may trigger a consumer recall of another product if the unsafe food product/ingredient has been used in the other food and it has been sold directly to the public.

Food Recall Action Officers (Action Officers)

Food Recall 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. A list of Action Officers by jurisdiction is available on the [FSANZ website](https://www.foodstandards.gov.au/industry/foodrecalls/statecontacts)².

Food recall plan

A food recall plan is a written document detailing a business's food recall system.

² www.foodstandards.gov.au/industry/foodrecalls/statecontacts

Food recall system

A food recall system includes the procedures and arrangements that a food business has in place to enable the business to retrieve unsafe food products from the food supply chain. 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 food recall system in place to ensure the recall of unsafe food and to follow this system when recalling unsafe food.

Food retailers

Food retailers are businesses that sell food to consumers, such as supermarkets or grocery stores, pharmacies, newsagents, gyms, 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 food directly from the sponsor or from a 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. A food withdrawal is not a food recall.

FSANZ Food Recall Coordinator

The FSANZ Food Recall Coordinator is the FSANZ officer responsible for coordinating food recalls in Australia.

GS1 Australia Recall

GS1 Australia Recall is a standardized, industry-driven tool that enables organisations to efficiently share product recall and withdrawal notifications with FSANZ and their trading partners. FSANZ receives recall information from food businesses who use GS1 Australia Recall. There is no requirement to complete a FSANZ food recall report. More information can be found at the [GS1 Australia Recall website](#)³.

Home jurisdiction

The home jurisdiction is the state or territory where the head office of the sponsor is located. More information is available on the [Food Regulation Secretariat's website](#)⁴.

Mandatory recall

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

³ www.gs1au.org/our-services/recall/

⁴ foodregulation.gov.au/internet/fr/publishing.nsf/Content/publication-Home-Jurisdiction-Rule-Fact-Sheet

Sponsor

A sponsor is the food business or other entity that has primary responsibility for undertaking the food 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:

- a product sold under supermarket branding and under other branding may be recalled by the supermarket and the manufacturer
- different importers needing to recall the same product
- the same product sold under different brand names by different food businesses.

Traceability

Traceability is the ability to track a food through all stages of production, processing, and distribution (including importation and at retail level). Traceability includes **trace-back** and **trace-forward**.

Trace-back

The steps back to where the product originated, for example, from the sponsor back.

Trace-forward

The steps the product goes through before, and including, the end destination, for example, from the sponsor forward.

Unsafe food

Unsafe food is food that may cause illness, physical harm or death to a person. For example, it contains pathogenic microorganisms at potentially harmful levels, chemical or physical hazards or an undeclared allergen.

Section 1 – Introduction

1.1 What is the purpose of this Protocol?

Food Standards Australia New Zealand (FSANZ) has produced the Food Industry Food Recall Protocol (the Protocol) to provide guidance for food industry on recalling food in Australia and on developing a written food recall plan. The guidance assists food businesses to meet the primary objectives of a food recall. The 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 product, and the public (consumer recalls only), of the food safety issue
- effectively and efficiently remove unsafe product from the marketplace
- appropriately dispose of, or rectify the food safety issue with, the recalled product.

The Protocol is not legally binding; however it outlines legal requirements relating to food recalls that are enforceable by the Australian Government and the Australian state and territory governments. FSANZ maintains the Protocol in consultation with the Australian Government, state and territory governments, and the food industry.

The Protocol does not apply to food recalls conducted in New Zealand. The [New Zealand Ministry for Primary Industries](#)⁵ (NZ MPI) coordinates food recalls in New Zealand. FSANZ and the NZ MPI liaise regularly on food recalls to establish whether any foods subject to recall have been traded between Australia and New Zealand.

1.2 Which food businesses need a food recall plan?

The Australia New Zealand Food Standards Code (Food Standards 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 prepared by a food business detailing its food recall system. Food recall plans enable businesses to effectively and efficiently recall unsafe food from the marketplace, and inform consumers of the food recall, to protect public health and safety. Guidance for food businesses on writing a food recall plan is included in [Section 5](#). A food business may seek independent advice, including legal advice, about its food recall plan. State/territory and/or local governments may review a food business's food recall plan during inspections and audits of the business.

⁵ For more information on food recalls in New Zealand, see the NZ MPI food recalls and complaints website at <https://www.mpi.govt.nz/food-safety-home/food-recalls-and-complaints/>

1.3 Who initiates a food recall?

Normally the food business with primary responsibility for the supply of a food product initiates recall action. The business is known as the food recall 'sponsor'.

Australian state and territory food enforcement agencies, and the Australian Government Minister responsible for the Australian Consumer Law also have the legislative power to order a food recall where a food poses a serious danger to public health. FSANZ does not have the enforcement power to order, force or mandate a recall.

1.4 What triggers a recall?

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

Food businesses need to contact the state or territory food enforcement agency where the head office of their business is located (home jurisdiction) as soon as they become aware of a food safety issue which may require a food recall. Contact details for all state and territory food enforcement agencies are available from the [FSANZ website](#)⁶.

1.5 What is FSANZ's role in food recalls?

The *Food Standards Australia New Zealand Act 1991 (FSANZ Act)* specifies the functions of FSANZ. In regard to food recalls, FSANZ is responsible for coordinating food recalls in cooperation with the Australian Competition and Consumer Commission (ACCC) and at the request of the state and territory food enforcement agencies. When FSANZ is notified of a food recall, it liaises with the food business and relevant state and territory government to gather and collate all necessary information. This information is then disseminated to state and territory governments, other government bodies (including the ACCC) and the food industry. See [Section 2.7](#) for more information.

FSANZ publishes consumer recalls on the [FSANZ website](#)⁷.

1.6 Protocol updates

Questions or proposed amendments to this Protocol can be emailed to FSANZ at food.recalls@foodstandards.gov.au. FSANZ will consider proposed amendments and, where required, consult with food industry and/or government food recall stakeholders. This Protocol will be updated in the first quarter of each calendar year.

