

Be treatwise®
Enjoy a balanced diet

***Be treatwise®* Style Guide**



April 2016



Version	Location	Change	Date
V2	Page 3	Agreement between The Confectionery Trust and New Zealand Food and Grocery Council for mutual recognition of the trade marks.	April 2016
	Page 5	Remove option to fax licence application.	
	Page 8	Reference in the footnote to legibility requirements in the Australia New Zealand Food Standards Code is updated to align with revised Food Standards Code which came into effect on 1 March 2016.	
	Page 9	Fax contacts at Ai Group are removed	
	Page 10	Reference to Standard 1.2.9 in Appendix C is removed.	

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Trustee: Confectionery BTW Pty Ltd

This **Be treatwise**[®] Style Guide is published by the Confectionery Trust, a special purpose trust established by The Australian Industry Group (Ai Group) for the Australian confectionery industry.

Disclaimer:

This Style Guide relates solely to the use of the registered Australian trade mark, *Be treatwise*[®]. This document may be updated from time to time and made available in conjunction with the Licence to use the trade mark, from the website www.betreatwise.info.

The Confectionery Trust and Ai Group, encourages implementation of the trademark **Be treatwise**[®] as an industry symbol of responsible consumption of confectionery. It is not a mandated or certified trade mark under Australian laws and must be used with the (free) Licence (contained in this Style Guide and on the website). It may also be used in conjunction with any published policies and guidelines issued by Ai Group to its membership relating to voluntary standards, regulatory matters and promotional material for the confectionery industry in Australia.

Confectionery manufacturers in New Zealand who wish to avail themselves of the same trade mark registered in New Zealand must contact the [New Zealand Food and Grocery Council](#) (NZFGC) in New Zealand for use and licensing options.

The Confectionery Trust and the NZFGC have determined mutual recognition of the use of the trade marks as licensed in each country, in the other's country respectively, in connection with product (ie on pack labelling) or promotion (ie off pack messaging).

The publisher has produced this document with all reasonable care and skill and references to any regulation or statute in this document is accurate as at the date of publication. However, none of Confectionery BTW Pty Ltd, Ai Group, the trustees, beneficiaries, officers or employees of either of them accepts any liability for any misstatement or error in the Style Guide and shall not be liable for any loss, claim, expense or cost incurred as a result of use of this publication or the trade mark.

1. The Trade Mark

Be treatwise[®] is a registered trade mark in Australia¹ now owned by a special purpose Trust (the Confectionery Trust), which was established in 2012 by The Australian Industry Group (Ai Group) when it acquired the mark from Confectionery Manufacturers of Australasia Limited (CMA).

The trustee of the Confectionery Trust, Confectionery BTW Pty Ltd, licenses the use of the trade mark for free, subject to compliance with the terms of the Licence and this Style Guide (both of which are published under the 'Industry' pages of the Trust's website – www.betreatwise.info). The trade mark's inherent message is one of **responsible consumption**. The Trust recognises that this message is appropriate only for products intended to be consumed as confectionery².

Ai Group, which wholly owns the Trustee company, administers both the Trust and the Confectionery Advocacy Group (the unit holders of the Trust, and who are members of Ai Group's Confectionery Sector). Ai Group's Confectionery Sector worked closely with the Trust in the development of this Style Guide.

Licensees are encouraged to become members of Ai Group (email: membership@aigroup.com.au) to take full advantage of the guidelines, policies and events that have been developed for the industry. These include guidance for the confectionery industry on the implementation of the voluntary [Health Star Rating System](#) (HSR System) – which commenced late June 2014 – and participation in Ai Group's *ConTech@* – the industry's annual Australasian technical conference. Details of membership and industry services are available on the [Ai Group website](#) or from the Ai Group Confectionery Sector Member Relations Executive (email: confectionery@aigroup.com.au).

Licensees are advised that the trade mark, **Be treatwise**[®], is a globally recognised trade mark due to the network of registration and licensing mechanisms that promote the mark and its message in major consumer countries. This Style Guide relates only to the Australian registered mark owned by the Trust – the mark is registered under different ownerships in several countries and may have very different user guides and regulatory licencing requirements. Details of relevant contacts in those places can be obtained from confectionery@aigroup.com.au.

Licensing of the trade mark is one aspect of an entire program initiated by Ai Group to help develop and support the confectionery industry while playing a key role in the education of consumers of confectionery. The website www.betreatwise.info is a resource for industry and consumers. It is managed by Ai Group for the Trust, and its content is primarily sourced from Ai Group's policy development team in that sector.

Ai Group has also incorporated the trade mark into its **Be treatwise**[®] program, which is an industry-led initiative to explain the place confectionery has as part of a balanced diet and active lifestyle. For Licensees of the trade mark, who are also members of Ai Group, Ai Group has developed guidance with respect to the government-led voluntary HSR System which, when used with the **Be treatwise**[®]

¹ Originally registered by Cadbury UK in various jurisdictions.

