

27 February 2020

**MONDELÉZ INTERNATIONAL SUBMISSION – FSANZ CONSULTATION ON PROPOSAL  
P1044 - PLAIN ENGLISH ALLERGEN LABELLING (PEAL) - SECOND CALL FOR  
SUBMISSIONS**

Mondelez International welcomes the opportunity to make this submission in response to the Food Standards Australia New Zealand (FSANZ) second call for submissions in relation to P1044 Plain English Allergen Labelling (29 November 2019 [103–19]).

Proud maker of Cadbury, Mondelez International, Inc. is one of the world's largest snacks companies and one of Australia's largest food manufacturers, enriched with more than 100 years of tradition and a portfolio of iconic brands including – Cadbury Dairy Milk, The Natural Confectionery Co., Pascall, Oreo and belVita.

Our dream is to create delicious moments of joy in everything we do. Over 2,000 Australian and New Zealand employees support this dream by researching, developing, manufacturing, financing, resourcing, marketing and selling our delicious food products for consumers across ANZ.

Our corporate headquarters is based in Melbourne, Australia. We operate manufacturing plants in Suttontown (South Australia), Ringwood and Scoresby (Victoria) and Claremont and Burnie (Tasmania).

## **General Comments**

Mondelez International supports best practice allergen labelling and has adopted this approach by bolding allergenic ingredients and including allergen summary and precautionary allergen labelling statements on our packaging. The *AFGC and Allergen Bureau Food Industry Guide to Allergen Management and Labelling for Australia and New Zealand* has provided valuable guidance to the industry.

## **Specific Comments**

### **Preferred Option**



Mondelez International supports in principle *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*, however requests some modifications and clarification due to the highly prescriptive way this option has been written:

- The requirement that a summary statement must appear on the label of the food for sale directly below the Statement of ingredients is highly prescriptive. We request that rather than the summary statement requiring to be directly below the statement of ingredients that this be amended to being in close proximity and in the same the field of vision as it would serve the same purpose and avoid unnecessary packaging changes.
- Flexibility is required in the use of mandatory specified terms of the allergen source when declaring allergens. This would include allowing the continued labelling of individual crustacea in the statement of ingredients as per the current Code requirements as well as individual molluscs and fish types without the need to add for example the word crustacean, mollusc or fish after each ingredient i.e. shrimp (**crustacean**), calamari (**mollusc**), salmon (**fish**) etc. If this is permitted would this allow the individual crustacea, mollusc and fish type be bolded in order to indicate that they allergens?
- Clarification is required on whether the terms 'from' and 'contains' can be used i.e. cream (from **milk**) or flavours (contain **milk**) or if they must be stated as cream (**milk**) or flavours (**milk**).
- It is common practice to use a heading such as Allergens or lead in statements such as Allergen Statement: prior to a Contains allergen X, allergen Y statement. To avoid unnecessary artwork changes we request that the option 3 be less prescriptive as the use of these words draws further attention to the presence of allergens on packaging which is a positive benefit.
- Additional options for the allergen summary statement are required such as allowing the listing of individual tree nuts and individual gluten containing cereals in the Contains statement i.e. **Contains almonds and hazelnuts or Contains Tree nuts (almonds and hazelnuts). Contains rye, barley, oats or Contains gluten (rye, barley and oats).**
- Similarly, for crustacean and mollusc the option to include the individual crustacea and molluscs should be permitted either individually or grouped with crustacean or mollusc i.e. **Contains crab and shrimp or Contains Crustacean (crab and**

**shrimp).** We would request that this amendment also apply to other mandatory specified terms such as fish to allow additional information to be presented such as **Contains fish (salmon).**

- The use of plural for mandatory specified terms should be permitted i.e. eggs, peanuts and tree nuts.

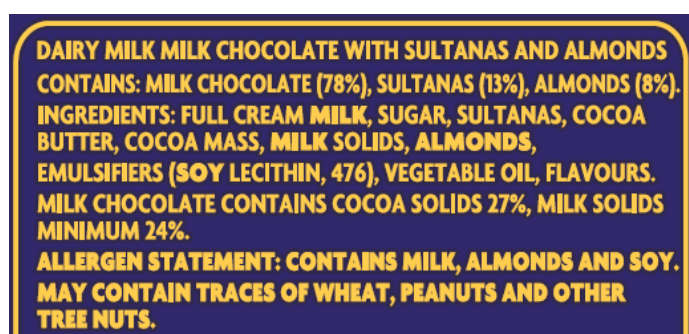
## Comments:

### Presentation of allergen declarations

#### Location

The requirement that a summary statement must appear on the label of the food for sale directly below the Statement of ingredients is highly prescriptive. We request that rather than the summary statement requiring to be directly below the statement of ingredients that this be amended to being in close proximity and in the same the field of vision as it would serve the same purpose and avoid unnecessary packaging changes.

In the example below the characterising component statement for Milk chocolate appears between the statement of ingredients and the allergen summary statement. This may not be permitted under option 3, however does not present a food safety risk.



