aerosol ASSOCIATION OF AUSTRALIA

AEROSOL LABELLING

An Introduction

Aerosol Association of Australia

www.aerosol.com.au

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INTRODUCTION

This Guide has been produced to introduce some of the requirements for correctly labelling an aerosol for the Australian market.

It covers the labelling requirements of Australian Standard 2278.1, the Australian Dangerous Goods Code and the requirements for GHS-based labelling of Workplace Hazardous Chemicals.

It also offers an overview of weight marking requirements for aerosols along with the requirements of Australian Consumer Law, especially as they relate to country of origin labelling and environmental claims.

Readers should note that there are a number of additional labelling requirements pertaining to specific products, which are not addressed in this Guide. These include requirements for labelling of poisons, therapeutic goods and disinfectants, cosmetics, foods, insecticides, home garden and veterinary products.

For advice on where to seek guidance on these requirements, Association members should consult the Association Office.

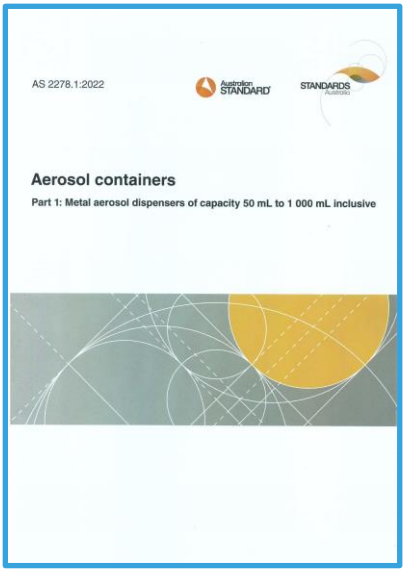
Disclaimer

The information contained in this booklet is not intended to be professional advice and is subject to change. The Association expects that, before any information contained in this booklet is relied upon, the reader will exercise the appropriate due diligence procedures to independently confirm the accuracy of the information. On this basis, to the extent permitted by law, the Association is not liable for any and all claims relating to reliance on the information contained in this booklet.

THE BASICS

Key documents which underpin the regulatory requirements for aerosols manufactured and sold in Australia, including classification and labelling, are AS 2278.1 and the Australian Dangerous Goods (ADG) Code.

AS 2278.1



A core document for those importing, manufacturing or marketing aerosols is Australian Standard AS 2278.1. Although AS 2278 is not a mandatory product safety standard, compliance with it is required by the Australian Dangerous Goods Code and compliance with it as a minimum is best practice and may prove helpful in defending any legal action or claim.

The current edition of the Standard is **AS 2278.1:2022**, which was published in late July 2022 and is available for purchase from Standards Australia and SAI Global for around $80 at the weblink below.

Note that the 2022 edition introduced changes to the required warnings on aerosols to bring these into line with the GHS.

https://infostore.saiglobal.com/en-au/standards/as-2278-1-2022-130132_saig_as_as_3176112/

The Standard applies to metal (only) aerosols from 50 ml* to 1000 ml in capacity and labelling advice is contained in Section 4.2 ('Consumer safety advice') and 4.3 ('Flammable warning).

*[*Note that under Special Provision 190 of the ADG Code (see below), aerosols with a capacity not exceeding 50 ml containing only non-toxic constituents are not subject to the Code.]*

The Standard declares that labelling of aerosol dispensers shall include the following:

(a) Warnings and markings required by law.
(b) Directions for use.
(c) Any additional operating precautions which alert consumers to specific dangers of the product.

… and that:

All aerosol dispensers shall display the following consumer safety advice:
(CONTINUED OVERLEAF)

Pressurised container: may burst if heated.
Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking.
Do not pierce or burn, even after use.
Protect from sunlight. Do not expose to temperatures exceeding 50^0 C.

Similar or equivalent words may be used to stress the hazard of the product.

All aerosol dispensers classified as Category 1 ('extremely flammable') or Category 2 ('flammable') according to the criteria in the edition of the GHS as adopted in the Model Work Health and Safety Regulations published by Safe Work Australia, shall display the following additional warnings, together with one of the symbols shown in Figure 1:

Extremely flammable / Flammable (as per GHS classification)
Do not spray on an open flame or other ignition source.
Keep out of the reach of children.

Similar or equivalent words may be used to stress the hazard of the product.