² The term **confectionery** refers to chocolates, sugar-based lollies and gum. While often associated with being rich in sugar, the definition of confectionery include products that replace sugar with sugar substitutes (low joule or have no added sugar(s)), and may incorporate other food elements and inclusions. Confectionery differs from other foods in that:

- it is equally purchased for self-consumption, to be shared or given as a gift;
- it is not a meal replacement or a food that forms part of a meal; and
- in most cases, chewing gum excepted, is a treat food.

While not an exhaustive list, confectionery includes hard boiled sweets (suckers, lollipops, jaw breakers), soft lollies (fudge, toffee, Turkish delight, marshmallow, liquorice, jubes, jellies, gummies), chocolate (bars, boxed, blocks, novelties) and chewing/bubble gum, with or without sugar(s). The term does not generally apply to cakes, biscuits, puddings, spreads or drinks.

trade mark, can strengthen the message from the industry. Alternate voluntary front-of-pack labelling systems, such as the food industry [Daily Intake Guide](#) (DIG), may also co-exist with the HSR System.

Note: *The confectionery industry guidance to the HSR System does not form part of this Style Guide in so far as the HSR System is not related to the trade mark licence itself. Licensed use of the trade mark with the HSR System energy icon is encouraged by the industry, provided that the confectionery industry guidance to the HSR System is not to be taken as any endorsement, code of practice, mandatory or voluntary standard or regulation. These are only policy guidelines developed by the Confectionery Sector of Ai Group for Australian manufacturers in respect of the Australian HSR System and the front-of-pack labelling recommendations of that group. Licensees must make their own assessments and decisions in relation to whether or not to adopt the voluntary HSR System in Australia and if so, how they should use the System for their own products.*

2. Who can use *Be treatwise*®

The licence to use the trade mark is free to all eligible participants in the industry who wish to promote and encourage the responsible consumption of confectionery and confectionery-related treats in Australia. This includes responsible serve sizes and marketing activities. The *Be treatwise*® message is designed to help explain the place of confectionery as part of a healthy balanced diet and active lifestyle.

It can also be sub-licensed to retailers, sub-contractors, packaging and freight service bodies without cost. It's a key part of a developing packaging landscape for the confectionery industry across a number of countries, including New Zealand. Both Ai Group's Confectionery Sector and the Confectionery Trust commend the use of the trade mark to all participants of the industry.

Applicants must complete the application for licence and acknowledge they have read and agreed to comply with the terms of this Style Guide. Applicants must sign both the application for licence and the Licence Agreement and submit both documents either by email or post to any of the contacts listed in Appendix A.

To comply with trade mark registration requirements, the Trust must keep a note of all those persons licensed to use the trade mark, even though the licence is free.

Note: *You must also notify us (by way of the notice) either in the application or subsequently if you want to also sub-license to retailers, packagers, sub-contractors or others involved in the industry and distribution of your product, and you must keep records of the persons entitled to use the trade mark. Should an unlicensed person use the trade mark, your records of authorised suppliers and contractors who have been allowed to use the trade mark only for your purposes, will help the Trust to isolate and identify the unauthorised user for the Trust's enforcement purposes, and also help to avoid unnecessary action against a head licensee.*

The return of the Licence Agreement duly signed by the Trust, accompanied by the authorised artwork for the trade mark, will be your record of the licence (and any sub-licences identified at the time).

There is no fee or royalty for the licence, although licensees, by signing the application form and the licence, agree to be bound by its terms and conditions and any additional or altered terms governing the trade mark use, that may be notified to licensees from time to time. Notifications of changes will only be provided on the [Be treatwise® website](#) and to the email address appearing in each licence.

Note: *should you*

- *dispose of the business;*
- *transfer any part of the business;*
- *cease the confectionery business; or*
- *acquire a new company or manufacturer of confectionery*

that uses the licence (including when you change contractors or packagers or retailers), then you must try to keep us notified of these changes to details so that our records can be properly maintained. We may contact the person identified in the Licence Agreement from time to time to update those records as may be desirable.

Copies of the Licence Agreement, Application and Notice forms are available on the 'Industry' page of the [Be treatwise® website](#).

3. How to use Be treatwise®

Be treatwise® is a registered trade mark in Australia under Class 30, as identified in Appendix B.

Within Class 30, the purpose of **Be treatwise®** is for the promotion and encouragement of responsible consumption of confectionery and confectionery-related treats.

Note: *Classes of registration are regulated and governed by IP Australia. The scope or content of a class may be altered by the regulator from time to time. Any changes that affect the use of the trade mark will be notified in the same manner as changes to this Style Guide.*

Correspondence and communications in text

The symbol for registration ® must be used on all correspondence and other communications, promotional and advertising material on which the trade mark is used in text, as it is represented in Figure 1.

