

Proposal P1044 - Plain English Allergen Labelling

Food Standards Australia New Zealand

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Submission from the National Allergy Strategy

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This submission is authorised by the National Allergy Strategy Steering Committee

Submission

FSANZ has considered two options to address the issues of clarity and consistency, in addition to the status quo. The options are:

Option 1: Maintain the status quo (i.e. no change to allergen declaration requirements).

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.

The National Allergy Strategy supports the implementation of 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.”

FSANZ is therefore proposing to amend the Code to require the following:

- the separate declaration of:
 - molluscs
 - individual tree nuts: almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut
 - wheat, barley, rye, oats or spelt or their hybrids
- the use of mandatory specified terms of the allergen source when declaring allergens.
- For packaged foods:
 - the declaration of allergens in the statement of ingredients using bold font and in a separate emboldened allergen summary statement.
 - the use of the mandated specified term ‘Gluten’ in the allergen summary statement if present from wheat, barley, rye, oats or spelt or their hybrids
 - the use of the mandated specified term ‘Tree nut’ in the allergen summary statement if individual tree nuts are declared in the statement of ingredients.

The National Allergy Strategy supports the proposed amendments to the Code listed above. However, specific feedback pertaining to the above, has been included below. In addition, the National Allergy Strategy would like to highlight three key issues:

- Engagement with key stakeholders with specific food allergy expertise is required for S9—3 Mandatory declarations (table) in Attachment A (which is also outlined as Table 2 on page 27 in the consultation document).
- In Table 2 (page 27 of the consultation document), spelt is currently listed under 'These cereals and their hybrids (when gluten is present)' along with rye, barley and oats. However, spelt is a type of wheat and should be included under wheat and its hybrids.
- All hybrids of wheat (e.g. spelt, triticale, freekeh) are listed on the food label with wheat and gluten in brackets – for example, spelt (**wheat/gluten**).
- It is important that the specific name of the cereal is specified, even if there is no gluten. Gluten is not the only protein found in these foods and if someone has an allergy, they could be allergic to the other proteins in the food.
- Clarification of the definitions for fish, crustacea and molluscs and that this is included in education materials.

Presentation of allergen declarations

FSANZ's assessment is that allergens are to be declared in the statement of ingredients using a bold font that provides a distinct contrast to ingredient names, and in a font size no less than that used for other ingredient names.

An allergen summary statement is to be provided and displayed in bold font, and:

- include the prefix 'Contains', followed by a list of the allergens present
- appear directly below and be distinctly separated from the statement of ingredients
- be printed in the same font type and size as declarations in the statement of ingredients.

The National Allergy Strategy supports the proposed action listed above. Where possible, while the allergen summary statement should be distinctly separated from the statement of ingredients, it should be directly below the statement of ingredients where possible.

Terminology

FSANZ's assessment is for allergens to be declared using specified terms (referred to as 'required names' in the drafting at Attachment A).

The use of synonyms will not be permitted for allergen declarations except in the case of soy, where 'soya' and 'soybean' will be alternatives to the specified term 'soy' for use in the statement of ingredients.

The National Allergy Strategy supports the terminology recommendations. S9—3 Mandatory declarations (table) in Attachment A requires further consultation with key stakeholders with specific food allergy expertise (see comments below regarding cereals).

Declaring fish, crustacea and molluscs

FSANZ's assessment is:

- not to apply the definition for 'fish' in Standard 1.1.2 to the requirements for the declaration of allergens in Standard 1.2.3

- that fish, crustacea and molluscs are to be separately declared when they are present in a food for sale.

The National Allergy Strategy supports the FSANZ assessment. The National Allergy Strategy does not believe that the fish species needs to be specifically declared unless it is obviously known (e.g. tuna for tinned tuna).

However, the National Allergy Strategy requests clarification of the definitions for fish, crustacea and molluscs and that this is included in education materials.

Declaring tree nuts

FSANZ's assessment is that each of the following nine tree nuts implicated in food allergy are to be declared: almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut.

For packaged foods:

- the specific individual tree nuts must be declared in the statement of ingredients, whereas the term 'tree nut' must be used in the allergen summary statement.
- when a statement of ingredients is not required to be displayed for the food, the specific individual tree nuts must be declared by name.

The National Allergy Strategy supports the FSANZ assessment and recommendations for tree nuts and agrees that the nine most common tree nuts (almond, hazelnut, cashew, Brazil nut, pistachio, walnut, pecan, macadamia and pine nut) associated with food allergy should be required to be specifically declared.

Cereal declaration requirements

For foods required to bear a label, FSANZ's assessments that:

- 'wheat' is to be declared in the statement of ingredients and the allergen summary statement when wheat or wheat hybrids are present
- 'barley', 'rye', 'oats' and 'spelt' are to be declared in the statement of ingredients when both these cereals or their hybrids are present, and the food contains gluten
- 'gluten' is to be declared in the allergen summary statement if gluten from wheat, barley, rye, oats, or spelt, or their hybrids is present.