⁶ www.foodstandards.gov.au/industry/foodrecalls/statecontacts

⁷ www.foodstandards.gov.au/industry/foodrecalls/recalls

Section 2 – Responsibilities during a food recall

2.1 Food business (the sponsor)

Under Clause 12 of Standard 3.2.2 – Food Safety Practices and General Requirements, food businesses have a legal requirement to have a written food recall plan in place and follow this plan in the event of a food recall. The food business (sponsor) or other entity that has primary responsibility for initiating and undertaking the recall is responsible for:

- identifying the food safety issue and gather all necessary information about the unsafe food
- notifying the home jurisdiction's food enforcement agency to determine if a recall is needed, and consult with them to determine the type of recall (consumer or trade)
- notifying FSANZ of the recall once confirmed with the home jurisdiction
- notifying the ACCC of the food recall under section 128 of the Australian Consumer Law (ACL)
- FSANZ will notify the ACCC on the sponsor's behalf however the sponsor may also choose to notify the ACCC directly by completing ACCC's [online recall notification form](#)⁸. See [Section 2.7](#) for further details.
- notifying the ACCC of any deaths, or serious injuries or illnesses associated with the recalled food by completing the ACCC's online [mandatory report](#)⁹. See [Section 2.7](#) for further details
- developing a communication plan for the recall in consultation with the home jurisdiction
- working through the food recall process with FSANZ and the home jurisdiction
- notifying trade customers and the public about the recall if it is a consumer recall
- retrieving the unsafe food from the supply chain and remove it from sale, dispose of it if necessary
- monitoring the effectiveness of the recall and keep appropriate records
- reporting on the recall and actions taken to prevent a recurrence of the food safety issue.

2.2 Distributors

Food distributors are required to have a written recall system in place as outlined in this Protocol. This system must include the procedures a distributor will follow to inform customers about a recalled food. 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 sponsor 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.

⁸ www.productsafety.gov.au/contact-us/for-retailers-suppliers/submit-a-recall?source=recalls

⁹ www.productsafety.gov.au/product-safety-laws/legislation/mandatory-reporting

2.3 Food retailers

Food 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 sponsor or the distributor of a recalled food product.
- accepting returns of the recalled product from consumers, issuing refunds, and disposing of returns appropriately.
- displaying the food recall notice at the point of sale, including business websites if the product was sold online.

2.4 Food Recall Action Officers

The Food Recall Action Officers (Action Officers) are government officials responsible for providing advice on food recalls and the coordination of monitoring and enforcement activities relating to food recalls within their jurisdiction. A list of Action Officers by jurisdiction is available on the [FSANZ website](#)¹⁰.

Action Officers are responsible for:

- where appropriate, providing technical advice to the sponsor to help with assessing the food safety issue
- advising sponsor on whether a recall/withdrawal of food product is needed, determining need for trade/consumer recall, and establishing communication plans for the recall
- 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 Food Recall Coordinator about food recalls occurring in their jurisdiction
- initiating contact about the recall with local government if required
- monitoring the effectiveness of food recalls in their jurisdiction and if any issues with a recall are identified, notifying the recall sponsor
- mandating food recalls if necessary to prevent or reduce the possibility of a serious food safety danger to public health or mitigate the adverse consequences of a serious food safety danger to public health - this is called a mandatory recall. However, mandatory recalls are rare with almost all recalls being initiated by the sponsor

¹⁰ www.foodstandards.gov.au/industry/foodrecalls/statecontacts

2.5 Local government / public health units

Depending on the jurisdiction, local government or public health units may be responsible for the following monitoring and enforcement activities in relation to food recalls:

- liaising/complying with Action Officers advice on action needed
- 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 Action Officers, as required.

2.6 FSANZ Food Recall Coordinator

The responsibilities of the FSANZ Food Recall Coordinator are to:

- liaise with the sponsor about the food recall and guide them through the food recall process
- classify the food recall. One example the presence of *Listeria monocytogenes* will be classified under 'microbial'. See [Section 3.1](#) for the full list of recall classifications
- if requested by the sponsor, assists them to draft the point of sale notification (food recall notice) for consumer recalls
- approve the recall communication material developed by the sponsor including the food recall notice, where applicable
- liaise with the Action Officers as required
- disseminate the official food recall notification to state and territory governments, the Australian Government (including the ACCC, the Department of Health and Aged Care (DoHAC) and the Department of Agriculture, Fisheries and Forestry (DAFF)), the New Zealand Ministry for Primary Industries¹¹ and food industry contacts (including major Australian retailers, manufacturers, and food industry associations). This does not replace the sponsor's requirement to contact all their customers.
- This notification includes information about the food product being recalled including the food safety issue, package description and image, date marking details, distribution, and disposal details
- Notify relevant government agencies and industry stakeholders including the International Food Safety Authorities Network (INFOSAN)¹² for imported and exported products, allergen information group for undeclared allergens¹³, and OzFoodNet¹⁴
- if it is a consumer recall, publish on the [FSANZ consumer recalls webpage](#)¹⁵, FSANZ social media accounts (including Facebook, Twitter and Instagram), and notify FSANZ Recall Alert subscribers¹⁶

11 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.

12 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.

13 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.

14 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.

15 www.foodstandards.gov.au/industry/foodrecalls/recalls

16 Food Recall Alerts are issued via email to inform the public of new consumer recalls. Any person or organisation can subscribe to this free

- consult with the home jurisdiction on the sponsor's post food recall report and close the recall.

2.7 Australian Competition and Consumer Commission (ACCC)

Sponsors have obligations under the Australian Consumer Law (ACL) to undertake mandatory reporting in relation to recalls. Under section 128 of the ACL, persons who voluntarily recall consumer goods (including food) for safety reasons are required to notify the Australian Government Minister responsible for that law. The ACCC receives these recall notices on behalf of the Minister. Under an administrative arrangement, FSANZ notifies the ACCC on behalf of the sponsor of a food recall that is coordinated and managed through the food regulatory system. This satisfies the requirement on the sponsor to notify the Minister under section 128.

Under sections 131 and 132 of the ACL, a sponsor is required to report deaths or serious injuries or illnesses associated with food to the ACCC within 2 days of becoming aware of the incident. Sponsors can report an incident to the ACCC by completing an online [mandatory report](#)¹⁷ (see [Section 2.1](#)). Subject to law, the ACCC provides mandatory reports regarding food to FSANZ and the relevant state or territory food enforcement agency for follow up.

For the purposes of food recalls, sponsors should follow the guidance information in this Protocol. This Protocol has been developed in consultation with the ACCC to ensure that a sponsor, by following this Protocol, also complies with section 128 of the ACL¹⁸.

service provided by FSANZ via the website at www.foodstandards.gov.au/media/pages/subscriptionservice.aspx

¹⁷ www.productsafety.gov.au/product-safety-laws/legislation/mandatory-reporting

¹⁸ For further information on the ACL, see the ACCC's Consumer Product Safety Recall Guidelines at www.productsafety.gov.au/about-us/publications/consumer-product-safety-recall-guidelines

Section 3 – The food recall process

The process below will assist a food business to undertake a food recall. The process can be followed together with the individual business's food recall plan. A food recall plan should cover the procedures, records and responsibilities of staff to recall the product. All food manufacturers, importers and wholesale suppliers must have a written food recall plan to ensure unsafe food can be quickly removed from the food supply chain.

