



## Proposals for P1044 Plain English Allergen Labelling

The Food & Beverage Importers Association (FBIA) welcomes the opportunity to comment on P1044 Plain English Allergen Labelling.

### About Us

The FBIA is an industry association that represents Australian importers of food and beverages in retail ready packs and product as an ingredient for further processing. We also have members from freight and logistics, expanding our coverage of the supply chain.

Members range from large multi-national companies to small specialist importers. Member imports include a wide range of commodities such as vegetables; fruits; nuts; dairy; seafood; confectionery; and oils. Products are imported in a range of states including frozen; fresh; roasted; prepared; processed; and canned. The value of our importer members is approximately \$1.2B; making them a significant contributor to the Australian economy.

FBIA importer members are in a growing sector with the growth of imported food predicted to initially remain steady with increases year on year. Imported food accounts for a large share of the gourmet grocery items and international foods, catering to Australia's large number of ethnic communities. IBISWorld

The FBIA sit on a range of industry related committees to ensure our members are fully aware of legislation, regulations and compliance that affects their businesses. Our representation ensures governments and other bodies can access credible industry feedback which supports the ongoing development of instruments which govern the importation of food.

Further information on activities and management of the FBIA go to the Association's website: [www.fbiam.org.au](http://www.fbiam.org.au).



The FBIA welcomes the opportunity to make this submission in response to Food Standards Australia New Zealand (FSANZ) second call for comment in relation to Proposal P1044 – Plain English Allergen Labelling (PEAL).

### **General comments**

The FBIA supports the principles of P1044 to ensure allergen labelling is clear and consistent to support consumer choices, reduce risk of adverse responses in food allergenic consumers – a shared goal. The intention of P1044 - to simplify mandatory allergen labelling making allergens easier to see on a label. Although the FBIA supports the principles, we would encourage continued flexibility and would want to ensure the transition time did not unnecessarily burden industry.

The FBIA believes consumers should be informed, through labelling, about food allergens to allow them to make a considered choice about a food. Best practice food management systems, compliance auditing, processes and good policy contribute to a more holistic approach to allergen management and labelling.

The FBIA has consulted with members acknowledging the impact of regulatory change on importers and locally produced product, and we provide the following comments.

### **The FBIA supports Option 2.**

Should FSANZ proceed with their preferred option, Option 3, the FBIA would propose and recommend a lengthy transition period to lessen the burden on industry and cost to consumers.

## **Presentation of allergen declarations**

### **Location**

The FBIA considers that some flexibility to the prescriptive placement and presentation provisions proposed in P1044 would have a significant cost to industry. The proposed prescriptive placement provisions will impose significant and unnecessary costs for importers and local food manufacturers.

The FBIA supports co-location of the ingredient statement and summary statement. However, they do not support the prescriptive requirement to locate the summary statement 'directly below' and 'distinctly separated' from the ingredient statement.

The FBIA welcomes FSANZ's recommendation not to propose other prescriptive provisions, including colour contrast, symbols, text boxes or percentage declarations in lieu of boldening which has the potential to confuse consumers.

The FBIA recommends that some flexibility is necessary for industry to amend labels.

### **Font size and type**

The FBIA supports FSANZ's proposal for allergen declarations in bold font in a size no less than the other text in the statement of ingredients and the same as the allergen summary statement.

There are other instances where embolden text is used, which may create some confusion for consumers.

### **Prefix for the allergen summary statement**

The FBIA recognises that summary statements have not been holistically adopted by industry. Those who have adopted statements are not consistent which creates confusion for consumers.

If a statement is required, the FBIA would recommend a lengthy transition time.

### **Terminology**

#### **PEAL terms**

The FBIA supports the declaration of allergens using specified terms as proposed, i.e. 'required names' when making an allergen declaration in the ingredient statement and summary statement. The FBIA believes this will increase label consistency and support consumers to make appropriate food choices.

