

Attachment 2

Summary of issues raised in submissions to W1070

As part of the W1070 Review into Plain English Allergen Labelling (the W1070 Review), FSANZ held a round of consultation with members from various stakeholder groups that had been identified as having an interest in allergen labelling. The consultation period was held over 29 November 2015 to 29 January 2016. The purpose of the consultation was to clarify the substance of the issues raised in previous reviews and feedback from various stakeholders over time about the terminology being used for allergen declarations, and to determine if these issues are still relevant in the current market environment.

A consultation paper was sent out to the identified stakeholders, with background information on the W1070 Review, and a series of questions relating to issues on the terminology used for declaring allergens on food labels. The questions that were asked, and the responses provided by submitters, can be found in the tables on the following pages.

Below is a list of the stakeholders that provided submissions to FSANZ during the consultation period. The abbreviations provided in this list have been used throughout this document as a means of identifying what comments were made by each submitter.

List of Submitters

Submitter	Abbreviation in tables	Comments
Allergy & Anaphylaxis Australia	A&AA	
Allergen Bureau	AB	
Allergy New Zealand	Allergy NZ	
Auckland Region Food Allergy and Intolerance Dietitians group + Dietitians New Zealand	ARFAID	Dietitians New Zealand supported the comments in ARFAID submission
Australian Food & Grocery Council	AFGC	
Australasian Society of Clinical Immunology and Allergy	ASCIA	
Coeliac Australia	Coeliac Aust	
Coeliac New Zealand	Coeliac NZ	
New Zealand Ministry for Primary Industries	NZMPI	
Starship Children's Hospital	SCH	
Tasmanian Department of Health and Human Services	Tas DHHS	
Victorian Departments of Health and Human Services and Economic Development, Jobs, Transport and Resources	Vic Depts	
Woolworths Supermarkets	WW	

Details of submitter comments made to W1070

Table 1: Summary of individual submitter comments on general terminology issues

Comments	Details of comments	Submitter
Q11. Is the use of unfamiliar or unrecognisable terminology for allergen declarations common practice, and/or creating difficulties with the identification of allergens in foods?		
The use of unfamiliar terminology	The use of unfamiliar terminology is common practice.	ASCIA, NZMPI, Vic Depts
	Unfamiliar terminology is not common.	AFGC, ARFAID, SCH
Types of unfamiliar allergen terminology used on food labels	<p>Examples of unfamiliar terminology were provided for the following ingredients that have allergenic sources:</p> <ul style="list-style-type: none"> • sodium caseinate and casein synonyms (ARFAID, NZMPI, SCH) • whey protein / whey protein isolate (ARFAID, NZMPI, SCH, Vic Depts) • lysozyme (ASCIA) • phosvitin (ASCIA) • ovotransferrin (ASCIA) 	ARFAID, ASCIA, NZMPI, SCH, Vic Depts,
Problems with unfamiliar allergen terminology for the food industry	Woolworths experience has been that some manufacturers would benefit from further clarity in the Code guidance document. It would be useful within the guide to highlight ingredients which are often associated or contain an ingredient, as small manufacturers have issues identifying ingredients that are less obvious.	WW
Impact of unfamiliar allergen terminology on consumers	<p>Allergic consumers and their carers need clear and consistent information on food packaging and in labelling in order for them to make an informed choice about the suitability of a food product in their diet and to minimise the risk of severe reactions.</p> <ul style="list-style-type: none"> • A 2010 study showing that almost half (47%) of accidental allergen exposures were attributed to inappropriate labelling (Sheth et al. 2010). while a 2013 study of anaphylactic youth, discovered that almost half (43%) of the participants desired more information on food labelling (Worth et al. 2013). • Those with poor English literacy skills are less likely to recognise the presence of an allergen when unfamiliar terminology is used (ARFAID, ASCIA). • Unfamiliar terminology increases the likelihood that a food-allergic patient/consumer will miss an unfamiliar term (such as sodium caseinate, albumin or globulin) (Allergy NZ) 	AFGC, Allergy NZ, ARFAID, ASCIA, Vic Depts