In the event that a food business must take immediate recall action without a food recall plan in place, the food business can follow the simplified guide for conducting a food recall on the [FSANZ website](#)¹⁹. Once the recall is finalised, the food business should develop a food recall plan using guidance in [Section 5](#).

3.1 Identification and assessment of a food safety issue

A food business may be informed of a food safety issue with its food product(s) by:

- in-house testing or external testing, for example, by a food testing laboratory
- customer/consumer complaints or reported illness/injury
- a supplier of a raw material advising that there is an issue with an ingredient
- government bodies, such as health departments, local councils, or the police.

Examples of food safety issues are provided in Table 1.

Table 1: Food safety issues and examples

Food safety issues	Example*
Microbial contamination	The presence, or potential presence, of pathogenic bacteria, viruses or parasites such as Salmonella, Hepatitis A virus, and Cyclospora
Chemical contamination or other contaminant(s)	Chemical cleaning agent, heavy metal or agricultural chemical residues exceeding levels in the Food Standards Code
Foreign matter contamination	Pieces of glass, metal or plastic which could cause physical harm
Labelling error(s)	Incorrect/insufficient preparation instructions, incorrect date marking
The presence of undeclared allergen(s)	Incorrect labelling, incorrect packaging, or cross-contact resulting in an undeclared allergen ²⁰ , such as peanut, milk or soy, not being declared on the label
Packaging fault(s)	Where the integrity of the package is compromised resulting in a potential choking hazard

¹⁹ www.foodstandards.gov.au/industry/foodrecalls/conduct/Pages/HowToRecallFood

²⁰ <https://www.foodstandards.gov.au/consumer/labelling/Pages/allergen-labelling.aspx>

Food safety issues	Example*
Biotxin contamination	Unsafe levels of histamine in fish, patulin in apple products, aflatoxin in nuts or paralytic shellfish toxin in shellfish
Other	Food safety issues which cannot clearly be identified or do not fit under the above categories - for example, routine food safety checks unable to verify the safety of a food product(s), secondary fermentation of alcohol, incorrect pH and/or water activity, and/or under processing which may lead to microbial growth.

* Not an all-inclusive list.

It is important that all necessary information about the nature of the food safety issue and hazard is obtained so that a risk assessment can be done to establish if 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
- consider the target consumers of the food and if they may belong to a vulnerable population
- consider the action that needs to be taken to manage the food safety risk.

The food business may need to seek advice from the home jurisdiction and/or an independent expert to assess the food safety issue and determine the appropriate course of action. The decision on whether a food recall is necessary should be made by the food business in consultation with the home jurisdiction (see [Section 3.2](#)).

Tampering

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 jurisdiction.

In Queensland, it is mandatory to immediately report when there is a reasonable suspicion that food has been intentionally contaminated, 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

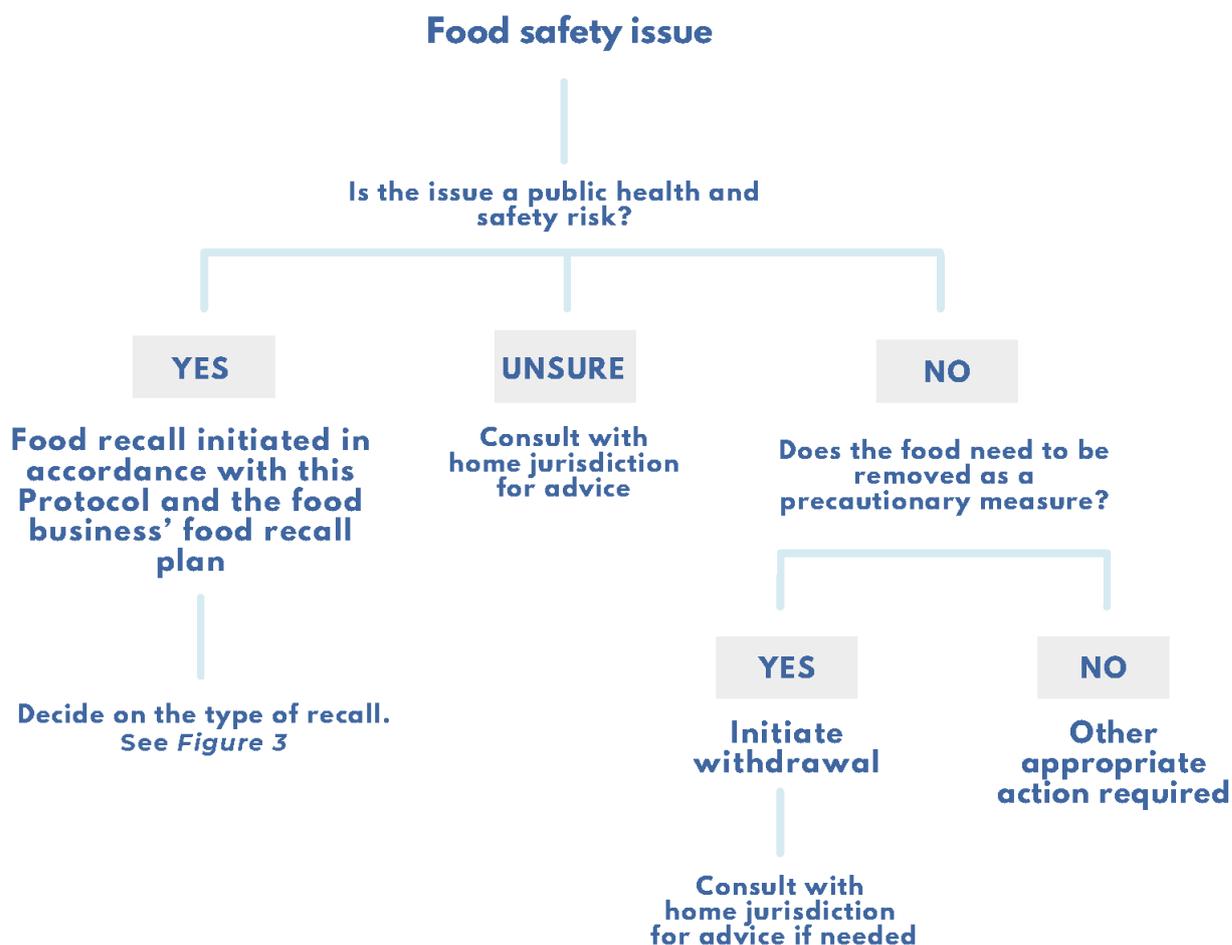


Figure 2: Deciding whether to recall or withdraw

In Australia, food should only be recalled if a food safety risk is identified and the food is deemed 'unsafe' (see Figure 2). A withdrawal should be used if the issue relates to quality, ethical or suitability issues, or the food safety risk has not been confirmed (see Figure 2). See Table 2 for examples of issues that may occur with food and possible actions for these to be addressed.