#### **Synonyms**

We note the use of synonyms to name allergens are prohibited, however the FBIA would encourage flexibility be maintained.

### **Declaring tree nuts**

The FBIA would not support the restriction on the declaration of tree nuts via the summary statement by the required name 'tree nut'. Where appropriate the plural or singular term should be

permitted.

The FBIA recommends a longer transition period to minimise the cost burden to industry.

### **Declaring wheat and cereals containing gluten**

The proposed approach for cereals containing gluten and their products to be named individually in the ingredient statement is consistent with the requirement for individual tree nut(s) being named in the ingredient statement.

### **Generic ingredient names**

#### **Nuts**

The FBIA understand that the generic name 'nuts' is redundant.

#### **Cereals, starch and fats/oils**

The FBIA supports the preservation of the class names 'cereals', 'starch', 'fats' or 'oils' as generic ingredient names for ingredients in these categories that are not associated with allergens.

#### **Cheese, milk protein and milk solids**

Retaining the generic names 'cheese', 'milk protein' and 'milk solids' is supported by FBIA members.

### **Exemptions: Small packs and inner portion packs**

The FBIA recommends that small package and inner portion packs are exempt from allergen summary statements.

### **Education**

The FBIA supports an education and awareness campaign for consumers to inform on label changes, label placement, what they mean, pack variations and foods not required to bear a label.

### **Costs**

The FBIA suggests the adoption of flexibility regarding the proposed restrictive presentation provisions. The FBIA believes this will reduce the cost impact to industry yet provide consumers with clear easy to understand information.

The desired outcome is to ensure all consumers are aware, through clear language, what a food contains and if it poses a risk. This can be achieved without over burdening industry where all costs will be passed onto the consumer.

### **Transition arrangements**

The FBIA supports clear allergen labelling within industry's ability to make appropriate changes within reasonable costs and timeframe. Many FBIA members have complex supply chains and require reasonable lead times to make label changes and the FBIA would recommend a 2-year transition period at a minimum.

Shortening the transition period will impact products that have a longer shelf life, as they may become non-compliant within a short transition timeframe.

### Consultation questions

1. What proportion of foods are likely to be affected by the change?

- Most foods

2. Is there likely to be a material difference in costs between Options 2 and 3? If yes, why?

- Option 2: Declare allergens using mandatory specified terms in bold font.
- Option 3: Declare allergens using mandatory specified terms in bold font, with additional requirements to declare in the statement of ingredients as well as in a separate allergen summary statement.
- There will be significant cost to industry with both options.

3. Is there likely to be a material difference in the benefit to consumers between Options 2 and 3?

- The FBIA does not have this data.

4. Is Option 2 or 3 sufficient for consumers to make quick and reliable assessments of foods?

- The FBIA does not have this data.

5. What would be an appropriate duration of time for stock in trade provisions? The proposal gives 2 years transition + 12 months stock in trade.

- The FBIA would support an extended transition for trade provisions.

6. Do you expect to have any notification, education, permission, purchasing, record keeping, enforcement, publication and documentation, procedural, delay, labelling or any other costs associated with the proposed changes to the Food Standards Code?

- The proposed changes will enforce greater change – not just isolating a simple text change to packaging. Design, supply, materials, manufacture, delivery and a range of other impacts for what is seen as a simple label change.
- Consumers and manufacturers will need to receive education and training, management systems and product information will need to be updated, and all marketing collateral – and more.
- This will impact imported and exported product impacting regulators e.g. education.

7. Any views in relation to unintended consequences associated with Option 2 or 3.

- Label space will be an issue for some labels as they have no real estate available.
- Terminology clarity regarding required names is not consistent, e.g. 'oats', 'peanut', 'tree nut'.
- Imports may need costly over-stickering to comply with local prescriptive requirements.
- Lack of continuity across regions and countries, making our labels different and more costly particularly where products are manufactured offshore and sold globally, including Australia.

If you have any questions, please contact the writer.

Yours sincerely