(a) GHS flame pictogram with red border

(b) GHS flame pictogram with black border

(c) UN Class 2 label in white with text

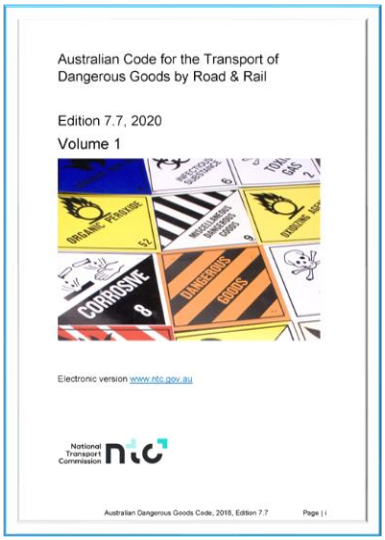
(d) UN Class 2 label in black with text

(e) UN Class 2 label in white without text

(f) UN Class 2 label in black without text

Figure 1.

The ADG Code



Edition 7.9 is the latest edition of the ADG Code. It can be used from 1 October 2024 and will be mandatory from 1 October 2025. ***Note: The commencement date in some States may differ, so check with your local competent authority.***

Until this latter date you can use Edition 7.8.

Note: Although ADG 7.5 dropped the general requirement for inner package marking, it and subsequent editions have retained the requirement for compliance with AS2278 "or an equivalent international or foreign standard" in Part 6 and so effectively maintain the labelling requirements for aerosols noted on pages 4 to 5.

WHERE TO GET IT

A PDF version of both Edition 7.8 and 7.9 of the Code is downloadable free of charge from https://www.ntc.gov.au/codes-and-guidelines/australian-dangerous-goods-code.

The DG Class Labels prescribed in the Code can also be downloaded from the above URL (expand the "Class Labels" section of the webpage).

The relationship between AS 2278 and the ADG

The ADG Code declares that aerosol containers MUST comply with AS 2278 "*or an equivalent international or foreign standard*" (cl. 6.2.4.0.1).

Overseas Standards

The ADG Code declares (see clause 1.2.3.2.4) that *"Where a numbered Australian Standard is referenced in this Code, a relevant international (ISO or equivalent) or foreign standard, code or rule will also be recognised in relation to imported material."*

THE METHODOLOGY FOR TESTING AEROSOL FLAMMABILITY

A detailed methodology for testing aerosol flammability - to complement the criteria detailed in the ADG Code and UN Model Regulations - is provided in the UN Manual of Tests and Criteria.

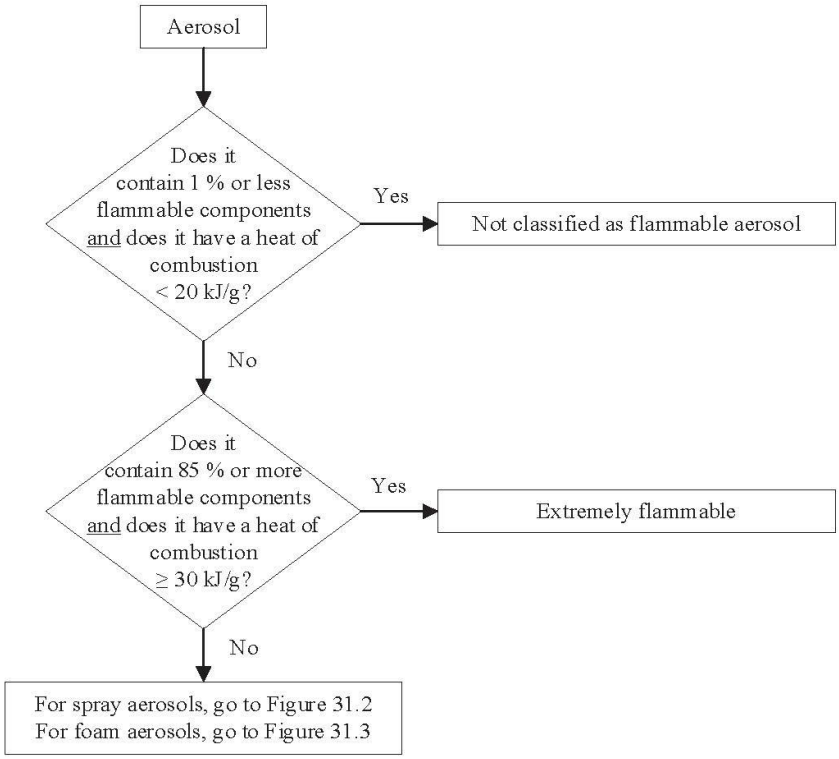
The 8th revised Edition of the Manual was published in November 2023 and can be downloaded free of charge from https://unece.org/sites/default/files/2024-09/ST_SG_AC.10_11_Rev.8e_WEB.pdf (it's on pages 347 - 360).

