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Memo

17/09/2008

From:

Ben Mooney, General Manager, The Yarra Valley Dairy Pty Ltd Reg Est # 1433

To:

FSANZ

Re:

Submission to FSANZ: Proposal P1007 Primary Production and Processing Requirements for Raw Mil Products

Summary

Food manufacturers have a responsibility to produce safe food and the FSANZ Standards should facilitate this. The current food standards as they relate to the processing requirements are satisfactory and the major problems that small speciality cheese manufacturer's face comes from convincing regulators that handmade cheeses are as safe as or safer than high tech process/control operations. This difficulty arises due to the unfamiliarity of regulators and their auditors with small scale and speciality production.

Where dairy products are not safe to eat then they should not be allowed to be sold. However, if the dairy products are safe to eat they should require no additional declaration. Declarations on dairy products that they are "Unpasteurised" or require boiling before consumption to be safe - to the extent that they are a compromise between regulators and manufacturers, are not sufficient a protection of consumers, are irresponsible and should not be allowed to continue

Argument

All food manufactures have a responsibility to produce food that is safe to eat and the food standards code should assist and facilitate this goal. Under the Trade Practices act food must be fit for human consumption and the Food Standards Code should not compromise or confuse this obligation.

Objections are occasionally raised that food safety requirements are onerous and act to prevent small manufacturers from participating in the market. This argument boils down to a statement that it is just too expensive, or too hard, to implement the sort of systems that ensure safe food. Clearly this is unacceptable; in the event of an outbreak of food

HAND MADE FARMHOUSE CHEESE



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bourne disease could a manufacturer really argue that, "Its OK that people got sick because we didn't want to spend the money on a safer system." Society would not accept this argument from a larger business so why should it accept this from a smaller business?

The major problem that small manufacturers encounter with food regulation is not with the general objectives of food standards – ie the production of safe food, but rather the interpretation of these standards by regulators and their auditors. Many, but not all, auditors have never had experience of small scale food production but have had their working experience in extremely large and automated processors. They are unfamiliar and uncomfortable in a small scale environment and seem to have an innate distrust of hand made production. This is despite the fact that small scale and hand made production can achieve higher levels of food safety outcomes than an automated process. It is easier for an auditor to put their faith into a big shiny machine than the skill and judgement of an artisan producer.

The simplest solution to resolving these two concerns is for manufacturers, regulators and auditors to focus on food safety outcomes rather than proscribed processes. The current version of the Food Standards code seems to address this for example, for the processing of Milk the code states;

16 Processing of dairy products to make cheese and cheese products

Milk or dairy products used to make cheese or cheese products must be processed –

- (a) in accordance with subclause 15(1); or
- (b) by being held at a temperature of no less than 62°C for a period of no less than 15 seconds, and the cheese or cheese product stored at a temperature of no less than 2°C for a period of 90 days from the date of processing; or
- (c) such that –
 - (i) the curd is heated to a temperature of no less than 48°C; and
 - (ii) the cheese or cheese product has a moisture content of less than 36%, after being stored at a temperature of no less than 10°C for a period of no less than 6 months from the date of processing; or
- (d) in accordance with clause 1 of Standard 4.2.4A.

Subclause 15(1) says;

- (1) Milk must be pasteurised by –
 - (a) heating to a temperature of no less than 72°C and retaining at such temperature for no less than 15 seconds; or
 - (b) heating, using any other time and temperature combination of equivalent or greater lethal effect on any pathogenic micro-organisms in the milk; or
 - (c) using any other process that provides an equivalent or greater lethal effect on any pathogenic micro-organisms;



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This is outcomes based approach and the standard is satisfied as long as pathogenic micro-organisms are killed. As a manufacturer I believe that this is the most appropriate standard for the production of cheese; of course pasteurisation is not sufficient in and of itself to ensure food safety but the many other aspects of food safety are not the subject of this proposal.

