

Comments from the Victorian Departments of Health & Human Services and Economic Development, Jobs, Transport & Resources

Due date of submission – 4 March 2016

The Victorian Departments of Health & Human Services and Economic Development, Jobs, Transport & Resources (the departments) welcome the opportunity to provide comments on Proposal P1041 – Removal of Country of Origin Labelling Requirements (the Proposal).

From the FSANZ assessment report it is understood that:

- The purpose of the Proposal is to remove country of origin labelling (CoOL) requirements from the Australia New Zealand Food Standards Code (the Code) to enable a new CoOL system, proposed by the Commonwealth Government, to be included under the Australian Consumer Law (ACL).
- The scope of the consultation is restricted to the removal of CoOL requirements from the Code.

The departments are of the view that CoOL is a consumer information issue and not a food safety issue, and that it should therefore fall under the ACL.

The current requirements in the Code (particularly regarding 'made from local and imported ingredients') coupled with the safe harbours in the ACL regarding 'made in' and 'product of', were the source of confusion for consumers, industry and enforcement agencies. The proposed ACL CoOL requirements seek to address these issues by removing the 'cost' elements in the current ACL and providing clarity around Australian content claims.

However:

- In terms of prominence on the label, the proposed requirements around logos and bar charts would in effect reverse the 'labelling hierarchy' recommended by the Blewett review of food labelling and supported, in principle, by health Ministers. That hierarchy grants the greatest priority to food safety and preventative health information, and the least to consumer values information. Any disproportionate prominence that is given to country of origin labels may also perpetuate misunderstanding about their significance or relevance to food safety.
- Most foods will be required to have the new CoOL labelling, including fresh and processed fruit and vegetables, meat, seafood and manufactured foods. Soft drinks, confectionary and other 'non-priority' foods will not incur the additional labelling costs, as they are not required to be labelled. This offers these less healthy foods a price advantage, and may serve to counteract jurisdictional programs designed to promote healthier food choices by consumers.
- It is understood that, at the time of writing, the Commonwealth Department of Industry, Innovation and Science has not yet finalised the draft decision regulation impact statement nor the drafting of the proposed ACL information standard. The departments are therefore unaware of whether or not our concerns have been addressed.