The criteria and methodology span 14 pages but the key decision logic is spelt out in the flow chart overleaf.

Note that unless you do the detailed tests laid out in the Manual, any aerosol with more than 1 percent flammable contents must be classified as "*Extremely Flammable*".

The flammability criteria for aerosol classification is the same for AS 2278.1, the ADG Code and the GHS (and hence the same for retail/consumer and workplace classification).

Figure 31.1: Overall procedure for classification of flammable aerosols



The decision tree in the UN Manual of Tests and Criteria – for the full criteria and figures 31.2 and 31.3, please refer to the full text (see URL above).

THE POISONS STANDARD ('SUSMP')

Some aerosols for retail / consumer use will also likely have additional warnings, labelling and First Aid Statements required by the Standard for the Uniform Scheduling of Medicines and Poisons or 'SUSMP' – known as the **'Poisons Standard'.**

For more information see
https://www.tga.gov.au/how-we-regulate/ingredients-and-scheduling-medicines-and-chemicals/poisons-standard-and-scheduling-medicines-and-chemicals/poisons-standard-susmp

The SUSMP is updated every 3 - 6 months. The latest edition can be downloaded from the above URL *(At time of writing, the latest edition is October 2024).*

The classification of aerosols is detailed in Special Provision 63 of the ADG Code:

> "The division of and the subsidiary risks depend on the nature of the contents of the aerosol dispenser. The following provisions apply:
>
> *(a) Division 2.1 applies if the contents include 85% by mass or more flammable components and the chemical heat of combustion is 30 kJ/g or more;*
>
> *(b) Division 2.2 applies if the contents contain 1% by mass or less flammable components and the heat of combustion is less than 20 kJ/g;*

(No. 2.1)
Division 2.1—
Flammable gases
Background: red
Symbol (flame) lines and text: black or white

(No. 2.2)
Division 2.2—
Non-flammable, non-toxic gases
Background: green
Symbol (gas cylinder) lines and text: black or white

> *(c) Otherwise the product must be classified as tested by the tests described in the Manual of Tests and Criteria, Part III, section 31. Extremely flammable and flammable aerosols must be classified in Division 2.1; non-flammable in Division 2.2;*
>
> *(d) Gases of Division 2.3 must not be used as a propellant in an aerosol dispenser;*

(e) Where the contents other than the propellant of aerosol dispensers to be ejected are classified as Division 6.1 packing groups II or III or Class 8 packing groups II or III, the aerosol will have a subsidiary risk of Division 6.1 or Class 8;

(f) Aerosols with contents meeting the criteria for packing group I for toxicity or corrosivity are prohibited from transport;

(g) Subsidiary risk labels may be required for air transport.

Flammable components are flammable liquids, flammable solids or flammable gases and gas mixtures as defined in Notes 1 to 3 of sub-section 31.1.3 of Part III of the Manual of Tests and Criteria. This designation does not cover pyrophoric, self-heating or water-reactive substances. The chemical heat of combustion must be determined by one of the following methods ASTM D 240, ISO/FDIS 13943: 1999 (E/F) 86.1 to 86.3 or NFPA 30B."

CONSUMER OR WORKPLACE?

A major consideration in determining the appropriate labelling for your aerosol product is whether it is a consumer (retail) product or a workplace one.

Consumer (retail) products MUST be labelled in accordance with the SUSMP (see above).

Products which you can reasonably foresee as ending up in workplaces and which are classified as 'Workplace Hazardous Chemicals' should be labelled in accordance with the relevant workplace labelling codes and legislation. (The concept of 'Workplace Hazardous Chemicals' replaces that of 'Hazardous Substances' contained in the previous workplace health and safety legislation and introduced GHS labelling to Australia.)

Since 1 January 2017 new workplace labelling requirements have been in place in Australia (this applies to goods manufactured or imported after this date).