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

- the food product has a quality defect - for example, colour or texture
- it is underweight
- it does not comply with the Food Standards Code but 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.

One example, if microbiological testing gives a presumptive result for a pathogen in a food, the food can be withdrawn from distribution, 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 (for example, non-pathogenic spoilage or consumer dissatisfaction with odour or taste), this should **not** be carried out as a food recall but as a food withdrawal.

Food withdrawals do not require notification to the government. However, if the food business will make a public notification of a withdrawal (for example, through a media release or advertisement), it is recommended the food business notifies FSANZ, in case of consumer or food 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. Communication material for a food withdrawal must **not** use the internationally recognised hatched border with safety triangle.

Table 2: Examples of food safety and food quality issues and suggested action

Food product	Issue	Distribution	Suggested action*
All food product types OR as a specific example, grated cheddar cheese	250g of grated cheddar cheese has been packaged in bags labelled as 350g (underweight packaging)	Food product has been distributed at retail level	Withdraw food product Food does not pose a potential public health and safety risk
All food product types OR as a specific example, frozen, pre-packaged, ready-made, meals	Microbiological results indicate presence of Salmonella	Food product has been distributed by the food business to their own outlets only and none has not been sold to consumers. Food product has not been further distributed.	Withdraw food product Food does not pose a potential public health and safety risk
All food product types OR as a specific example, cold cooked meat	Microbiological results indicate presence of <i>Listeria monocytogenes</i> . The cold cooked meat is a ready-to-eat food in which <i>Listeria monocytogenes</i> will occur.	Food product has been distributed at retail level	Consumer recall Food may pose a potential public health and safety risk
All food product types OR as a specific example, cold cooked meat	Microbiological results indicate presence of <i>Listeria monocytogenes</i> . The cold cooked meat is a ready-to-eat food in which <i>Listeria monocytogenes</i> will occur	Food product has been sold to caterers but not directly to the public	Trade recall Food may pose a potential public health and safety risk
All food product types OR as a specific example, pasta sauces containing peanuts	Peanut used as an ingredient but packaging lacks an allergen declaration for the presence of peanuts	Food product has been distributed at retail level	Consumer recall Food may pose a potential public health and safety risk to consumers with a peanut allergy

Food product	Issue	Distribution	Suggested action*
All food product types OR as a specific example, chocolate chip cookies	Presence of foreign matter (contamination by metal fragments) which may cause injury or choking hazard	Food product has been distributed at retail level	Consumer recall Food may pose a potential public health and safety risk

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

3.3 Conducting a food recall

The sponsor has primary responsibility for initiating and conducting the food recall, ensuring compliance with its food recall plan and for meeting the three primary objectives of a food recall (see [Section 1.1](#)).

3.3.1 Type of food recall

There are two types of food recall—**trade** and **consumer**. The type of a food recall is determined by:

- the channels by which the food product has been distributed - for example, food product destined only for catering purposes would usually result in a trade recall only
- the extent of distribution - for example, if the food product has reached the retail chain and consumers, this would usually result in a consumer recall (see *Figure 3*).

The type of recall should be determined by the sponsor in consultation with the home jurisdiction.

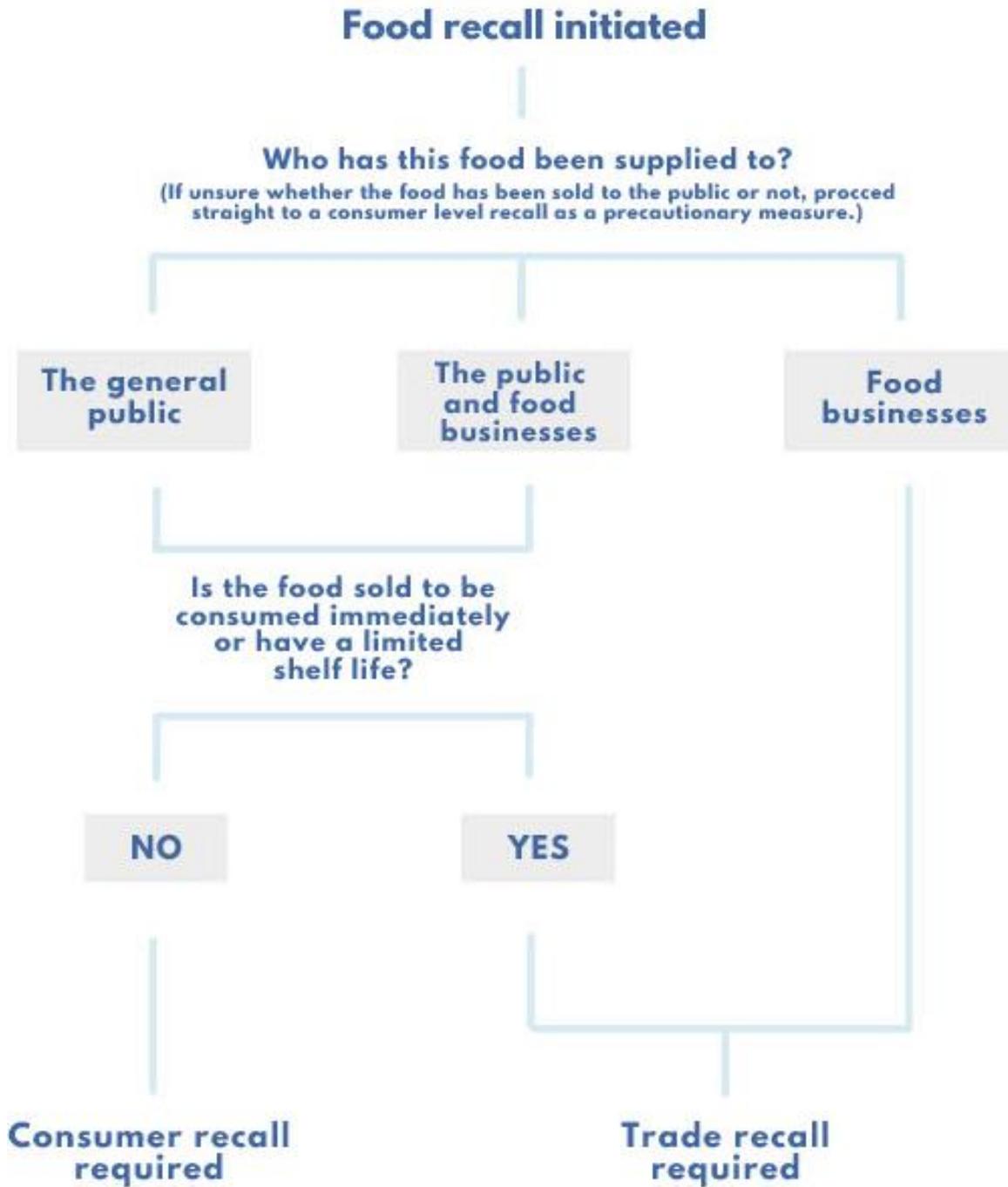


Figure 3: Deciding between a consumer or trade recall

3.3.2 Scope of a food recall

The sponsor must also consider the possibility of the same food safety issue occurring in:

- different package sizes of the same line
- different flavours or varieties of the product
- products with different batch numbers or date markings
- a different product processed on the same line or in the same plant
- the same or similar products packaged under a different name or brand.

