



NEW ZEALAND JUICE & BEVERAGE ASSOCIATION

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Submission on PROPOSAL P298

BENZOATE AND SULPHITE PERMISSIONS IN FOOD By the NZJBA (New Zealand Juice and Beverage Association)

The New Zealand Juice and Beverage Association (hereafter NZJBA) value this opportunity to review and comment on the initial assessment report published by Food Standards Australia New Zealand (August 3, 2005), in relation to Benzoate and Sulphite permissions in food.

The NZJBA supports the FSANZ proposal to review and reduce permissions for Benzoates and/or sulphites for certain foods, provided a demonstrated scientific and evidence based need is identified both in Australia as well as New Zealand.

Both sulphites and benzoates are widely used food preservatives which have a beneficial effect by their addition to processed foods to ensure treated food is safe to consume under normal storage and preparation conditions as provided on the label. Preservatives help maintain a safe food supply and extend shelf life of treated products. They are commonly used in many beverages used primarily to prevent the growth of micro-organisms that would cause beverage spoilage as well as retaining organoleptic properties.

However the NZJBA would like to highlight that not all beverages in our industry contain the maximum permitted levels. There are many beverages within our industry that do not contain any preservatives, such as sugar colas and those that have been treated by heat or other more sophisticated process methods. Therefore many intake assessment studies overestimate the actual intake levels.

The NZJBA accept the findings from the recent 21st Australian Total Diet Study (ATDS) conducted by FSANZ on exposure to benzoates and sulphites in Australia, that indicate there may some high level consumers who exceed the ADI levels of dietary exposure and this exposure was also found to greater for sulphites than for benzoates compared to the respective ADI's.

In spite of this the NZJBA believe that it is essential that FSANZ undertake a full risk assessment, including a more refined dietary exposure assessment and consideration of any new safety data, in order to fully characterise the public health and safety risks.

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Our concern surrounding the initial assessment report is that the initial assessment proposal is based solely on the 21st Australian Total Diet Study and does not provide any similar data applicable to New Zealand market place taking into consideration the different products available.

The NZJBA therefore recommends that preservative permission levels be reviewed in an independent and definitive consumption study for both countries.

In addition, it is important for the consumption levels and calculated exposures not to be based on the assumption that products contain the maximum permitted levels.

When proposing any changes to the current permitted preservative levels it is essential to consider the use of different preservative levels and ratios of preservatives is determined by each of the manufacturers and is dependent on a number of variables including:

- processing capability (thermal processing, aseptic, cold fill etc)
- formula characteristics (pH, sugar, carbonation, nutrient concentration etc)
- ingredient complexity (juice, fortification)
- shelf life
- storage and environmental conditions (including transportation, distribution and export)
- packaging type

NZJBA believe manufacturers should have flexibility in choosing formulations and ingredient levels that suit the technological requirements of a beverage medium when appropriate quality and safety rules are met.

It is important that the use of benzoate and sulphite, just like other food additives, is governed by Good Manufacturing Practices which means that the lowest levels will be used in every beverage to achieve the desired effect.

The NZJBA support proposed changes to the permissible levels of Benzoate and Sulphites providing:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards WTO and Codex
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and

Finally it must also be emphasised that approximately 50 countries in five Codex regions permit benzoic acid and its salts in soft drinks at levels of 1,000 ppm or greater. As members of the World Trade Organization (WTO), Australia and New Zealand are obligated to notify WTO member nations where proposed mandatory regulatory measures are inconsistent with any existing or imminent international standards and the proposed measure may have a significant effect on trade. So from a trade perspective this forms an important consideration.

FSANZ is seeking the following data for both Australia and New Zealand:

- (a) the amount of benzoates and sulphites used in a given food product. Has it changed significantly from that used in April- May 2003 (as reflected in the products collected and analysed in the 21st ATDS)?;

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No

- (b) market share data. For example, what is the proportion of the orange juice market for refrigerated versus shelf stable juices?
Not significantly from a volume perspective.
- (c) the proportion of any food category that may contain the preservatives. For example, what proportion of the orange juices would contain benzoates? What proportion of this juice is refrigerated?
Only a limited number of products would be affected in the NZ market
- (d) whether there are certain parts of a food category for which preservatives are never used. For example, cola soft drinks versus non-cola soft drinks or intense sweetened soft drinks versus sugar sweetened soft drinks;
There is no categorical answer to this question. The classification is up to individual manufacturers. However in general diet products would have higher total preservative levels.
- (e) whether there are any food categories for which permissions exist but where the preservatives are never used;
NZJBA companies add preservatives based on GMP requirements which may not necessarily meet the maximum levels.
- (f) what categories of foods have these preservatives added, but not at the maximum permitted level ?
Not applicable to the NZJBA
- (g) information on where a mixture of preservatives may be used in a food in preference to a single preservative and resultant additive levels of use;
Proprietary information not available.
- (h) any analytical data for foods with added sulphites or benzoates that have been analysed as prepared or ready to consume; and
Proprietary information not available
- (i) data relating to changes in levels of benzoates and sulphites during storage and food preparation.
Proprietary information not available.

The costs associated with the proposed amendment to the Code must be considered including:

- R&D costs associated with reformulation
- Process re-validation
- Label and artwork changes associated with the formulation changes
- Stock in trade issues
- Trade barriers and implication

What are the technologically required levels of benzoates and sulphites in foods where use is permitted?

Dependent on a number of variables:

- *Process*
- *Environment*
- *Formulation complexity and nutrient concentration*
- *Formula characteristics (ph, carbonation, fortification, juice content, preservative level, etc)*

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- *Shelf life (including distribution and storage conditions)*

What are the alternatives, if any, to the use of benzoates and sulphites for all their various uses in the food supply?

- *Information not available*

If alternatives exist, what are the disadvantages and advantages of their use?

- *Commercialisation costs*

Summary:

The NZJBA agree with the statement in the FSANZ initial assessment proposal "It is important to remember that both sulphites and benzoates are widely used food preservatives which have a beneficial effect by their addition to processed foods to ensure treated food is safe to consume under normal storage and preparation conditions as provided on the label. Preservatives help maintain a safe food supply and extend shelf life of treated products."

The results of the 21st ATDS, which concluded that some high consumers of benzoate and sulphite containing products may exceed the ADI, indicate that there may be potential public health and safety concerns with the current permissions in the Code for the use of sulphites and benzoates.

Accordingly the NZJBA supports the Option 2 of FSANZ proposal with the addition of the following amendments:

Option 2. Review and reduce permissions for benzoates and/or sulphites for certain foods **provided a demonstrated scientific and evidence based need is identified both in Australia as well as New Zealand market place.**

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