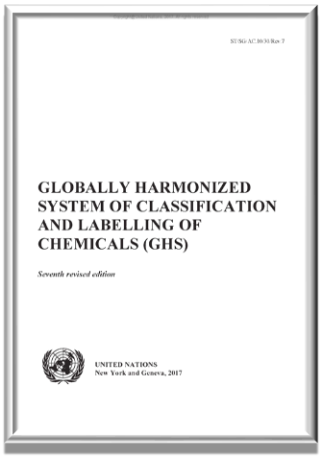
These requirements are detailed in State legislation based on various Models developed by Safe Work Australia. For more information see https://www.safeworkaustralia.gov.au/law-and-regulation#the-model-whs-laws .
The model WHS laws have been implemented in all jurisdictions except Victoria and you can read an analysis of local variations at https://www.safeworkaustralia.gov.au/doc/model-whs-act-cross-comparison-table .

As well as the Model Act and Regulations, Safe Work Australia has developed a number of model Codes of Practice. A Code of Practice is a practical guide on how to comply with your legal duties under the Work Health and Safety (WHS) Act and Regulations.

Importantly, an approved Code is automatically admissible as evidence in court proceedings under the WHS Act and Regulations.

Of relevance to working out the appropriate labels for your workplace products is the 'Model Code of Practice - Labelling of Workplace Hazardous Chemicals', which you can download from https://www.safeworkaustralia.gov.au/doc/model-code-practice-labelling-workplace-hazardous-chemicals.

On 1 January 2021 Australia began a two-year transition to the 7th revised edition of the GHS ('GHS 7').



Since 1 January 2023, GHS 7 must be used to classify and label hazardous chemicals though you don't have to re-label or dispose of any existing products that use GHS 3.

For more information, see the web resources at https://www.safeworkaustralia.gov.au/safety-topic/hazards/chemicals/classifying-chemicals/transition-ghs7

The model Work Health and Safety Regulations can be downloaded from https://www.safeworkaustralia.gov.au/law-and-regulation/legislation.

Note that the issue of 'dual use' (i.e. retail and workplace) products is problematic and ambiguities and subjective terminology abound.

The Safe Work Australia model Code of Practice declares that the requirements for workplace labelling do not apply to a hazardous chemical if:

> *"(a) the hazardous chemical is a consumer product that is labelled in accordance with the Standard for the Uniform Scheduling of Medicines and Poisons; and*
> *(b) the container for the hazardous chemical has its original label; and*
> *(c) it is reasonably foreseeable that the hazardous chemical will be used in a workplace only in:*
> *(i) a quantity that is consistent with household use; and*
> *(ii) a way that is consistent with household use; and*

(iii) a way that is incidental to the nature of the work carried out by a worker using the hazardous chemical."

The model Code of Practice does not apply to:

- therapeutic goods within the meaning of the Therapeutic Goods Act 1989 labelled to TGA requirements
- cosmetics and toiletries
- food and beverages (excl. bulk)

… and (workplace) AgVet products are only required to carry the hazard and precautionary statements prescribed in the model Code of Practice.

For more information on exempt products, see

https://www.safeworkaustralia.gov.au/safety-topic/hazards/chemicals/labelling-hazardous-chemicals/hazardous-chemicals-are-exempt-labelling-under-whs-regulations

WHAT IS REQUIRED?

The Legislation declares that:

"3 (1). A hazardous chemical is correctly labelled if the chemical is packed in a container that has a label in English including the following:

(a) the product identifier;
(b) the name, and the Australian address and business telephone number of:
(i) the manufacturer; or
(ii) the importer;
(c) for each ingredient of the chemical - the identity and proportion disclosed in accordance with Schedule 8;
(d) any hazard pictogram consistent with the correct classification of the chemical;
(e) any hazard statement, signal word and precautionary statement consistent with the correct classification of the chemical;
(f) any information about the hazards, first aid and emergency procedures relevant to the chemical, not otherwise included in the hazard statement or precautionary statement referred to in paragraph (e);
(g) if the chemical has an expiry date - the expiry date"*

*[*Note: The expiry date for a chemical must be provided, where, for example degradation or decomposition of the chemical may occur over time, with the result that the hazard classification of the chemical changes, or where the chemical is no longer within acceptable specifications for potency and*

stability. It should be grouped with any manufacturer or importer identification information and represented in sentence case text.]