The difficulty for the proponents of “raw milk” cheeses is that whatever change to the wording of the standard is made, the effect of any process that results in cheese must be the same as outlined in the current standard; i.e. Whatever process is used the outcome must be the destruction of pathogens.

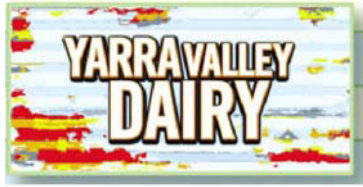
The footnote on page 2 of the proposal provides a definition taken from Codex Code of Hygienic Practice for Milk and Milk Products CAC/RCP 57-2004. This definition is:

‘milk which has not been heated beyond 40°C or undergone any treatment that has an equivalent effect’.

In effect, whatever process is used to destroy pathogens the remaining milk can not be considered “raw”. Therefore the debate about “raw milk” cheese is likely to continue beyond any review of the Food Standards Code. However, my understanding is that most proponents of “raw milk” cheese could be more properly characterised as “anti-pasteurisation” in that they would consider a cheese that has not been heated to 72 degrees for 15 seconds as an acceptable product. And clearly the current standard allows for this sort of product to be produced.

Despite the flexibility provided within the existing code I am not aware of any production of unpasteurised milk cheeses. Although there may be manufacturers of hard cheeses that do produce products under Standard 4.3.4 Division 4 Clause 16 (b) and (c) that do not disclose their product as “unpasteurised”:

Clause 16 and section (c) of clause 15 allows for other process’ than pasteurisation as long as they achieve the outcome of the destruction of pathogens. This should allow small manufacturers to establish production process that do not include pasteurisation but deliver the required outcome. In practice however this is a difficult argument to make to an auditor and providing a scientific proof that a particular process always leads to the destruction of pathogens is beyond the resources of any small manufacturer. Additionally, speaking for myself, the benefits or un-pasteurisation have become increasingly unclear as my knowledge of cheesemaking has developed and I explore production methods. For example, the French blue cheese Blue d’Auvergne, the first cheese to be recognised with an AOC, is not only pasteurised for 78 degrees C /20 seconds (ie significantly higher and longer than the FSANZ standard) it is then subsequently pasteurised or thermised a second time. As a result of the difficulties arguing a case for not pasteurising milk and the unclear benefits of non- pasteurisation I believe that small manufacturers take the path of least resistance.



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National Consistency:

Obviously this is desirable to avoid some of the more absurd results of regulations such as raw goat milk being considered a food in NSW and not a food in Victoria. However, there will remain the problem of harmonising FSANZ standards and AQIS requirements for exporters.

Use of Labelling:

It is unacceptable for regulatory authorities to fudge this issue. Various state bodies allow the sale of raw milk provided that a declaration is made on the label. For example, in SA there is a declaration on the label to "Boil Before Consumption"; in QLD it is "Caution – This milk is an unpasteurised product and may contain organisms that could be injurious to health" and in NSW it is simply that the product is unpasteurised. These declarations are an admission by the state regulatory bodies that they consider that a risk exists in the products and that the milk is not fit to drink as it stands and yet the regulatory bodies still allow the products to be sold. What about consumers who are non-english speaking, illiterate or blind? Is it acceptable that these people to be exposed to this risk? What percentage of the population understands the phrase "Unpasteurised Product" and is able to make an informed choice about this product and the food safety risk it poses? Either the food is fit to eat or it isn't and such declarations do not remove a food manufactures responsibilities under the Trade Practices Act to produce food that is fit for human consumption. The question these state regulators need to be asked is, would they their children and aged parents these products; and if not, why do they allow them to be sold.

If this declaration of "unpasteurised Product" is sufficient then why not let un-licensed manufacturers sell their goods as long as the manufacturers make the declaration on the label that the goods "are not manufactured in a licensed facility"

These declarations are clearly unsatisfactory and not in the interested of either consumers or manufacturers.

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