Comments	Details of comments	Submitter
	<p>Further information was provided about consumer perceptions and understanding:</p> <ul style="list-style-type: none"> The Victorian government reported on studies revealing that food sensitive consumers in Australia and overseas were unable to identify common allergenic food ingredients (Preeti 2002), did not understand this type of labelling (Noimark 2009), and believed that words in some ingredient lists were too technical or hard to understand and this was a serious obstacle for managing an allergy (Vierk et al. 2007). Allergy NZ provided comment on the 2009 Survey on Allergen Labelling (Allergen Bureau 2009), which identified that 'overall....around four in ten respondents expressed difficulty in obtaining information about which foods and ingredients to avoid....many of the reasons for this difficulty came back to the labelling information, with reports of absent, unclear or inconsistent information, or that was lacking in sufficient detail to make a more assured decision'. 	Allergy NZ, Vic Depts
<p>Q12. Do 'contains' statements assist with identifying the presence of an allergen especially in the context of less familiar or less recognisable terminology being used in allergen declarations?</p>		
'Contains' statements are useful and provide important information	<p>The 'contains' statements assist with identifying the presence of an allergen, especially in the instance of a less familiar terminology being used in the allergen declaration.</p> <ul style="list-style-type: none"> For a cereal allergic person the most accurate, obvious and helpful way of identifying a cereal ingredient is to have the cereal specifically named in the ingredient list and in a 'Contains' statement (ARFAID). If the Code is amended to clarify how allergens should be declared, this could remove the confusion and need for 'contains' statements (Vic Depts). The 'contains' statement can be used to identify the presence of a class of allergen, while the specific allergenic ingredient could be listed in the ingredient list (NZMPI). 	AB, AFGC, ARFAID, ASCIA, NZMPI, SCH, Tas, Vic Depts, WW
There are problems with 'contains' statements	<p>Submitters mentioned the following problems with 'contains' statements:</p> <ul style="list-style-type: none"> For those with Coeliac Disease, 'contains' statements do not always make food choices easier. Some wheat derived ingredients are safe for those with coeliac disease; which makes interpretation of labels more complex when 'contains' statements are used (Coeliac Aust). The question assumes there is a uniform approach to 'contains' statements, which is not the case (A&AA). 	A&AA, Coeliac Aust
'Contains' statements are not standardised	<p>Standardised communication of allergen content in food is currently lacking as only a voluntary system is in place for the 'contains' statement. The voluntary situation results in inconsistent labelling and consumer confusion.</p> <ul style="list-style-type: none"> Currently there is no guarantee that the manufacturer has followed the AFGC guidelines (or used VITAL) in determining the 'contains' statement itself (Allergy NZ, Coeliac Aust, Tas DHHS). 	ASCIA, Allergy NZ, Coeliac Aust, Tas DHHS,

Comments	Details of comments	Submitter
	<ul style="list-style-type: none"> • 'Contains' statements are sometime confusing because the wording used does not match what is declared in the ingredients list – e.g. that sodium caseinate may be in the ingredients list but milk declared in the 'contains' statement (Allergy NZ). • In some cases a 'contains' statement is used in the absence of any declaration in the ingredient list (Coeliac Aust) 	
Mandating 'contains' statements	<p>FSANZ should consider including 'contains' statements in the Code.</p> <ul style="list-style-type: none"> • The mandated approach should be based on the AFGC and VITAL guidance documents (A&AA, Tas DHHS). • Clear instruction through the standard with regards to 'contains' and 'may contain' statements are required to provide meaningful information to the consumer (ASCIA). 	A&AA, ARFAID, ASCIA, Coeliac Aust, SCH, Tas DHHS, Vic Depts,
The importance of clear terminology		
Why clear allergen declaration terminology is important	<p>Clear naming does not just help allergen sensitive consumers make correct choices, but it is also needed to inform anyone who may purchase food or prepare food (for allergic consumers) in the home, at restaurants, for catering and any situations where food is provided or sold.</p> <p>Allergy NZ also mentioned that the understanding and use of allergen information has not been collected for third parties.</p>	NZMPI, Allergy NZ
Lack of clarity in allergen declaration requirements	<p>Allergen labelling requirements should be concise and not open to interpretation.</p> <ul style="list-style-type: none"> • Businesses and consumers should not have to rely on guidance about how to make or read allergen declarations, and consumer education should accompany any change to labelling requirements. • In the absence of clear guidance, inconsistencies have developed which in part have been addressed by industry guidance provided by both the AFGC and the Allergen Bureau (AB, AFGC). • There continues to be some confusion amongst manufacturers (in relation to labelling requirements) and consumers (in relation to label interpretation) (Coeliac Aust). 	AB, AFGC, Coeliac Aust, Vic Depts
There is currently no requirement for using plain English to declare allergens	<p>The use of plain English for allergen declarations is still voluntary, regardless of industry guidelines, and is not monitored. This leads to inconsistencies, a loss of trust, and reduced ability by consumers to make informed choices (DunnGalvin et al. 2015).</p>	Allergy NZ

Comments	Details of comments	Submitter
Changes to the Code to improve allergen declaration terminology		
Actions that need to be taken to improve the overall terminology for allergen declarations	While Standard 1.2.3 mandates what needs to be declared, it does not mandate how. This is something that should be reviewed. The current situation is not ideal and can lead to difficulty in convincing a food company that a product recall is required.	Vic Depts
	Both plain English allergen labelling, and whether or not a separate allergen declaration should be required, need to be regulated in order to ensure consistency, increase safety and therefore trust by food-allergic consumers in the food industry. The AFGC and VITAL allergen labelling voluntary guidelines need to be mandated (A&AA).	A&AA, Allergy NZ
	Sulphite labelling is also an area that requires further clarity. Woolworths supports the move to call out 'sulphites' in lieu of just calling out the sulphite number. For Example Preservative (220) would be declared as Preservative (220 (Sulphite)).	WW
Process for changing the Code	<p>The Victorian government made the following comments about changing the Code in respect to allergen declaration terminology</p> <ul style="list-style-type: none"> Any proposed variation to change would need to be accompanied by a detailed impact analysis that considers risk management options. A transition period should also be included to reduce the impact on the food industry. If changes are proposed to the allergen labelling requirements in the Code, FSANZ should consider giving priority to those that are currently causing the greatest concern for allergic consumers. <p>Any proposed changes to allergen labelling in the Code should be supported by a communication strategy targeted at both consumers and medical professionals.</p>	Vic Depts