WHAT ABOUT SMALL PACKAGES?

The legislation declares that if a hazardous chemical is packed in a container that is too small for a label attached to it to include all the information referred to in clause 3(1), it is correctly labelled if the chemical is packed in a container that has a label in English including the following:

> *"(a) the product identifier;*
> *(b) the name, and the Australian address and business telephone number of:*
> *(i) the manufacturer; or*
> *(ii) the importer;*
> *(c) a hazard pictogram or hazard statement consistent with the correct classification of the chemical;*
> *(d) any other information referred to in clause 3(1) that it is reasonably practicable to include."*

WHAT IS RECOMMENDED (as opposed to required)?

In addition to the minimum legal requirements detailed above, the model Code of Practice states:

> "The following additional information should also be included on the label, where available:
> - an emergency phone number, for specific poisons or treatment advice
> - the overseas name, address and telephone number of the manufacturer or supplier
> - a valid website or internet address
> - reference to the safety data sheet, for example a statement on the label that says: "*Additional information is listed in the safety data sheet*".

Workplace Labelling - Label Elements

- Signal words should be represented in bold and uppercase text.
- Hazard statements should be represented in bold and sentence case text.
- Precautionary statements should be printed in sentence case text.
- Related precautionary statements should be grouped together on a label to allow for ease of location.
- General precautionary statements such as:

  - If medical advice is needed, have product container or label at hand.
  - Keep out of reach of children.
  - Read label before use.

  should be located in a prominent position on the label, for example adjacent to the product identifier.
- Class labels recommended for the transport of dangerous goods as specified in the ADG Code may be used instead of the relevant hazard pictograms specified in the GHS [Never use both in the same label].
- The signal word, hazard pictograms and hazard statements should be grouped together in a prominent position on the label, and located either immediately following or adjacent to the product identifier and chemical ingredients.

The GHS pictograms can be downloaded from www.unece.org/trans/danger/publi/ghs/pictograms.html.

The model Code of Practice provides "guidance" on the minimum dimensions for hazard pictograms and text - see extract below:

4.2 Orientation and size of label elements

The text, hazard pictograms and other information on a label should be of a size and style that is easily legible and is appropriate to the size of the label and container.

The following table is provided as a guide for the minimum dimensions for hazard pictograms and sizes of text on containers of various capacities:

Container capacity	Minimum hazard pictogram dimensions	Minimum text size
≤ 500 mL	15 x 15 mm	2.5 mm
> 500 mL and ≤ 5 L	20 x 20 mm	3 mm
> 5 L and ≤ 25 L	50 x 50 mm	5 mm
≥ 25 L	100 x 100 mm	7 mm

Note 1: Refer to the ADG Code for marking requirements for dangerous goods being transported.

ADG LABELS VS. GHS LABELS?

Note that the model Code of Practice permits Class Labels recommended for the transport of dangerous goods as specified in the ADG Code to be used instead of the relevant hazard pictograms specified in the GHS.

WORKPLACE LABELLING – AEROSOL SPECIFICS

While the model Code of Practice uses the same flammability classification criteria as the ADG, it uses GHS-based signal words, phrases and classification categories.

The 3rd edition of the GHS text provided for two categories of flammable aerosols:

Table 2.3.1: Label elements for flammable aerosols

	Category 1	Category 2
Symbol	Flame	Flame
Signal word	Danger	Warning
Hazard statement	Extremely flammable aerosol	Flammable aerosol

Subsequent editions of the GHS text (i.e. from the 4th edition onwards) were amended to make it clear that aerosols did not also fall under the 'Gases Under Pressure' chapter and hence added provision for non-flammable ('Category 3') aerosols in the aerosol chapter **and an additional Hazard Statement (H229) "*Pressurized container: may burst if heated*", which replaced H280 ("*Contains gas under pressure: may explode if heated*") which was required of Gases Under Pressure in earlier editions.**

Below is the table from the 7th edition of the GHS text, which currently applies in Australia (and New Zealand):

Table 2.3.1: Label elements for aerosols

	Category 1	Category 2	Category 3
Symbol	Flame	Flame	*No symbol*
Signal word	Danger	Warning	Warning
Hazard statement	Extremely flammable aerosol Pressurized container: May burst if heated	Flammable aerosol Pressurized container: May burst if heated	Pressurized container: May burst if heated

COMMUNICATING WITH THE CONSUMER - GENERAL LABELLING REQUIREMENTS

Australian weight (measurement) marking requirements are nationally uniform and enforced by the National Measurement Institute or 'NMI' (https://www.industry.gov.au/policies-and-initiatives/national-measurement-institute).