The National Allergy Strategy supports the FSANZ assessment and agrees that it is important that wheat and its hybrids are always declared irrespective of the gluten content for individuals with wheat allergy. Individuals with wheat allergy must avoid all the proteins (not just gluten) in wheat and its hybrids.

Further to this, in Table 2 (page 27 of the consultation document), spelt is currently listed under 'These cereals and their hybrids (when gluten is present)' along with rye, barley and oats. However, spelt is a type of wheat and should be included under wheat and its hybrids.

The National Allergy Strategy recommends that all hybrids of wheat (e.g. spelt, triticale, freekeh) are listed on the food label with wheat and gluten in brackets – for example, spelt (**wheat/gluten**).

Currently under S10-2, for the generic terms "*'cereals' and 'starch' – the specific name of the cereal must be listed if the cereal or source of the starch respectively is wheat, rye, barley, oats or spelt or a hybridised strain of one of these cereals.*" (see p 7 of consultation document). It appears that P1044 will still allow use of the generic terms 'cereals' and 'starch' but will remove the requirement to declare the specific cereal (see p 25 of consultation document). It appears that wheat will still be specified in all cases as an allergen, however barley/oats/rye/spelt are only required to be declared by name when gluten is present. It is important that the specific name of the cereal is specified,

even if there is no gluten. Gluten is not the only protein found in these foods and if someone has an allergy, they could be allergic to the other proteins in the food.

Further to this, cross reactivity between cereals occurs with allergies and an example of this is that some people with wheat allergy will also be allergic to rye.

Generic ingredient names

FSANZ's assessment is that the Code be amended to:

- remove the generic name 'nuts' and its condition from the table to section S10—2
- remove existing conditions for the generic names 'cereals', 'fats' or 'oils', 'fish' and 'starch' that relate to allergen declarations
- add a provision in Standard 1.2.4 to require the use of ingredient names in a statement of ingredients be subject to the allergen declaration requirements of Standard 1.2.3.

The National Allergy Strategy supports the FSANZ assessment and amendment recommendations listed above.

Foods not required to bear a label or display a statement of ingredients

FSANZ's assessment is to apply the requirement to use the mandatory specified terms required for a statement of ingredients (on food required to bear a label) to foods that are:

- not required to bear a label,
- exempt from displaying a statement of ingredients
- sold to caterers.

The National Allergy Strategy supports the FSANZ assessment and amendment recommendations listed above.

List of specified terms

Using the risk management outcomes from Sections 5.2-5.8 above, FSANZ is proposing a list of the mandatory specified terms to be used for declaring allergens as shown in Table 2 (in the document).

The National Allergy Strategy supports the FSANZ proposal to include a list of the mandatory specified terms to be used for declaring allergens. Engagement with key stakeholders with specific food allergy expertise is encouraged before finalising Table 2 (page 27 in the consultation document) and S9—3 Mandatory declarations (table) in Attachment A.

Questions for submitters

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

The majority of foods are likely to be affected by the change. The common food allergens are present in the majority of foods (including those not required to bear a food label) and therefore the majority of foods are likely to be affected.

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

There may be an additional cost, however, the benefit of including the additional information required for Option 3 is significant. For example, the inclusion of the separate allergen summary statement allows for additional checking that the product is labelled correctly in terms of allergen content.

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

The addition of a separate allergen summary statement will make it easier for consumers to identify allergens in the food. This is particularly useful where the font size is small and there is a long list of ingredients.

Anecdotally, consumers like the allergen summary statement currently used by some products (and recommended by VITAL). The main issue is in ensuring the summary statement is accurate and does not contradict the ingredient list. Therefore, education materials for consumers should address the need to check both the ingredients list and the allergen summary statement.

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

Option 3 is preferred as it provides a quick reference option for consumers. It also allows the double-checking of ingredients by manufacturers in creating the product label to ensure all common food allergens are in bold font as required by the proposed legislation.

5. What would be an appropriate duration of time for stock in trade provisions?

There would need to be a reasonable timeframe for manufacturers to comply with the proposed changes to labelling. However, implementation needs to happen reasonably quickly to improve consumer safety and the National Allergy Strategy considers 2 years to be the maximum timeframe for implementation. For foods not required to bear a label (however, provision of ingredient information is still required), the timeframe for implementation could be shorter as there are no label production issues and costs.

6. Do you expect to have any notification⁶, education⁷, permission⁸, purchasing⁹, record keeping¹⁰, enforcement¹¹, publication and documentation¹², procedural¹³, delay¹⁴, labelling¹⁵ or any other costs associated with the proposed changes to the Food Standards Code?

There will be some costs incurred by the National Allergy Strategy associated with the proposed changes to the Food Standards Code. These costs include the updating of several National Allergy Strategy websites that include reference to the Food Standards Code and food labelling as well as the National Allergy Strategy All about Allergens online training courses.

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

The National Allergy Strategy cannot foresee any unintended consequences associated with Option 2 or 3 at this stage.

End of submission.