Table 2: Summary of individual submitter comments on fish and fish product declarations

Comments	Details of comments	Submitter
<p>Q1. Are the current requirements to declare fish and fish products in Standard 1.2.3 clear on what foods/ingredients must be captured by the declaration? If not, please explain the problems associated with declaring these foods and ingredients on food labels.</p>		
<p>No, the requirements unclear</p>	<p>Submitters commented that the problems with the requirement to declare fish and fish products are that:</p> <ul style="list-style-type: none"> • Food manufacturers are unclear or unaware of the definition of 'fish', and how 'shellfish' or 'seafood' relate to the use of this word in Standard 1.2.3 (AFGC, NZMPI). • There is a lack of clarity and inconsistency in the Code on whether molluscs need to be declared on food labels separately from finfish and crustacea (Allergy NZ, AB, ARFAID, SCH). • Consumers with an allergy to molluscs may assume the product is safe for them to eat. This can have dangerous and potentially fatal consequences if a manufacturer or food service operator interprets the Code to mean that they do not need to declare molluscs (Allergy NZ, ARFAID) 	<p>Allergy NZ, AB, AFGC, ARFAID, NZMPI, SCH, Tas DHHS, Vic Depts, WW.</p>
<p>Yes, the requirements are very clear</p>	<p>The problem is that the current requirements are quite clear. The separate listing of crustacea under paragraph (ii) creates the understandable impression that paragraph (iv), fish, was intended to apply to finfish only and that molluscs or mollusc products need not be declared.</p>	<p>A&AA</p>
<p>Consumer understanding of the term 'fish'</p>	<p>It is likely that consumers assume 'shellfish' includes molluscs, and therefore 'fish' means fin fish only. A fish or shellfish declaration is not specific enough for a mollusc allergic person.</p>	<p>AFGC, Allergy NZ, ARFAID</p>
	<p>There are three major groups of seafood: fish (vertebrates), molluscs and crustaceans. Advice on fish and seafood allergies is for the individual to only avoid the group of concern.</p>	<p>Allergy NZ, ARFAID, ASCIA, SCH, WW</p>
<p>Comments on defining 'fish', 'crustacea', and 'molluscs'.</p>	<p>The Code needs to articulate what species/groups of animals are captured by the following terms: Fish (NZMPI), Finfish (ASCIA, NZMPI, WW), Shellfish (NZMPI), Crustacean (ASCIA, NZMPI, WW), Mollusc. (ASCIA, NZMPI, WW). FSANZ may also need to consider whether invertebrate ingredients will need to be declared if they are not captured by 'mollusc'. For example, jellyfish, sea tulips (NZMPI).</p>	<p>ASCIA, WW ARFAID, NZMPI, SCH</p>
	<p>Separate definitions for 'crustacea', 'mollusc' and 'finfish' are needed, as each of these groups are allergenically distinct to each other. Definitions for each group would benefit consumers, smaller manufacturers, and international manufacturers wanting to supply to Australia.</p>	<p>ASCIA, WW</p>
	<p>It was also mentioned that 'fish' means 'finfish'.</p>	<p>Vic Depts</p>