They are detailed in the National Measurement Act 1960 https://www.legislation.gov.au/C1960A00064/latest/text and the National Trade Measurement Regulations 2009 (www.comlaw.gov.au/Series/F2009L03479).

For a quick overview of the requirements for packaged goods, see https://www.industry.gov.au/data-and-publications/guide-to-the-sale-of-pre-packaged-goods .

WHAT IS REQUIRED?

All pre-packages must be labelled with a quantity and - for locally packed products - the name and Australian street address of the person who packed the product or on whose behalf it was packed.

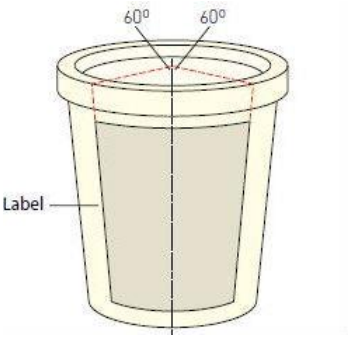
This applies to non-transparent outer packages - such as gift packs - also (unless the packaging is for transportation only) i.e. the measurement marking on each of the inner packages must be clearly visible through the packaging of the outer package.

For articles packed in Australia*, the name and address of the packer (or the person on whose behalf it was packed) must be clearly marked on the package.

The address must be a street address within Australia. [Post office boxes, email and website addresses are not permitted as substitutes for street addresses.]

Trade measurement laws do not prescribe the size or location of the name and address of the packer, but the details should be clear and legible.

**There is an exemption in the National Trade Measurement Regulations 2009 for imports (cl. 4.8(d).*



For aerosols, the net contents by mass are required to be marked in grams on the centre front of the can (this statement must be wholly contained within a 60 degree arc either side of a line drawn vertically through the centre of the main display panel).

This weight marking must be marked to be read in the same direction as any name or brand of the product to which it relates [Reg 4.11].

Dual marking with volume in ml also is allowed so long as the volume marking is not more prominent than the mass marking.

A measurement marking on a package must be made on the principal display panel which is defined as "the part of the package that is most likely to be displayed under normal and customary conditions of display".

It must be marked in a way that will be:

(a) clear; and

(b) conspicuous; and

(c) readily seen and easily read when the product is exposed for sale in the manner in which it is supposed to be exposed for sale.

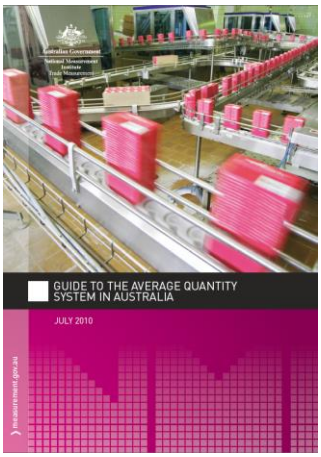
MINIMUM SIZE OF THE MARKING

Item	If the maximum dimension of the package is …	the minimum height of the characters is …
1	120 mm or less	2.0 mm
2	Over 120 mm but not over 230 mm	2.5 mm
3	Over 230 mm but not over 360 mm	3.3 mm
4	Over 360 mm	4.8 mm

NOTE: for cylindrical packages, the maximum dimension is the greater of the height, length or diameter of the package

With regards to enforcing accurate measurement, there are two possible systems to follow:

The average system (developed within Australia, pre-2010):



> *'the average content in a sample of prepacked articles of the same kind and measurement cannot be less than the stated quantity marked on the packages; no prepacked article can have a shortfall greater than 5% of the stated quantity; and the permissible average deficiency in a sample of 12 or more articles is nil'*

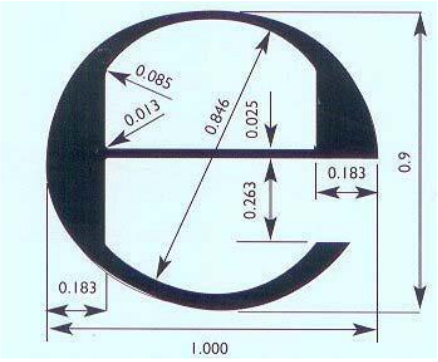
… OR

The Average Quantity System (as per OIML R87):

