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FAIR TRADING ACT 2010

The following instrument is published under the *Fair Trading Act 2010*
section 21



**Australian Consumer Law (Free Range Egg
Labelling) Information Standard 2017**

I, Michael McCormack, Minister for Small Business, make the following information standard.

Dated 18 April 2017

MICHAEL McCORMACK
Minister for Small Business

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Part 1—Preliminary

1 Name

This instrument is the *Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017*.

2 Commencement

Each provision of this information standard specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Parts 1 and 2	The day after the end of the period of 12 months beginning on the day this information standard is published by written notice on the internet.	

3 Authority

This instrument is made under section 134 of Schedule 2 to the *Competition and Consumer Act 2010*.

4 Definitions

In this instrument:

egg means an egg laid by a hen.

free range egg has the meaning given by section 7.

hen means a female domestic chicken (*Gallus gallus domesticus*).

laying cycle for a group of hens means the period during which the hens are kept together, are managed in the same way and are able to lay eggs.

packaging for eggs means anything that completely or partly encloses, contains or packs the eggs.

stocking density for hens means the maximum number of hens per hectare that have access to an outdoor range on any day during the laying cycle.

5 Application

This information standard applies to:

- (a) packaging labels for eggs for wholesale or retail sale; and
- (b) eggs that are displayed for retail sale without packaging.

6 Inconsistency of State and Territory laws

This information standard is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with the provisions of Part 2.

Part 2—Free range egg labelling and display requirements

7 Meaning of the term free range eggs

- (1) *Free range eggs* are eggs laid by hens that:
 - (a) had meaningful and regular access to an outdoor range during daylight hours during the laying cycle;
 - (b) were able to roam and forage on the outdoor range; and
 - (c) were subject to a stocking density of 10,000 hens or less.
- (2) For the purposes of paragraph (1)(a), disregard occasions when hens were prevented from accessing the outdoor range because:
 - (a) the hens were undergoing nest box training; or
 - (b) weather conditions endangered the safety or health of the hens; or
 - (c) the hens would have been exposed to predators; or
 - (d) the hens were being medicated or otherwise cared for; or
 - (e) there were exceptional circumstances that posed a significant risk to the safety or health of the hens.
- (3) For the purposes of subsection (2), the total period of time for which access to the outdoor range was prevented must not be unreasonable.

8 Labelling requirements

- (1) This section applies to packaging labels for eggs for wholesale or retail sale.
- (2) A person must not label packaging for eggs with the words ‘free range’ unless:
 - (a) the eggs are free range eggs; and
 - (b) the words ‘free range’ are used in relation to the eggs; and
 - (c) the stocking density is prominently displayed on the packaging.

9 Display requirements

- (1) This section applies if eggs are being displayed for retail sale without packaging.
- (2) A person must not represent that the eggs are free range eggs unless:
 - (a) the eggs are free range eggs; and
 - (b) the display has a sign containing the words ‘free range’; and
 - (c) the sign is prominently displayed; and
 - (d) the sign prominently displays the stocking density; and
 - (e) subsection (3) is satisfied.
- (3) If eggs other than free range eggs are being displayed at or near the display of free range eggs, the display of free range eggs must be separate from the display of other eggs, so that a person at or near the displays can reasonably distinguish between:
 - (a) eggs to which the sign required by paragraph (2)(b) relates; and
 - (b) the other eggs.

