



## Proposal P1044 Plain English Allergen Labelling

### 2<sup>nd</sup> Call for Submissions Consultation Paper

#### Submission

The NSW Food Authority (Food Authority) welcomes the opportunity to comment on CFS2 for Proposal 1044 – Plain English Allergen Labelling (PEAL).

NSW supports the intent of Proposal 1044 in making allergen information clearer and more prominent for consumers through the use of PEAL. NSW supports the majority of drafting proposed by FSANZ included in the 2<sup>nd</sup> CFS, but requests further information from FSANZ on 'soy' and 'fish' with a view of avoiding un-intended consequences that may arise from current proposed drafting.

- Will the recommendation to use the 'soy' or 'soya' or 'soybean' include new substances being proposed for introduction into the Australia New Zealand food supply such as soy leghemoglobin? If so, how will they be referenced in the ingredient list declarations and summary statement if they are not sourced from soybeans?
- Whether use of the generic, common law meaning of 'fish' in Schedule 9 as the *'required name'* in lieu of the fish definition in Standard 1.1.2 potentially excludes any aquatic species of risk, or confuses use of *'fish'* with use of the more specific terms *'mollusc'* or *'crustacea'* in Schedule 9 as all are undefined?
  - The Macquarie dictionary defines 'fish' as
    - *'any of various cold-blooded, completely aquatic vertebrates, having gills, fins, and typically an elongated body usually covered with scales'*.
    - *'any of various other aquatic animals'*
  - The Macquarie Dictionary defines 'mollusc' as:
    - *'any invertebrate of the phylum Mollusca, characterised by a calcareous shell (sometimes lacking) of one, two, or more pieces that wholly or partly encloses the soft unsegmented body and including the chitons, snails, bivalves, squids, octopuses etc'*.
  - The Macquarie Dictionary defines 'crustacea' as:
    - *'belonging to the Crustacea, a phylum of (chiefly aquatic) arthropod animals, including the lobsters, prawns, crabs, barnacles, slaters, etc', commonly having the body covered with a hard exoskeleton or carapace'*.

NSW queries whether the lack of definition of these aquatic species in the Schedules may create doubt as to whether a regulator can enforce, beyond reasonable doubt, use of the term '*fish*' in lieu of '*crustacea*' or '*mollusc*' or vice versa, when a food should be labelled '*crustacea*' or '*mollusc*' on the basis that a common law meaning of '*fish*' can include '*any of various other aquatic animals*'.

NSW suggests FSANZ insert specific definitions into the header of Schedule 9 to clarify, beyond reasonable doubt, use of the appropriate allergen declaration term for the appropriate product. NSW considers something based around the common law definitions above will achieve this purpose as '*fish*' can be used to describe non-mammalian, vertebrae aquatic animals and '*crustacea*' and '*mollusc*' used to define respective non-vertebrae aquatic animals.

NSW understands FSANZ has ruled issues relating to the unintended presences of food allergens, specifically precautionary allergen labelling (PAL) as out of the scope of Proposal P1044. This matter is of concern to many stakeholders. NSW encourages FSANZ to address this, acknowledging it would require a separate proposal.

**ENDS**

**The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.**