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 other products on the market or in the food supply chain that may have been affected by the same hazard as the food being recalled. This is referred to as trace-back. For example, if the food safety issue 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. This may then result in additional food recalls being initiated for more food products by other food businesses.

3.4 Identifying food businesses who have received recalled food

As soon as a decision has been made to conduct a food recall, the sponsor must urgently identify where the food has been distributed (trace-forward). This ensures rapid cessation of production, 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 supply 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](#)).

Both chapters 3 and 4 of the Food Standards 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 a food businesses legal requirements see [Section 4](#). For more information on establishing a traceability system see [Section 5](#).

3.5 Notifying government

3.5.1 Home jurisdiction food enforcement agency

The sponsor **must** notify [by telephone](#)²¹ the home jurisdiction food enforcement agency as soon as they consider a recall is or may be needed. The home jurisdiction food enforcement agency needs to be notified to confirm the need to recall, that all customers have been informed, the affected food has been removed from sale and distribution, appropriate corrective action has been taken and that the food has been disposed of in accordance with legislation.

²¹ www.foodstandards.gov.au/industry/foodrecalls/statecontacts

3.5.2 FSANZ

Once the home jurisdiction food enforcement agency has confirmed the need to recall the sponsor **must** contact the FSANZ Food Recall Coordinator by telephone on:

- (02) 6271 2610 during business hours (9:00am-5:00pm AEST/AEDT); or
- 0412 166 965 during weekends, public holidays, and after-hours (5:00pm-10:00pm AEST/AEDT).

Calls or messages received outside of these hours will be followed up during business hours.

FSANZ will notify the ACCC on the sponsor's behalf (see [Section 2.1](#)).

Information requirements

The sponsor must provide the following information to FSANZ in order to facilitate an effective food recall:

- business contact details
- the food manufacturer's details
- details about the food 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/GTIN code
- a clear image of the product or product label
- nature of the food safety issue, 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 (for example, under the food businesses control)
- distribution in Australia
 - the sponsor must include a distribution list (in English), with contact details of who the businesses sold the recalled food to. At a minimum, the types of premises at which the food product is being sold should be stated. A distribution list template is available from the [FSANZ website](#)²² or can be requested from FSANZ via email.
 - FSANZ will accept retail outlet name and state/territory for national retailers for example, Coles, Woolworths, ALDI, Costco and Dan Murphy's. Full contact details (business's name, full address, contact person and phone number) need to be provided for all other businesses, including IGAs.
 - If the sponsor uses distributors, they will need to work with them to produce a list of customers to whom they directly sold the affected product. The sponsor should ensure that their distributors quickly notify their customers of the recall.
- any import/export information (if applicable) including overseas distribution and/or importer details.

A copy of a blank food recall report is available from the [FSANZ website](#)²³ or can be requested

²² www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

²³ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

from FSANZ via email.

If the sponsor has a subscription to the GS1 Australia Recall service and uses this service to conduct the food recall, the above information will be sent to FSANZ electronically. The sponsor must still confirm the need to recall with the home jurisdiction food enforcement agency and notify FSANZ of the recall by phone. The sponsor is not required to complete a food recall report.

Commercially sensitive information

If the sponsor needs to disclose confidential commercial information to FSANZ, the FSANZ Food Recall Coordinator must be advised via email. Section 114 of the *FSANZ Act* states confidential commercial information may not be disclosed by FSANZ except under extenuating circumstances²⁴ and following consultation with the provider of the information.

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 confidential information.

3.6 Notifying customers and consumers

A communication plan should be developed between the sponsor and the home jurisdiction.

Communication about the food recall must **not** include the term '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.

If the sponsor expects significant media interest (for example, the food recall is widespread and affects a commonly consumed food), the sponsor can liaise with their home jurisdiction or FSANZ on details to distribute in the case of media enquiries. This is an optional step, but can help prevent an influx of media enquiries to the sponsor.

3.6.1 Customers

The sponsor is responsible for advising all direct customers of the food recall. 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 all affected businesses are informed.

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 or through the use of rapid electronic systems such as the GS1 Australia Recall platform.

²⁴ Extenuating circumstances includes disclosing the information to any court in any proceeding or where deemed to be in the public interest

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 on the [FSANZ website](#).

The sponsor must keep records to demonstrate that all of its direct customers have been notified of the food recall and provide them to satisfy post recall requirements (see [Section 3.9](#)).

3.6.2 Consumers

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

- the urgency and the level of risk presented by the food safety issue. In most cases where food is recalled, a point of sale notification alongside rapid methods such as social media posts, business website notifications or a media release, is appropriate
- how widely the product has been distributed i.e., locally, nationally and/or internationally
- the customer base of the food being recalled, for example, if the recalled food is sold to particular groups (for example, specific nationalities/cultural groups or vulnerable consumers), the public notification should be targeted to these groups.

Having regard to the options discussed below, and in consultation with your home jurisdiction, the sponsor should consider the most effective method(s) to inform consumers about the recall.

FSANZ assists in the notification of all consumer recalls to the public through notices placed on the [FSANZ website](#)²⁵, via email through the Food Recall Alert subscription service, and through social media networks including Facebook, Twitter and Instagram. Notices placed on the FSANZ website are removed after a three year period.

Food recall notice

FSANZ will draft the food recall notice on behalf of the sponsor or the sponsor may draft their own using the template available on the [FSANZ website](#)²¹. If a sponsor drafts their own food recall notice it must be submitted to the FSANZ Food Recall Coordinator for checking **before** it is sent to customers and/or displayed publicly. The Food Recall Coordinator will determine if the notice meets the requirements and will also liaise with the home jurisdiction on the text, where appropriate. An example food recall notice is shown in *Figure 4*.

