Technical Alert

Country of Origin Labelling
Consultation Regulatory Impact Statement

As foreshadowed in our August member alerts, the Department of Industry, Innovation and Science has opened public consultation for the purposes of canvassing options for the continued eligibility of origin claims in the complementary medicines sector.

Consultation: Clarifying eligibility for origin claims in the Complementary Medicines Sector
Comments to this consultation close: **30 October 2019**
Provide a submission

Industry Position

Complementary Medicines Australia supports continued access for the complementary health sector to make 'Australian Made' claims. Throughout earlier reforms to the food sector, the CMA worked collaboratively with stakeholders and government in the aim of providing Australian manufacturers of complementary medicines with a sensible and practical resolution and way forward.

CMA supports Option 3a as outlined in the consultation document; that complementary medicines manufactured in Australia in production facilities regulated by the Therapeutic Goods Administration be able to make the claim 'Australian Made' and use the Australian Made logo.

CMA's Regulatory and Policy Committee will convene to consider the options outlined in the consultation RIS and provide recommendations to this consultation.

Background

In February 2017 amendments were made to the Country of Origin Labelling (CoOL) laws that changed the basis for being eligible to make 'Made in Australia' claims, and subsequently access to the Australian Made, Australian grown (AMAG) logo.

The CoOL law amendments focused on the food industry, which are mandatory for priority-foods. However, all other products and goods that wish to make an AMAG claim are also bound by the CoOL laws.

Through strong CMA advocacy, the complementary medicines sector has advised the government that many of its products are no longer eligible to use the AMAG logo, which will impact the growth of the sector.

ACCC Guidance

Specific guidance for the complementary healthcare sector describing the interpretation of the new law, was published by the ACCC in March 2018, which in light of previous guidance, took a significantly more conservative stance as to what may be called 'Made in' Australia. The revised ACCC guideline has resulted in a significant variation in interpretation as to what the ACCC consider to meet the substantially transformed test and is not consistent with guidance for other industries. For example, guidance for other sectors take a far less stringent approach to the application of *substantial transformation*. This includes, baking a frozen raw imported pie and curing imported pork and claiming Australian Made.

The unintended consequences of the Country of Origin labelling reforms on the Complementary health care sector has impacted approximately 200 Australian Made licensees. The Australian Made Campaign Limited (AMCL) has reviewed all licensed complementary healthcare products carrying the Australian Made Logo against the new ACCC Country of Origin Guidelines. In many cases this has resulted in businesses having to remove the Australian Made logo from their products and marketing materials.

Regulation Impact Statement

The Consultation Regulation Impact Statement (RIS) discusses various options to assist the complementary medicines sector to regain access to the AMAG logo.

The feedback obtained through this RIS will assist the government to make a decision that is in the best interest of all stakeholders.

Further questions? Contact us at: technical@cmaustralia.org.au

Resources

Regulation Impact Statement
Country of origin food labels
Complementary Medicine Country of Origin Labelling survey

ENDS