Comments	Details of comments	Submitter
Changes to the Code to improve declaration requirements for fish, crustacea and molluscs.	<p>Amend the Code to require each of the three groups “Crustacea, Mollusc and Fish” to be separately declared on food labels.</p> <ul style="list-style-type: none"> • Examples in the Code for each group would be beneficial for giving adequate information to enable suppliers to categorise the correct allergenic group (WW). • Separate declarations would clear up inconsistencies in information and give advice to food allergic consumers and others, and might help in diagnosis, data collection etc (Allergy NZ). • Molluscs need to be mentioned in Standard 1.2.3, as well as a requirement for ingredient lists to specifically name the mollusc in the same way that crustacea are named when declaring ‘fish’ ingredients (Tas DHHS). 	AFGC, A&AA, ARFAID, ASCIA, Allergy NZ, SCH, Tas DHHS, WW
	<p>Victorian government departments proposed an alternative approach to modifying the Code:</p> <ul style="list-style-type: none"> • The problems could be addressed by replacing the word <i>fish</i> with <i>finfish</i> under Standard 1.2.3 – 4 (1)(b) (iv) of the Code, or by taking the approach under Standard 1.4.1 – 2(2), which states “<i>In this Standard and Schedule 19, a reference to a particular food is to the food as described in Schedule 22</i>”. • The definition of ‘fish’ should be reviewed for single definition that applies across the Code. The definition of <i>fish</i> could then be deleted from Standard 2.2.3 and replaced with an edited version of, or reference to, the definitions of foods and classes of foods in Schedule 22; i.e. <i>fish, molluscs and crustacea</i>. 	Vic Depts
	<p>The European Union’s (EU) <i>Regulation No. 1169/2011</i> requires the separate declaration of fish, crustacea and molluscs. The EU’s <i>Technical Guide April 2015</i> also provides clear guidance on how to separately declare each group.</p>	Allergy NZ, AB, ARFAID, WW
Q2. Do food manufacturers understand that the allergen declaration requirement for fish and fish products includes finfish, crustacea and molluscs?		
No, there is not this understanding	<p>Some additional comments were received in addition to ‘no’</p> <ul style="list-style-type: none"> • Confusion exists as a result of ‘crustacea’ being listed in Standard 1.2.3, while ‘mollusc’ is not (NZMPI). • Due to inadequate definitions in Standard 1.1.2 and 1.2.3 manufacturers do not understand that ‘fish and fish products’ includes finfish, crustacea and molluscs (WW). • This inconsistency also does not assist in clearly communicating ANZ allergen requirements with suppliers overseas, who may not be as familiar with English or the terminology used in the Food Standards Code (AB). 	AB, AFGC, NZMPI, WW

Comments	Details of comments	Submitter
Q3. Is the term 'fish' being used to refer to molluscs and/or crustacea in a 'contains' statement (even if a mollusc or crustacean ingredient is specifically declared in the ingredient list)?		
Yes, this practice is occurring	<p>Some additional comments were received in addition to 'yes':</p> <ul style="list-style-type: none"> Woolworths mentioned that its internal policy is to use the collective term 'fish' to describe molluscs and crustacea in the 'contains' statement, with the specific fish, crustacean or mollusc declared in the ingredients list. 'May Contain' fish/shellfish statements are another source of confusion and stress for consumers, as the specific finfish fish, crustacea or mollusc may not be able to be identified (ARFAID). 	AFGC, ARFAID, SCH, WW
Not aware of this practice	The Victorian Department of Health and Human Services records complaints related to allergens, and does not have any complaints on record about the way that "fish" is declared on products.	Vic Depts

Table 3: Summary of individual submitter comments on cereals containing gluten declarations

Comments	Details of comments	Submitter
Q4. Are manufacturers regularly declaring 'gluten containing cereals' in a 'contains' statement, with the specific cereal/s declared in the ingredient list? Is this information helpful for consumers with a cereal-specific allergy, or does it create difficulties for them in making correct food choices?		
Are these types of declarations occurring?	<p>Yes. Manufacturers do declare the specific cereals in the ingredients list along with the words "contains gluten containing cereals"</p> <ul style="list-style-type: none"> Information on an available product was provided, where 'wheat dextrose' is in the ingredient list, and the label also displays a statement that the product contains 'cereals containing gluten' (NZMPI). 	A&AA, AB, ARFAID, Coeliac Aust, NZMPI, SCH, Vic Depts.
	No. The 'may contains/contains' statements only make reference to gluten, not 'gluten containing cereals'.	WW
	Unsure. Is likely given AFGC guidance.	Allergy NZ

Comments	Details of comments	Submitter
Usefulness of declarations that use the words 'gluten containing cereals'	<p>Declaring that a product has 'gluten containing cereals' is not useful for someone with wheat allergy (or other cereal specific allergy).</p> <ul style="list-style-type: none"> The gluten containing cereal needs to be specifically declared on the label rather than the words 'gluten containing cereals' (ASCIA, ARFAID, Tas DHHS). Products may no longer contain gluten as a result of processing (Tas DHHS). The use of these words on a label means that a wheat allergic person has to read all the ingredients to find if wheat is not present (ARFAID). Using a 'gluten containing cereals' labelling only can result in an unnecessary avoidance and thus unnecessary food restriction of other cereals and foods the cereal-allergic person can tolerate (SCH). 	ASCIA, ARFAID, SCH, Tas DHHS.
	<p>The use of the term 'gluten' on label information in addition to (not instead of) the specific name of the cereal can be helpful for individuals with coeliac disease, or people (third parties) preparing food for those with coeliac disease.</p> <ul style="list-style-type: none"> Listing only the cereal name does not help in these situations (NZMPI). Coeliac consumers primarily search for the word 'gluten'. If 'gluten' is not listed as an ingredient, they will search for the specific names of gluten-containing cereals (Coeliac NZ). This information is unlikely to "create difficulties"; on the contrary it enables informed choice (Vic Depts). 	Coeliac NZ, NZMPI, Vic Depts
	<p>The 'contains' statement will sometimes list the cereals that are in the ingredients list.</p> <ul style="list-style-type: none"> Those with coeliac disease often rely on this practice. However, using such labelling information does require some level of understanding of gluten related labelling, and so individuals with coeliac disease are often too restrictive in their food choices (Coeliac Aust). 	Coeliac Aust, Vic Depts
	<p>The use of the word 'cereal(s)' does create some confusion. It is not defined by the Code. The standard should be amended as a matter of urgency to ensure that cereal products prepared from "cereals which contain gluten" are caught unambiguously by Standard 1.2.3.</p>	A&AA