A food recall notice needs to contain the following information:

- **Product description including image 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 where the product was sold from, the affected states/territories or nationally if sold it was nationally, and online if it was sold online. For example, 'The recalled product has been sold at Woolworths and Coles supermarkets nationally.'

²⁵ www.foodstandards.gov.au/industry/foodrecalls/recalls

- **Food safety issue** - a clear and simple description of the food safety issue that consumers can understand. For example, 'The recall is due to microbial (*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 this product. Consumers should return product to the place of purchase for a full refund.' The [ACCCs website](#)²⁶ has further information on consumer rights and guarantees.
- **Contact details** - consumers should be able contact the sponsor to receive a refund or have the recalled product replaced and/or if they have questions or concerns about the recall. A contact phone number(s), contact email address and website address should be provided.. If possible, the phone number(s) should preferably be toll free and be answered by the sponsor outside of business hours especially in the first 24-hours after the recall is published.

Food recall notices should:

- be titled 'Food Recall' in red bolded text
- be a minimum 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 for Australian food recall information' at the base of the advertisement
- and not contain apologetic statements.

²⁶ <https://www.accc.gov.au/business/treating-customers-fairly/consumers-rights-obligations>

FOOD RECALL

Pete's Pasta Fresh Cannelloni 500g
USE BY: 30/01/22



Pete's Pasta Pty Ltd is conducting a recall of the above product. The product has been available for sale in independent food retailers including IGA, Coles and Woolworths nationally.

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

Food Safety Hazard: *Listeria monocytogenes* may cause severe illness in pregnant women, unborn babies, neonates, the elderly, and individuals who are immunocompromised. The general population can also become ill from consuming food contaminated with *Listeria monocytogenes*.

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

For further information contact:

Pete's Pasta Pty Ltd
 02 9999 9999 / pete@petespasta.com
www.petespasta.com.au

See www.foodstandards.gov.au/recalls for Australian food recall information

Figure 4: Example food recall notice

Point of sale notification

At a minimum, the sponsor should communicate the recall to the public using a food recall notice displayed at the point of sale. The completed food recall notice should be provided to all of the sponsor's direct customers, and if required, distributed down the supply chain.

The food recall notice should be displayed in a prominent position at the front of the business, near the point of sale, and/or in the area where the food was displayed for sale. If the product was sold online, it is essential that the notice be posted on the business's webpage where it was available for sale. The notice should be displayed for at least two weeks or the length of the shelf life of the food if less than two weeks.

It is recommended that displaying the food recall notice as a point of sale notification is used together with another form of public notification outlined below.

Online notification

Information about the food recall should be posted on the sponsor's website if they have one. The business should also, where available, use Facebook, Twitter, Instagram, blogs and any other relevant online social media/communication systems to inform consumers of the recall.

Media release

For rapid and broad dissemination across electronic and print media, sponsors undertaking a consumer recall can consider issuing a media release. A media release may also be issued by the home jurisdiction.

This is particularly important if immediate notification is needed, for example, in instances where the recalled food has been associated with illness or injury. The media release should contain the same information as a paid media advertisement and should be developed jointly by the sponsor and the home jurisdiction. 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 contact person to liaise with the media. The person's contact details should be included on the media release and the nominated person should be available during the recall.

A media release can be published through a media distribution service. Media distribution companies usually offer a 24 hour service, and setting up an account will only take a short amount of time.

Direct notification to consumers

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

Media advertisement

Media advertisements can be an effective way of communicating food recalls to the public and, when used, should be placed in all states and territories where the food product was available for sale. The notification is usually a compressed copy of the food recall notice. It is the sponsor's responsibility to verify, book and pay for media advertisements.

If a sponsor drafts their own advertisement, it must be submitted to FSANZ for checking **before** it is sent for publication to ensure it meets requirements. The FSANZ Food Recall Coordinator will also liaise with the home jurisdiction on the text, where appropriate.

Wherever possible, media advertisements placed in print media appear in the front pages. If this is not possible they should appear in the first half of the print media (early general news). The classifieds section is **not** a suitable location for media advertisements. Media advertisements may also be placed in online versions. The choice of print media should be made in consultation with the home jurisdiction.

Consideration should also be given to placing media advertisements in relevant cultural, regional and community media, where appropriate.

Radio announcements

Radio advertising can be effective in reaching a large audience, or to target a specific audience. An radio advertisement template is provided on the [FSANZ website](#)²⁷.

3.7 Retrieving food product(s)

Recalled food may be recovered by consumer 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.

The process the food business intends to use to retrieve recalled food should be discussed with their business customers and detailed in their food recall plan.

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

3.8 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 Food Standards Code (see [Section 4.1.4](#) 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 jurisdiction. In some circumstances, recalled food may need to be destroyed under supervision from the home jurisdiction/local government.

²⁷ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

3.9 Post recall reporting

After the food recall has been conducted, the FSANZ Food Recall Coordinator will request that the sponsor completes a post food recall report. A post food recall report template will be emailed to the sponsor to assist with completing this task. A copy of this template can also be accessed from the [FSANZ website](#)²⁸. The information provided in the post food recall report demonstrates to FSANZ and the home jurisdiction that a sponsor has conducted the recall satisfactorily.

It is recommended that the sponsor use the post recall reporting process to also close out the recall within their business. This may include checking that corrective actions which have been put in place are working correctly to prevent the food safety issue occurring again.

3.9.1 Interim report (Part A)

The interim report (Part A of the post food recall report) enables FSANZ to verify:

- details of the food recall
- that the sponsor has communicated the recall with their customers, and consumers if it is a consumer recall
- corrective actions have been implemented.

FSANZ may also use the interim report to inform the home jurisdiction of the progress of the food recall. Supporting evidence provided in the interim report that the sponsor's obligations have been met may also be provided to the ACCC.

This report is due **within two weeks** of the food recall being initiated. If any information has not been received or requirements have not been met, the home jurisdiction may take follow up action.

3.9.2 Final report (Part A and Part B)

FSANZ liaises with the home jurisdiction on the final report. The home jurisdiction uses the final report to consider whether the sponsor has taken all reasonable steps to effectively manage the risk posed by the recalled product. This includes considering:

- the corrective action taken by the sponsor to decrease the chance of the food safety issue recurring
- the final stock accountability numbers
- disposal of the recalled product.

The final report is due **within one month** of the recall being initiated. Once the final report has been received, the Food Recall Coordinator forwards a copy to the home jurisdiction. If accepted by the home jurisdiction the food recall will be closed as 'satisfactory'.

If the final report is not received or is considered unsatisfactory, FSANZ will liaise with the home jurisdiction as to whether further action is required, or request the recall be closed as 'unsatisfactory' or as 'no report received'.