> *'the average net content in a sample from the production run of prepacked articles cannot be less than the stated quantity marked on the packages; allowance is made for a small number of prepackages to exceed a 'tolerable deficiency'; and none of the prepackages in the sample can have more than twice the prescribed tolerable deficiency'*

The option of following the AQS is especially attractive to companies who may produce goods for export to markets which use the AQS. For more detail on the AQS, see https://www.industry.gov.au/data-and-publications/guide-to-the-average-quantity-system-in-australia and (in PDF format): https://www.industry.gov.au/sites/default/files/2019-04/guide-to-the-average-quantity-system.pdf .

If you choose to adopt the AQS in your business, your pre-packed articles must be marked with the AQS e-mark [below]:



According to the National Trade Measurement Regulations 2009, the AQS mark means a letter "e":

(a) presented as a letter at least 3 mm high; and
(b) in the form set out in Schedule 3.

It must also be close in position to the stated quantity and in the same field of vision.

For more information (including downloads of the e-mark), see:
https://www.industry.gov.au/publications/guide-average-quantity-system-australia

The Australian Consumer Law and the ACCC

Marketers need to ensure that their labelling complies with the Australian Competition Law.

It is unlawful for a business to make statements in trade or commerce that:

- are misleading or deceptive, or
- are likely to mislead or deceive.

All claims should be accurate and able to be substantiated but you should be especially careful to pay attention to country of origin and environmental claims (including those relating to the recyclability of a product). For more information, see www.accc.gov.au/publications/advertising-selling.

Country of Origin Labelling

There has been extensive public debate and ACCC enforcement activity related to 'Australian Made' (and similar) claims, especially where safety - including food safety concerns - are involved.

There are two key concepts which must be addressed in determining the accuracy – and hence compliance – of any 'Made in ...' claims:

- Goods must be substantially transformed in that country; and
- The cost of producing or manufacturing goods must be calculated and a set threshold met.

To meet the later test, 50% or more of the total cost of producing or manufacturing the goods must be incurred in the claimed country of origin.

Cost includes:

- Materials (incl. purchase price, overseas freight & insurance, port & clearance charges, transport to retail outlet).
- Labour (incl. wages & employee benefits, supervision & training, quality control, packing, handling and storing goods).
- Overheads (inspection & testing of goods, insurance & leasing of equipment, vehicle expenses, storage of goods at the factory).

You should also note that imagery or other labelling elements (such as a map of Australia, etc.) can be considered misleading if they are at variance with the origin of the product.

For more information – including detailed guidance on calculating the cost of producing goods – see www.accc.gov.au/publications/country-of-origin-claims-the-australian-consumer-law.

In many cases and with the increasingly global nature of manufacture, a 'qualified' claim may be the best – for example *'Made in Australia using local and imported components/ingredients'*.

Note that more prescriptive country of origin labelling is required of retail food products – see https://www.accc.gov.au/business/advertising-promoting-your-business/country-of-origin-claims/country-of-origin-food-labelling

OTHER LEGISLATIVE REQUIREMENTS

While the Australian Consumer Law is largely concerned with claims of local manufacture, the Commerce (Trade Descriptions) Regulation 2016 [made under the Commerce (Trade Descriptions) Act of 1905] requires labelling of country of manufacture on a wide range of imported goods.

The Act and Regulations are enforced by Customs and can be downloaded (respectively) from www.comlaw.gov.au/Series/C1905A00016 and https://www.legislation.gov.au/Series/F2016L01907 .

Under this legislation, goods subject to the regulations must bear a 'trade description', marked on the packages in which the goods are packed, which sets out *"the name of the country in which the goods were made or produced"*. Note: the 2016 Regulations also include, for the purpose of imported food, requirements contained in Division 2 of the Country of Origin Food Labelling Information Standard 2016 so that they form part of the trade description requirements, hence matching the labelling requirements for domestically produced food products.

Environmental Claims

Another area which may find you falling foul of the ACCC, is that of environmental claims.

The same general principles of the ACL apply: businesses must not mislead or deceive consumers or make false or misleading representations.