Comments	Details of comments	Submitter
Q5. Are there instances where food labels omit the mandatory declaration for 'cereals containing gluten' because the cereal ingredients happen to contain no detectable gluten?		
Yes food labels omitting cereal declarations on the basis of gluten content	<p>The following additional details were provided:</p> <ul style="list-style-type: none"> NZMPI has had to advise manufacturers that the requirements of Standard 1.2.3 require a declaration of cereals containing gluten and their products, and that this mandatory declaration is not related to whether or not the gluten can be detected in the final product. Omitting the cereal declaration on the basis of gluten content has the potential to mislead, or in some cases the consumer could misinterpret the information (Vic Depts). There has been at least one instance where this information has led to a misinterpretation, resulting in anaphylaxis in a child with a wheat allergy (ASCIA). There have been incidents where manufacturers have declared 'gluten free' on food products when the cereal or wheat is declared in the ingredients list or somewhere else on the same label (Vic Depts). Some manufacturers do not in all cases appear to understand that refined cereals may contain < 20 mg/kg gluten and therefore be suitable for people with coeliac disease and labelled gluten free (SCH). 	ASCIA, NZMPI, SCH, Vic Depts
No, this labelling practice does not occur	<p>The following additional details were provided:</p> <ul style="list-style-type: none"> This practice would be non-compliant with Code requirements (AB, AFGC). The AFGC Guide recommends that the gluten source (grain source) is qualified in the ingredient list at all times. Woolworths commented that its internal policy ensures that the cereal is always listed in the ingredient list, even if gluten is not detectable from the cereal ingredient. 	AB, AFGC, Coeliac Aust, WW
Q6. Are there instances where manufacturers are declaring the presence of 'gluten' (not 'gluten-containing cereals') along with a declaration of the specific cereal elsewhere on the label? If so, then can you comment on why this labelling practice is occurring, and whether it is/is not useful information for consumers with a cereal allergy?		
There are manufacturers declaring 'gluten' instead of 'gluten containing cereals'	<p>The following additional comments were provided:</p> <ul style="list-style-type: none"> Examples of this practice were provided for the following ingredients: wheat, oats, rolled oats, barley malt, wheat bran, barley flakes (Allergy NZ, NZMPI, SCH). This is occurring particularly in the bakery industry (Allergy NZ). Some manufacturers use variations in the wording to declare gluten in a 'contains' statement (SCH) Technically, 'contains gluten' statements fall under the definition of a nutrition content claim. Standard 1.2.7 states that it does not apply to declarations required by the Code. However the requirement to declare 'cereals containing gluten' does not explicitly include 'gluten' itself (NZMPI). 	AB, AFGC, Allergy NZ, Coeliac Aust, NZMPI, SCH, Vic Depts, WW

Comments	Details of comments	Submitter
Reason for declaring 'gluten' only	Manufacturers are interpreting the Code by declaring the gluten source in the ingredient declaration, and labelling the class of allergen gluten in the allergen warning statement.	Coeliac NZ, WW
	It is possible this is occurring because of manufacturers' efforts to meet the increased demand for 'gluten-free' products as a lifestyle choice rather than for safety purposes.	Allergy NZ, ASCIA
	The word 'gluten' or 2 words 'Contains gluten' are shorter than 'cereals containing gluten', take up less space on a label, it is easier & quicker to read.	AFGC, ARFAID, SCH
This information is useful for those with coeliac disease or gluten intolerance	<p>The following additional comments were made:</p> <ul style="list-style-type: none"> • It also is useful for those with allergies to cereals containing gluten provided it is done consistently and clearly (Vic Depts). • Confusion is added when products list 'hidden gluten'; for example, 'thickeners', 'starch' or 'additives' and fail to include gluten or the specific cereal in the labelling (Coeliac NZ). • The information provides clarity on the specific gluten source contained in the product, and draws their attention to look more closely into the ingredients listing (WW) • Unclear how this practice of labelling affects consumers with allergies to cereals that do not normally contain gluten (Vic Depts). 	Coeliac NZ, Vic Depts, WW
This information is not helpful to those with an allergy to a specific cereal.	<p>It is not helpful to those with an allergy to a specific cereal.</p> <ul style="list-style-type: none"> • If the cereal is not identified in conjunction with the term 'gluten', then consumer is less likely to trust the label is accurate (Allergy NZ) • Consumers with a cereal specific allergy still need to read the Ingredient list to see what the specific cereals are and if they are ones they can tolerate or need to avoid (SCH). • There are variations in the wording and clarity when manufacturers declare gluten in the "Contains" statement, along with naming the specific cereal in the ingredient list (ARFAID, SCH). • Allergy NZ has received anecdotal reports that the use of 'gluten' on the label creates significant frustrations for those who have an allergy to one specific cereal, but can tolerate other cereals. 	Allergy NZ, ARFAID, ASCIA, SCH