²⁸ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

3.10 Cancelling a recall

Where information or evidence supporting the recall becomes invalid, the sponsor may request a recall be cancelled, or the home jurisdiction may advise the sponsor that there are grounds for cancelling a recall. The sponsor should liaise with their home jurisdiction regarding this matter. If the home jurisdiction supports the cancellation of the recall, the sponsor should provide a written statement to the FSANZ Food Recall Coordinator, copying in the home jurisdiction, advising that the recall should be cancelled. The written statement should contain:

- identifying information of the recall, for example, the recall number
- a statement that the food is safe for consumption
- supporting advice from the home jurisdiction
- a request for FSANZ to advise the ACCC of the cancellation.

Once the FSANZ Food Recall Coordinator receives written confirmation from the home jurisdiction that it has no objection to the cancellation, the Food Recall Coordinator will inform the recipients of the original recall notification (as described in [Section 2.6](#)) that the recall has been cancelled. The Food Recall Coordinator will also update the recall webpage on the FSANZ website to include a statement that the recall has been cancelled.

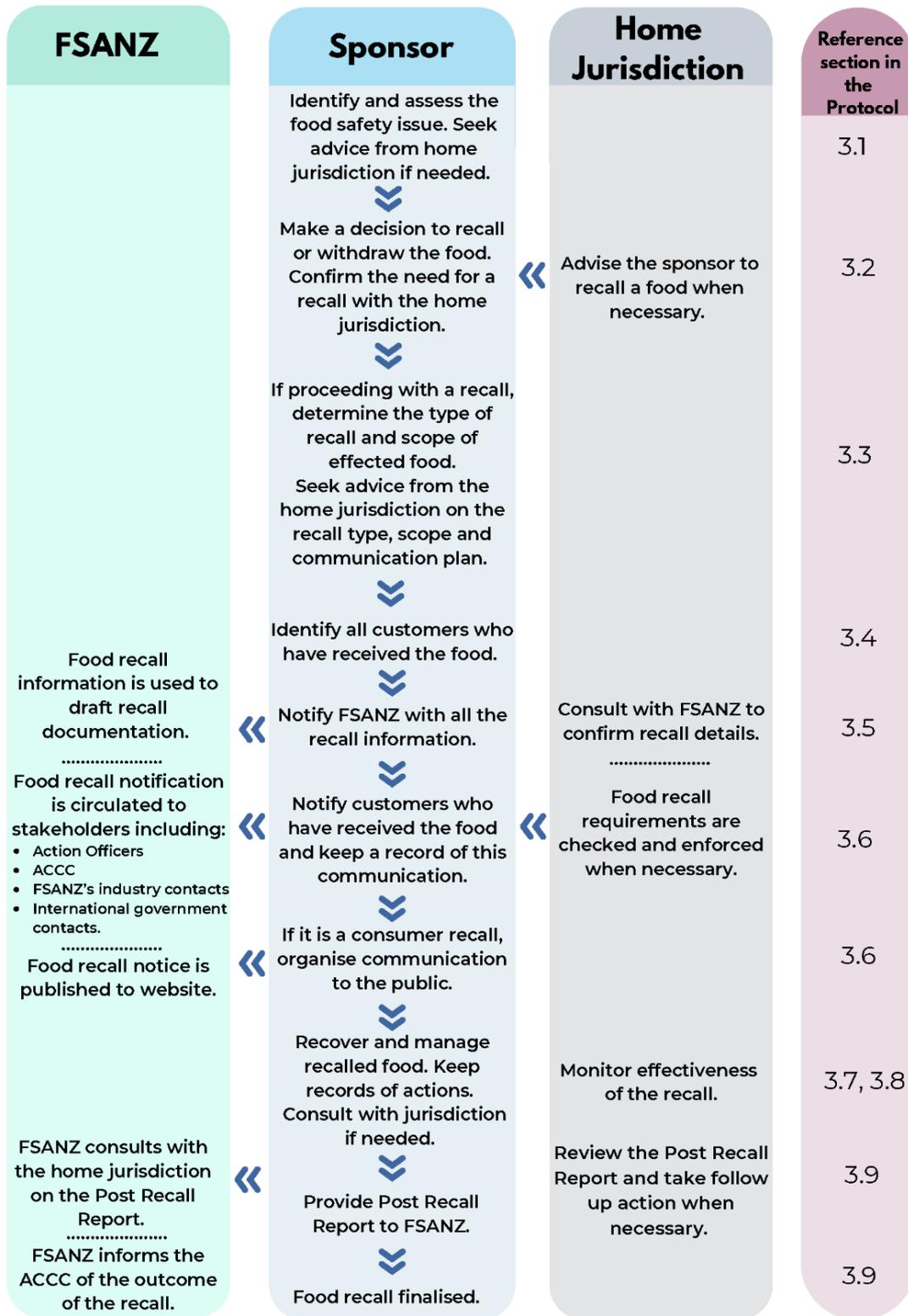


Figure 1: Overview of the food recall process and the corresponding subsections within Section 3

Section 4 – Legal requirements

Food businesses have legal obligations under the Australia New Zealand Food Standards Code, state and territory food legislation, and the Australian Consumer Law. A food business should familiarise themselves with their legal obligations so they understand the requirements in relation to food recalls.

4.1 The Australia New Zealand Food Standards Code

The current version of the Food Standards Code is available on the [Federal Register of Legislation](#)²⁹. Further information on chapter 3 standards can be found in [Safe Food Australia – A Guide to the Food Safety Standards](#)³⁰.

The Food Standards Code contains requirements relating to food recalls that apply to food businesses engaged in the wholesale supply, manufacture or importation of food. These requirements are discussed below.

4.1.1 Food receipt

Clause 5(2) of Standard 3.2.2 – Food Safety Practices and General Requirements 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 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 a food recall system in place and comply with this system when they recall unsafe food. A recall system

²⁹ www.legislation.gov.au

³⁰ www.foodstandards.gov.au/publications/pages/safefoodaustralia3rd16.aspx

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 Food Standards Code (see [Section 4.1.4](#)).

Retail businesses in the food service sector (for example, 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 food safety issue 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 Food Standards 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 [Section 5](#).

Standard 3.2.2 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 Food Standards 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](#)³¹.

31 www.foodstandards.gov.au/industry/safetystandards/traceability

4.1.4 Food disposal

Clause 11 of Standard 3.2.2 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 (for example, 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 ACCC administers the *Competition and Consumer Act 2010*. Schedule 2 of this Act contains the Australian Consumer Law (ACL), which includes laws relating to product safety such as the recall of consumer goods.