The best way to ensure that any claims you make about the environmental credentials of your product are compliant is to substantiate them, detailing why your product is more environmentally preferable than similar ones in the market. Broad brush, unsubstantiated and unqualified claims such as 'environmentally friendly', 'earth friendly', etc. should be avoided.

On 12 December 2023 the ACCC published new guidelines to help businesses avoid claims of 'greenwashing' - see https://www.accc.gov.au/system/files/greenwashing-guidelines.pdf .

'CFC FREE' CLAIMS

CFCs have not been permitted in local aerosols (with a few carefully regulated exceptions) since 1989.

The ACCC makes it clear that environmental claims should only be made where there is a genuine benefit or advantage. You should not advertise environmental benefits where they are irrelevant, insignificant or in the ACC's words *"simply advertise the observance of existing law"*.

In its guide to environmental claims (see URL below) the ACCC notes (p.10) that *"A claim which may be relevant at one time can become less relevant and ultimately meaningless over time and therefore potentially misleading. One example is claims such as 'CFC free', as no other competing products now contain CFCs because authorities prohibit their use in almost all aerosols"*.

For more information, see www.accc.gov.au/publications/green-marketing-and-the-australian-consumer-law.

RECYCLING CLAIMS AND LOGOS

Increasingly marketers are keen to signal the recyclability of their packaging and/or the use of recycled content in its production.

These claims (and the use of symbols and logos like the Mobius loop symbol) can be misleading if the product is not recyclable or if the facilities to recycle them are not available in Australia.

The ACCC advises that things to consider include:

- Has the whole product been recycled (re-used or reconditioned) or has it been produced from recycled material?
- If the latter, what proportion of the product is made from recycled material?
- Was the material recycled from 'post-consumer' waste (e.g. household recycling) or was it recovered from the waste stream during manufacture?
- Is the product itself recycled or only the packaging?

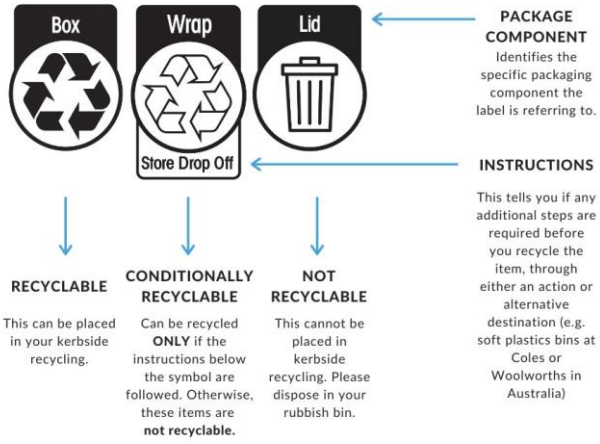
WHERE TO GET MORE INFORMATION ON PACKAGE RECYCLING?

The Australian Packaging Covenant Organisation produces annual data on national packaging recovery recycling rates.

At time of writing, the latest data is for the period 2021-22 – see: https://documents.packagingcovenant.org.au/public-documents/APCO%20Australian%20Packaging%20Consumption%20And%20Recovery%20Data%202021-22 while information on population access to recycling is available from the Planet Ark Environmental Foundation, who organise the annual National Recycling Week and also operate the 'Recycling Near You' phone and web-based information service (www.recyclingnearyou.com.au).

Signatories to the Australian Packaging Covenant will also be familiar with 'PREP'. The Packaging Recyclability Evaluation Portal ('PREP') is an online tool that has been developed to help reduce confusion about the recyclability of different packaging products.

It is used to underpin claims on the **Australasian Recycling Label** (see https://apco.org.au/the-australasian-recycling-label).



The tool combines two forms of evaluation:

- An item's technical recyclability, as ascertained through consultation with materials recycling facility operators and re-processors.
- The degree of access to kerbside recycling services for the item, as established using the information compiled for www.recyclingnearyou.com.au.

For more information, see www.prep.org.au.

Voluntary (Recommended) Markings

WARNING AGAINST INHALATION / VOLATILE SUBSTANCE MISUSE

The Association strongly recommends that ALL aerosols be labelled with a prominent warning against Volatile Substance Misuse such as

"WARNING: INTENTIONAL MISUSE BY DELIBERATELY CONCENTRATING AND INHALING CONTENTS CAN BE HARMFUL OR FATAL."

This warning should be applied to ALL aerosol products regardless of propellant so as not to 'flag' or signpost products liable to misuse.

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