Comments	Details of comments	Submitter
Use of 'gluten' in a 'contains' statement, but no specific cereal declared on the label	<p>There were a number of comments about and examples of products declaring 'gluten' but without the declaration of any cereal that contains gluten (or ingredients derived from these cereals) in the ingredient list.</p> <ul style="list-style-type: none"> The specific cereals should always be listed, not just for those with coeliac disease or cereal-specific allergies but for all consumers so they can make an informed choice when purchasing manufactured goods (ARFAID, Coeliac NZ, SCH) This scenario is of more concern to Coeliac Australia than the situation where 'contains gluten' is declared on the label along with a declaration of the gluten source. 	ARFAID, Coeliac Aust, Coeliac NZ, NZMPI, SCH, Vic Depts,
Changes that should be made to the Code	List gluten in brackets beside the one relevant cereal ingredient in the Contains label, or at the end of two or more gluten containing ingredients. Do not use the words 'cereals containing gluten' in the ingredient list or 'Contains' statement	ARFAID, SCH
<p>Q7. Are you aware of food products that declare the name of a cereal on their labels but also declare that they are 'gluten free'? Would such information be unclear to consumers with a cereal-specific allergy, and if so, how?</p>		
This labelling practice does not occur	Woolworths internal policy for Ownbrand products follows the current Code requirements and does not label gluten free on any products containing gluten containing cereals	WW
There are products claiming they are gluten free, and declaring a cereal	<p>The following additional comments were provided:</p> <ul style="list-style-type: none"> Examples were provided where 'gluten-free' is declared on the label, but a wheat or oat ingredient is also listed in the ingredient list (ARFAID, NZMPI, Vic Depts). Support for the principle of exemptions for highly refined substances derived from food allergens as a means to promote clear and consistent risk-based allergen labelling to facilitate allergic consumer choice (AB). The Victorian Department of Health and Human Services has received complaints of gluten free claims on products that declare a cereal such as wheat. Analysis has revealed no detectable gluten in the products. The Tasmanian Department of Health and Human Services has been made aware of one product, in which the label states that the food contains wheat but is also gluten free. This information led to consumer confusion. 	AB, AFGC, ARFAID, Coeliac Aust, Coeliac NZ, NZMPI, SCH, Tas DHHS, Vic Depts

Comments	Details of comments	Submitter
The presence of such information on product labels is confusing for some consumers	<p>The following additional comments were made.</p> <ul style="list-style-type: none"> The consumer may be allergic to another cereal which is not named on the label, but is listed as an ingredient (ARFAID, SCH). Although confusing, the labelling is unlikely to present a health risk (AFGC, Vic Depts). This labelling often results in food regulators having to go to the expense of analysis (Vic Depts). The consumer would be unlikely to purchase products with this information without seeking further advice from the manufacturer (Allergy NZ). A consumer with coeliac disease would not just be confused by this information but would also question whether their use of 'gluten free' was a breach of the consumer law (Coeliac NZ). Consideration would need to be given on how to communicate the 'gluten free' message to wheat allergic consumers to reduce consumer confusion (Tas DHHS). 	AFGC, ARFAID, Coeliac NZ, NZMPI, SCH, Tas DHHS, Vic Depts.
Use of the words 'cereals containing gluten' in Standard 1.2.3		
Improve the requirements for 'cereals containing gluten'	<p>Standard 1.2.3 needs to provide clarity on the requirements for gluten / gluten containing cereals and ingredients derived from gluten, and the required wording for cereals declaration requirements needs more clarity.</p> <ul style="list-style-type: none"> NZMPI also recommended that the Code clarifies the declaration of gluten for the purposes of meeting Standard 1.2.3 requirements. A solution could be to amend Standard 1.2.3 by including 'gluten or' before 'cereals containing gluten'. Tas DHHS suggests removing the words 'cereals containing gluten' in Standard 1.2.3 and replacing it with wording such as 'cereals, including wheat, rye, barely, oats or spelt or a hybridised strain of one of those cereals'. It was commented that this would be more in line with Schedule 10 and the intent of Standard 1.2.3 that specific cereal names are declared on the food 	AFGC, NZMPI, Tas DHHS WW
Interpretation of 'cereals containing gluten'	It is not a mandatory requirement to use the words /declare "cereals containing gluten". What is mandatory is the declaration of specifically "wheat, rye, barley, oats and spelt and their hybridised strains". We recommend that the statement "gluten containing cereals" not be used on labels	SCH