The ACL (section 128) requires a person who voluntarily takes action to recall consumer goods in Australia, to notify the Australian Government Minister responsible for the ACL in writing within two days of initiating the recall. Legally, this notification must state that the food product is subject to recall and if the goods contain a defect, have a dangerous characteristic or do not comply with a safety standard or ban under the ACL. It must also set out the nature of the problem or non-compliance.

If the recalled goods have been exported, the person is also required to notify in writing, as soon as practicable, overseas recipients of the recall, and provide a copy of this notice to the Minister within 10 days. A person who fails to provide these notices to the Minister, if convicted of a breach, may be fined. The ACCC receives these notices on behalf of the Minister. As part of the recall processes, FSANZ will provide these notifications to the ACCC on behalf of the sponsor (see [Sections 2.1 & 2.7](#)).

Enquiries about the recall provisions of the ACL should be directed to the ACCC's [Product Safety Australia website](#)³².

³² www.productsafety.gov.au/contact-us/for-consumers/make-an-enquiry

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](#)³³ include powers to force 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 of:

- 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.

³³ More information on food law, treaties and agreements is available on the FSANZ website at www.foodstandards.gov.au/about/foodlawandtreaties

Section 5 – Writing a food recall plan

This section provides advice on developing a food recall plan. A food recall plan template is available from the [FSANZ website](#)³⁴.

5.1 Features of a food recall plan

The purpose of a food recall plan is to set out how the business will implement a recall in order to meet the objectives outlined in [Section 1.1](#). It should detail all the necessary procedures, arrangements, staff responsibilities and records as required.

Key elements of a food recall plan include:

- undertaking a risk assessment of a food safety issue
- documenting the decision and process for determining if a recall is required
- internal procedures and staff responsibilities for conducting a food recall
- contact details and procedures for notification (for example, the home jurisdiction and FSANZ, 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.

5.2 Key personnel and responsibilities

The business should nominate a person to be recall coordinator in the event a food recall is needed. Depending on the size of the business, the sponsor may establish a food recall committee to undertake the recall. In the case of a small business, just one or two people may be involved. The recall committee and those who will be involved in a recall should undertake training to ensure they are familiar with the food recall plan and know their role should a recall be required.

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

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

- liaison with government (home jurisdiction and FSANZ), including notification and reporting
- liaison with customers, including method of retrieval/disposal
- preparing a food recall notice, media advertisement, or other methods of consumer notification (if required)
- reporting on the distribution of the food product
- maintaining a distribution register of the food product
- determining and implementing corrective actions

³⁴ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

- post recall reporting, including assessing the effectiveness of the recall (how much product was returned).

The food recall plan need to be accessible at all times. If the food recall plan is electronic, then it should be able to be accessed by the food recall committee when they are off-site. If the food recall plan is only available as a hard copy, the recall committee should all have a copy.

5.3 Notification procedures and contact details

5.3.1 Government

The food recall plan should include a list of government officers to be notified of the food recall. This includes the relevant home jurisdiction Action Officers and the FSANZ Food Recall Coordinator. It should also contain current contact lists. Contact details for FSANZ and state and territory enforcement agencies are provided on the [FSANZ website](#)³⁵

5.3.2 Distributors, wholesalers, retailers

To ensure that the distribution of the unsafe food product is stopped and arrangements are put in place to retrieve it, the food business needs to notify its customers of the food recall and provide detailed recall information. A template to notify customers of the recall is provided on the [FSANZ website](#)³⁶.

The food recall plan should include current contact lists (including contact person, telephone 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 on the [AFGC website](#)³⁷.

5.3.3 GS1 Australia Recall

GS1 Australia Recall is a standardised, industry-driven tool that enables organisations to efficiently share product recall and withdrawal notifications with FSANZ and their trading partners. FSANZ receives recall information from food businesses who use GS1 Australia Recall. There is no requirement to complete a FSANZ food recall report. More information can be found at the [GS1 Australia Recall website](#)³⁸.

35 www.foodstandards.gov.au/industry/foodrecalls/statecontacts

36 www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

37 www.afgc.org.au/

38 www.gs1au.org/our-services/recall/

5.3.4 The public

If a consumer recall is required, consideration needs to be given to the type of publicity that may be required to inform the public, refer to [Section 3.6.2](#). 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. Templates for public communication are available from the [FSANZ website](#)³⁹.

5.4 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 which food business operators can use to trace food throughout the food chain.

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

- 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 issue, 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 (for example, 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 safety issue 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 request 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

³⁹ www.foodstandards.gov.au/industry/foodrecalls/recalltemplates

- 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 (for example, 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. 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 food recall plan.

Food businesses may use intermediate distributors and not be in a position to provide distribution information 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.

5.5 Arrangements for food product recovery and corrective action

Food products may be recovered by consumer 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 includes any arrangements for returning the food product to the sponsor. The food recall plan should document the arrangements the business has in place for retrieving food products that are returned by its customers. This includes 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 food 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 food safety issue is rectified (for example, further processing or relabelling). It is best to consult with the home jurisdiction 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 includes personnel responsible for implementing the system and liaising with the home

jurisdiction on the method of safety risk rectification.

5.6 Post recall reporting

FSANZ requests an interim post food recall report (within two weeks of the recall being initiated) and a final post food recall report (within one month of the recall being initiated) on food recalls, as described in [Section 3.9](#) of the Protocol. The food recall plan should document which staff are responsible for the preparation of these reports.

5.7 General considerations in developing and maintaining a food recall plan

5.7.1 Mock food 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 food recall plan should be thought of as an emergency procedure, similar to an evacuation plan in the case of a fire. Testing your food plan provides an opportunity to rectify any problems before a genuine recall. It is recommended that a business conduct a mock food recall (including traceability) exercise annually.

5.7.2 Review

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

5.7.3 Staffing a recall

It is worth considering whether additional help will be required to manage a food recall, such as answering enquiries received via phone, email or received on the business website or through social media. This could mean employing extra staff to enable permanent staff to deal with the recall. Specialist help may also be required, for example, to draft and deliver any publicity material.

5.7.4 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. Refresher training should occur when the food recall plan is reviewed, and could be linked into a mock recall exercise.

5.7.5 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. As part of their food recall plan, the business should consider establishing account to manage or track costs of a food recall. Insurance may cover the cost of carrying out a food recall and any loss of profits related to it. Insurance must be in place before the recall occurs; it cannot be obtained during a recall. Businesses should find out if they already have this cover under any existing business catastrophe or disaster insurance

policy. This should include checking any insurance policy for the level and type of cover available. If not, a business may wish to consider taking out a specialist policy. The insurer should be contacted early in the event of a genuine recall otherwise cover may not be valid.