



LABELLING FOR EXPORTED GOODS

The *Commerce (Trade Descriptions) Act 1905* (the Act) is administered by the Department of Immigration and Border Protection (DIBP). It sets out the labelling requirements for goods exported from Australia.

There are no specific requirements to label goods for export under the Act. However, the Act prohibits the export of goods that bear a false trade description, so if goods are labelled, any description of the goods must not be false or misleading.

AS AN EXPORTER, HOW AM I AFFECTED?

Although there are no specific requirements to label goods under the Act, the countries that you are exporting to may have labelling requirements. In addition, there may be other legislation in place within Australia (not administered by the DIBP) that set out requirements concerning the labelling of goods for export. The onus is on the exporter to know what these requirements are.

Exporters need to ensure that any labelling applied to goods intended for export is not false or misleading.

WHAT IS A FALSE TRADE DESCRIPTION?

A false trade description can be any description of goods that is incorrect or misleading. This may include direct or indirect details of size, weight, quality, quantity, origin, manufacturer, ingredients or the application of a trade mark, patent or copyright, and includes all possible alterations of a trade description, whether by way of addition, effacement, or otherwise.

A trade description may also be false if information is omitted from the description and this misleads the consumer as to the true description of the goods.

WHAT IS A TRADE DESCRIPTION?

A trade description means any description, statement, indication or suggestion as to how or by whom the goods were made, produced, selected, packed or otherwise prepared. A trade description may include a direct or indirect reference to any of these things.

WHAT IF MY GOODS HAVE A FALSE DESCRIPTION?

The Act provides that goods for export bearing a false trade description are prohibited to be exported and may be seized by the Australian Border Force (ABF). While the ABF may require the re-labelling of contravening goods where it is considered that the contravention was either intentional or reckless, we recommend that you ensure your goods comply with the legislation prior to their exportation.

Your goods can only be released once the trade description is no longer false and all ABF formalities have been completed.

In all cases you will be asked to provide evidence that you have instructed your suppliers to correctly label goods in future.

FOR MORE INFORMATION

Further information regarding the labelling of imported goods can be found on the website at www.border.gov.au.