Table 4: Summary of individual submitter comments on tree nut declarations

Comments	Details of comments	Submitter
Q8. Do food manufacturers understand which tree nuts must be declared on food labels as a means of meeting the tree nut declaration requirements in Standard 1.2.3?		
There is <u>some</u> understanding of the term 'tree nuts' by manufacturers	<p>There was a view that manufacturers do understand what tree nuts must be declared, however:</p> <ul style="list-style-type: none"> • Some submitters could not confirm whether this is the case, or had not received any complaints (AFGC, Allergy NZ, Vic Depts). • There was no reason to think that manufacturers would consider only some specific tree nuts needed to be declared and, that the clear intent of the standard could be ignored (A&AA). • Not all manufacturers declare the specific nut in the 'Contains' Statement as well, instead it is listed as 'tree nuts' (ARFAID, SCH) 	AFGC, Allergy NZ, ARFAID, SCH, Vic Depts
Not all manufacturers understand the term	It would appear that not all manufacturers are aware of the relevance of <i>Standard 1.4.2 – Maximum Residue Limits</i> when declaring the presence of tree nuts.	NZMPI
Defining what is a 'tree nut' for the purposes of Standard 1.2.3	<p>There were comments that the Code does not clearly define "tree nuts", and that this may potentially cause manufacturers to misinterpret the declaration requirements.</p> <p>NZMPI also mentioned that:</p> <ul style="list-style-type: none"> • The list in Standard 1.4.2 differs from that in the April 2015 <i>European Union Food Allergen Labelling and Information Requirements Under the EU Food Information for Consumers Regulation No. 1169/2011: Technical Guidance</i> document. • Standard 1.4.2 applies to Australia only, and understanding how it might be applicable to the declaration of allergens in the New Zealand setting is unclear. 	AB, NZMPI, Vic Depts
Q9. Which tree nuts are clinically significant for individuals with a tree nut allergy? Has there been any clinical evidence since 2010 to further clarify the types of tree nuts implicated in tree nut allergies in Australia and New Zealand?		
Chestnuts	The New Zealand Chestnut Council is of the view that chestnuts (<i>Castanea</i> sp.) are not in the potentially dangerous nut allergy category.	NZMPI
Apricot kernels	Apricot kernels may be used as a substitute as for almonds and due to cross-reactivity there is a possibility that a reaction may occur in people with nut allergies.	WW

Comments	Details of comments	Submitter
Established lists of tree nuts	<p>Several submitters mentioned that there are established lists of tree nuts that are implicated in allergies:</p> <ul style="list-style-type: none"> • ASCIA has a list that identifies tree nuts of concern as 'almonds, Brazil nuts, cashews, hazelnut, macadamia nuts, pecans, pistachios and walnuts' (Allergy NZ, ARFAID, SCH) • Auckland Hospital uses the ASCIA tree nut list for skin prick tests, and also tests for coconut. There may be other tree nuts besides the ASCIA listing that people react to, but a commercial extract is not available to test it within NZ. A skin test can be done using a solution made from the fresh nut if available. (ARFAID, SCH). • ASCIA Tree Nut Allergy Dietary Avoidance sheet lists a number of other tree nuts, e.g. beer nuts, non-gai nuts, pecan/ mashua nuts (SCH). • A&AA provide a tree nut allergen card on their website which is slightly different to Schedule 22 (AFGC). 	AFGC, Allergy NZ, ASCIA, ARFAID, SCH
Lack of clarity in coconut requirements	<p>Coconut is listed in Standard 1.4.2 as a tree nut, however Standard 1.2.3 exempts coconut from tree nut declarations.</p> <p>There is also confusion among health professionals as well as food-allergic individuals as to whether coconut is a tree-nut (Allergy NZ).</p> <p>Woolworths also highlighted that other species of coconut besides <i>Cocos nucifera</i> that are edible, and it is unclear if they should also be exempt from declaration requirements. The following examples were provided:</p> <ul style="list-style-type: none"> • Coco de mar (<i>Lodoicea maldivica</i>) • Pijiguao (<i>Bactris gasipaes</i>) • Corozo corojó (<i>Bactris minor</i>) • Palmira (<i>Borassus flabellifer</i>) • Salaca (<i>Salacca edulis</i>) 	AFGC, Allergy NZ, NZMPI, WW
Issues with imported tree nut products	<p>Tree nuts consumed or used as food ingredients in other parts of the world should also be declared as they may be incorporated into food imported into Australia or New Zealand.</p> <p>Shea and illipe nut products were mentioned as examples (AFGC).</p>	AFGC, SCH
More evidence required	<p>There is limited data on the tree nuts most implicated in IgE mediated food allergy reactions in Australia and New Zealand.</p> <p>An greater understanding is needed of Australian prevalence of tree nut allergy as well as the tree nuts more commonly associated with adverse reactions (Mc Williams et al. 2015) (ASCIA).</p>	ASCIA, SCH