Figure 1:

Be treatwise®

Note: *The size of the registration of the trade mark symbol in printed material may vary depending on the print technology used – however, it is preferable to include the symbol, despite some loss of legibility.*

Products and packaging

The Trust has expressly authorised on-pack stylisation which uses the depiction of the **Be treatwise**[®] graphic as follows:

- in black and white (which may be reversed depending on the background) (Figure 2);
- in colour (any colour is permitted to be used for best design purposes and prominence, such as colours from the existing printing palette or monochrome with contrasting background and text to maximise legibility. The use of red, amber or green are not recommended, unless they are the primary colour of the pack);
- the word 'treat' may be differentiated in colour from 'Be' and 'wise' (which should be in the same colour) (Figure 3);
- with a new tagline – '**Enjoy a balanced diet**' directly underneath the trade mark; and
- all enclosed in a capsule (Figures 2 and 3).

Figure 2:



Figure 3:



The aim is for the **Be treatwise**[®] message to be noticed – it is a front-of-pack message that provides a visual cue to consumers to be mindful and aware of the place confectionery has as part of a balanced diet and active lifestyle.

Note: Some companies may choose to place the graphic on back of pack and this is preferable to not using it at all.

Note: The Confectionery Trust recently approved the new tagline 'Enjoy a balanced diet' (which will be progressively adopted into the market). Over the initial implementation period the original tagline 'Get to know your %DI' and the new tagline may both appear in the Australian market.

Format and legibility

Adopters of **Be treatwise**[®] should consider the size and placement of the graphic in the context of the pack size. In addition, legibility is required³. For guidance purposes with respect to size, legibility of the **Be treatwise**[®] graphic is likely to be achieved in the range of 22mm to 45mm wide.

The Australia New Zealand Food Standards Code already exempts small packages (surface area less than 100cm²) from the mandatory nutrition information panel (NIP), unless a claim is made⁴. Industry may choose to exempt small packs from **Be treatwise**[®], based on pack limitations and legibility, however this is not mandatory⁵.

Gifting, seasonal and gum are different segments and have purchase motivations different to that of treating and so are not generally expected to adopt **Be treatwise**[®].

In addition to space limitations, there is also an appreciation of the challenges for companies, (often smaller companies), where generic packaging, low automated processes and high degree of manual handling is involved.

See Appendix C for design specifications.

³ Australia New Zealand Food Standards Code – Standard 1.2.1 – Requirements to have labels or otherwise provide information, Division 6, Clause 24 and 25

⁴ Australia New Zealand Food Standards Code – Standard 1.2.8 – Nutrition Information Requirements

⁵ The International Food & Beverage Alliance principles for a global approach to fact-based nutrition labelling – principle number 2 – calls for energy per serve on the front of pack where feasible and appropriate, in addition to the nutrition information panel on back of pack, which in Australia and New Zealand is mandatory. Small packs and foods with a seasonal, luxury, gifting or fancy design, shape or packaging including assortments are exempt from this principle. Refer:

<https://www.ifballiance.org/commitment-2-nutrition-information-consumers.html>

4. Appendices

Appendix A : Contacts

Enquiries concerning the activities of the Trust, licences for the trade mark, implementation of **Be treatwise**[®] and records of licensees:

Technical & Regulatory Manager
Confectionery Sector
The Australian Industry Group
Level 2, 441 St Kilda Road, Melbourne VICTORIA 3004
Australia
Tel: +61 3 98670181
Email: confectionery@aigroup.com.au
Web: www.betreatwise.info

Enquiries concerning membership of Ai Group:

Member Relations Executive
Confectionery Sector
The Australian Industry Group
Level 2, 441 St Kilda Road, Melbourne VICTORIA 3004
Australia
Tel: +61 3 98670147
Email: confectionery@aigroup.com.au
Web: www.aigroup.com.au

Enquiries concerning the **Be treatwise**[®] trade mark in New Zealand:

New Zealand Food & Grocery Council
PO Box 25-420
Wellington 6146
Tel: +64 (0)4 4707725
Email: admin@fgc.org.nz
Web: www.fgc.org.nz

Appendix B : IP Australia trade mark classification

Class 30: *Non-medicated confectionery; chocolate; chocolate confectionery; sugar confectionery; frozen confectionery; chilled confectionery and desserts; ice creams; cakes, biscuits and wafers; food drinks; chewing gum.*

Appendix C : Design specifications

The **Be treatwise**[®] graphic:

- is expected to be placed on the front facing of retail packs, wherever practicable;
- is available in EPS, JPEG and PDS format in black, blue, colour and greyscale;
- may use any colour for best design purposes and prominence, such as colours from the existing printing palette or monochrome with contrasting background and text to maximise legibility. The word 'treat' may be differentiated in colour from 'Be' and 'wise' (which should be in the same colour);
- must not impinge on compliance obligations under the National Trade Measurement Regulations to mark pre-packed retail food products with a weight, volume or count measurement marking which must also be front of pack and is subject to minimum size, minimum separation and other presentation requirements;
- needs to be consistent with any provisions of the Australia New Zealand Food Standards Code, including legibility requirements; and
- although voluntary, confectionery companies that choose to adopt are encouraged to do so consistently across their product range.

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