

Does my product require an allergen declaration?

Certain substances must be declared on labels when present in food whenever they are used as an ingredient; part of a compound ingredient; a food additive or component of a food additive; or a processing aid or component of a processing aid, as per section 1.2.3–4.

This document also contains the table to section S9—3 of Schedule 9, which lists the required names for an allergen declaration.

For formatting requirements and examples of allergen declarations, please see our Compliance Step “*How must an allergen be declared?*” and our Further Explanatory Material document “*Plain English Allergen Labelling*”.

	Question	Law Location
1.	<p>Is any ingredient listed in Column 1 of the table to section S9—3 present in the food for sale?</p> <ul style="list-style-type: none">- <i>Includes a derivative of the listed food, potentially even when all the allergenic properties of the ingredient have been removed (subject to the exceptions below).</i> <p><i>The food may be present as:</i></p> <ul style="list-style-type: none">- <i>An ingredient or an ingredient of a compound ingredient; or</i>- <i>A substance used as a food additive, or an ingredient or component of such a substance; or</i>- <i>A substance used as a processing aid, or an ingredient or component of such a substance.</i>	<p>The foods listed in Column 1 of the table to section S9—3 are:</p> <ul style="list-style-type: none">• Added sulphites in concentrations of 10 mg/kg or more• Barley, oats or rye if they contain gluten (including hybridised strains)• Wheat (including its hybridised strain) irrespective of whether it contains gluten• The following tree nuts: almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio, walnut• Crustacea• Egg• Fish• Lupin• Milk• Mollusc• Peanut• Sesame seed• Soybean <p>If yes, proceed to Question 2. If no, no allergen declaration is required.</p>

2.	<p>Do any of ingredients of the food for sale identified in Question 1 come under an exemption listed in Column 2 of the table to section S9—3?</p> <ul style="list-style-type: none"> - <i>Includes some derivatives of listed foods.</i> - <i>E.g. the only milk derivative that is exempted is alcohol distilled from whey.</i> 	<p>If yes, the food is exempt and no allergen declaration is required in relation to that particular ingredient. The exemptions include:</p> <ul style="list-style-type: none"> • Barley, oats, rye, wheat or their hybridised strain where present in beer or spirits • Glucose syrups made from wheat and starch that have low levels of gluten • Alcohol distilled from wheat • Alcohol distilled from whey • Isinglass derived from fish swim bladders and used as a clarifying agent in beer or wine • Soybean oil that has been degummed, neutralised, bleached and deodorized • Tocopherol or phytosterol (soybean derivatives) <p>Please refer to the table to Section S9—3 at the end of this document for more details.</p> <p>If an allergen is present in another way that does not form part of an exemption, it must still be declared. E.g. if milk is only present in the form of alcohol distilled from whey, it is exempt from the allergen labelling requirement. However, if the product also contains milk solids such as caseinates, the presence of milk must still be declared.</p> <p>If no, an allergen declaration must be made. For guidance on how to make an allergen declaration, please see our Compliance Step “How must an allergen be declared?”</p>
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TABLE TO SECTION S9—3 OF SCHEDULE 9

The table to section S9—3 is replicated below:

Item	Column 1	Column 2	Column 3	Column 4
	<i>Food</i>	<i>Exemption</i>	<i>Required name for declarations in a statement of ingredients</i>	<i>Required name for other declarations</i>
1	added sulphites in concentrations of 10 mg/kg or more		sulphites	sulphites
2	Any of the following cereals (including hybridised strains thereof) if they contain gluten:	the cereal or its hybridised strain that is present in beer or spirits		
	barley		barley	gluten
	oats		oats	gluten
	rye		rye	gluten
3	wheat (including its hybridised strain) irrespective of whether it contains gluten	<p>(a) the wheat or its hybridised strain that is present in beer or spirits;</p> <p>(b) glucose syrups made from wheat starch and that:</p> <p>(i) have been subject to a refining process that has removed gluten protein content to the lowest level that is reasonably achievable; and</p> <p>(ii) have a gluten protein content that does not exceed 20 mg/kg;</p> <p>(c) alcohol distilled from wheat.</p>	wheat	<p>(a) wheat; and</p> <p>(b) if gluten is present - gluten.</p>

Item	Column 1	Column 2	Column 3	Column 4
	<i>Food</i>	<i>Exemption</i>	<i>Required name for declarations in a statement of ingredients</i>	<i>Required name for other declarations</i>
4	Any of the following tree nuts:			
	almond		almond	almond
	Brazil nut		Brazil nut	Brazil nut
	cashew		cashew	cashew
	hazelnut		hazelnut	hazelnut
	macadamia		macadamia	macadamia
	pecan		pecan	pecan
	pine nut		pine nut	pine nut
	pistachio		pistachio	pistachio
	walnut		walnut	walnut
5	crustacea		crustacean	crustacean
6	egg		egg	egg
7	fish	isinglass derived from fish swim bladders and used as a clarifying agent in beer or wine	fish	fish
8	lupin		lupin	lupin
9	milk	alcohol distilled from whey	milk	milk
10	mollusc		mollusc	mollusc
11	peanut		peanut	peanut
12	sesame seed		sesame	sesame
13	soybean	(a) soybean oil that has been degummed, neutralised, bleached and deodorised; (b) soybean derivatives that are tocopherol or phytosterol.	soy, soya or soybean	soy