Comments	Details of comments	Submitter
Q10. Are manufacturers declaring the presence of tree nuts using the broader term ‘tree nuts’ in addition to the declaration of the specific tree nuts elsewhere on the label (e.g. a ‘contains tree nuts/nuts’ statement, with the specific nuts listed in the ingredient list)? Would such an arrangement on a food label assist or hinder tree nut-sensitive consumers in making a correct food choice?		
Manufacturers are using the broad term ‘tree nuts’	In addition, the following comments were received: <ul style="list-style-type: none"> NZMPI provided a number of examples of ‘contains tree nuts’ on the label, with the specific tree nuts listed in the ingredient list. Woolworths said that its policy is to identify the actual variety of tree nut within the ingredient listing and the may contains/ contains statement only refer to tree nuts. If other tree nuts are in the manufacturing facility and have the potential for cross contact, the may contain/may be present statement will state - other tree nuts. 	AB, AFGC, ASCIA, ARFAID, NZMPI, SCH, WW.
The use of ‘tree nuts’ in a ‘contains’ statement is helpful.	This type of labelling information could be helpful to tree nut-allergic consumers and those preparing / buying food for these consumers. <ul style="list-style-type: none"> ARFAID mentioned the use of the term ‘tree nuts’ is adequate only when consumers are avoiding all types of tree nuts. The information would be useful for consumers if there was a consistent protocol for declaring nuts (and consumers were educated about this) that required a generic “contains nuts” statement with specific nuts identified in the ingredients list (e.g. as per the AFGC Guide). (Vic Depts, A&AA, ARFAID, Tas) There is often a risk of potential cross contact from other tree nuts. The use of the broader term ‘other tree nuts’ is preferred to mitigate risk of allergic reactions (WW) 	ARFAID, A&AA, ARFAID, NZMPI, Tas DHHS, Vic Depts, WW.
The use of ‘tree nuts’ in a ‘contains’ statement is not helpful for those with an allergy to a specific tree nut.	For those who can tolerate specific nuts but not others the words ‘tree nuts’ only in the ‘contains’ statement does not provide the information to make the correct food choice <ul style="list-style-type: none"> Allergy NZ also mentioned that this labelling information is likely to be confusing for consumers if there are some tree-nuts they can tolerate. There have been several instances where an allergen in the ingredient list has been missed in a ‘contains’ statement and foods are not recalled because the ‘contains’ statement is not required by law (A&AA). 	A&AA, ASCIA, ARFAID, SCH
The use of ‘nuts’ instead of ‘tree nuts’.	‘Nuts’ is also a confusing word as it is unclear if this means tree nuts or peanuts. The term ‘nuts’ is often used in a ‘may contains’ or ‘contains’ statement.	ARFAID, SCH

Table 5: Summary of individual submitter comments on issues outside the scope of W1070

Comments	Details of comments	Submitter
Precautionary allergen statements		
Precautionary allergen statements cause consumer confusion	<p>Allergen-sensitive consumers report that they are confused by precautionary allergen statements on labels.</p> <ul style="list-style-type: none"> An Australian supermarket survey of 1355 products found that the recommended “May be present” statement was only used in 12.7% of the foods surveyed (Zurzolo et al. 2013a) (ASCIA). 	ASCIA, Vic Depts
	<p>There is a wide range of terminology and format used, and inconsistency in the wording of precautionary allergen labelling statements.</p>	ASCIA, ARFAID, SCH
Efficacy of precautionary allergen statements	<p>A 2011 study revealed that most products containing precautionary statements (including for tree nuts) in the Australian market contained no detectable levels of allergen irrespective of whether the allergen in question was listed in a precautionary statement (Zurzolo et al. 2013b)</p>	Vic Depts
	<p>People with food sensitivities are increasingly ignoring precautionary statements on food labels (Helfie et al. 2007, Noimark et al. 2009, Barnett et al. 2010, Zurzolo et al. 2014).</p>	Vic Depts
	<p>Allergens which would appear in a VITAL ‘may be present’ statement need not be declared on demand in that situation where the allergen is present as a contaminant</p>	A&AA
Precautionary allergen statements need to be regulated	<p>Precautionary allergen statements need to be considered alongside “contains” statements for mandating in the Code. The Code is silent on precautionary allergen statements, such as ‘may contain nuts’.</p> <p>The Victorian government has recommended the following requirements for food labels:</p> <ul style="list-style-type: none"> retain precautionary labelling for tree nuts, when tree nuts are included as an ingredient, or there is a potential risk of cross-contamination by tree nuts; specify the types of tree nut/s in the ingredient list; and specify the types of tree nuts which may be included due to cross-contamination 	ASCIA, Coeliac Aust, SCH, Tas DHHS, Vic Depts.
Emboldening of allergen declarations in the ingredient list		
Emboldening should be mandated	<p>The bolding of allergenic ingredients would assist customers in making informed food choices.</p> <ul style="list-style-type: none"> Currently the Code is not clear if the intention is for ingredients containing allergen sources should be bolded (WW). The EU FIC has set a minimum font size for information on labels to make it easier for consumers to read, and allergen containing ingredients have to be emphasised in the ingredients list (Coeliac NZ). 	ARFAID, Coeliac NZ, SCH, WW

Table 6: References cited in submission comments

Reference	Submitter
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Zurzolo G (2014). The Role of Precautionary Labelling for Food Allergens and the Care of Children with Food Allergies. Victoria University, St Albans campus, Victoria, Australia.	Vic Depts