The current requirements for small packages and individual portion packs should continue due to space constraints and potential legibility issues.

#### Format

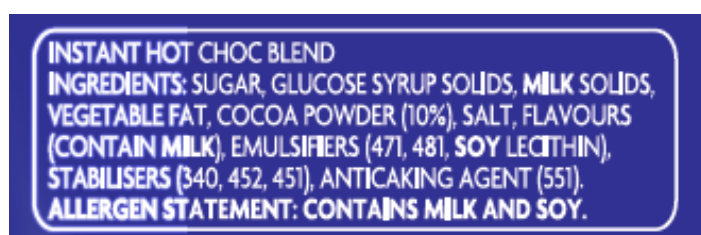


### Font size and type

Mondelēz International supports allergen declarations in a bold font in a size no less than the other text in the statement of ingredients and the same as the allergen summary statement.

### Prefix for the allergen summary statement

It is common practice to use a heading such as Allergens or lead in statements such as Allergen Statement: prior to a Contains allergen X, allergen Y statement. To avoid unnecessary artwork changes we request that the proposed option 3 be less prescriptive as the use of these words draws further attention to the presence of allergens on packaging (see examples below).



### Terminology

#### Mandating PEAL terms

Flexibility is required in the use of mandatory specified terms of the allergen source when declaring allergens. This would include allowing the continued labelling of individual crustacea in the statement of ingredients as per the current Code requirements as well as individual molluscs and fish types without the need to add for example the word crustacean, mollusc or fish after each ingredient i.e. shrimp (**crustacean**), calamari (**mollusc**), salmon (**fish**) etc. If this is permitted can the individual crustacea, mollusc and fish type be bolded in order to indicate that they allergens?

Clarification is required on whether the terms 'from' and 'contains' can be used i.e. cream (from **milk**) or flavours (contain **milk**) or if they must be stated as cream (**milk**) or flavours (**milk**).

Additional options for the allergen summary statement are required such as allowing the listing of individual tree nuts and individual gluten containing cereals in the Contains statement i.e. **Contains almonds and hazelnuts or Contains Tree nuts (almonds and hazelnuts)**. **Contains rye, barley, oats or Contains gluten (rye, barley and oats)**.

Similarly, for crustacean and mollusc the option to include the individual crustacea and molluscs should be permitted either individually or grouped with crustacean or mollusc i.e. **Contains crab and shrimp or Contains Crustacean (crab and shrimp)**. We would request that this amendment also apply to other mandatory specified terms such as fish to allow additional information to be presented such as **Contains fish (salmon)**.

The use of plural for mandatory specified terms should be permitted i.e. eggs, peanuts and tree nuts.

## Declaring fish, crustacea and molluscs

The option to include the individual crustacea and molluscs should be permitted either individually or grouped with crustacean or mollusc i.e. **Contains crab and shrimp or Contains Crustacean (crab and shrimp)**. We would request that this amendment also apply to other mandatory specified terms such as fish to allow additional information to be presented such as **Contains fish (salmon)**.

## Declaring tree nuts

### Individual tree nut declarations in the statement of ingredients

Mondelez International supports the allergen declaration of the nine tree nuts: almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut.

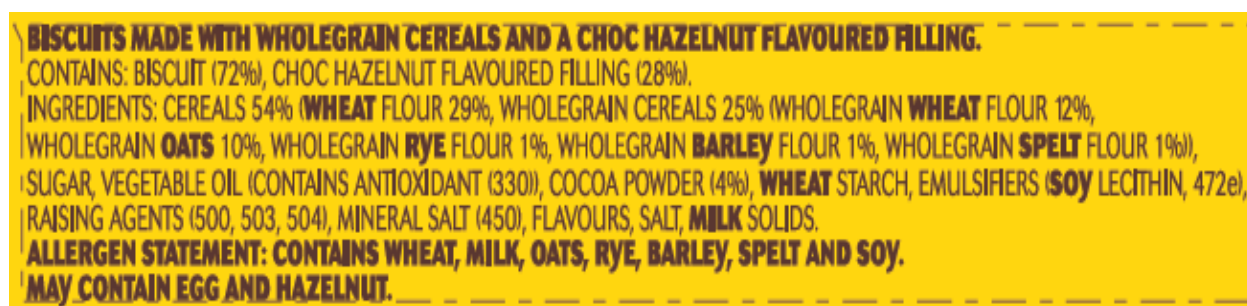
Additional options for the allergen summary statement are required such as allowing the listing of individual tree nuts in the Contains statement i.e. **Contains almonds and hazelnuts or Contains Tree nuts (almonds and hazelnuts)**.

The use of the plural term tree nuts should also be permitted.

## Cereal declaration requirements

### Wheat and cereals containing gluten declaration

Additional options for the allergen summary statement are required such as allowing the listing of individual cereals containing gluten in the Contains statement i.e. **Contains rye, barley, oats** or **Contains gluten (rye, barley and oats)**. See example below.



Existing exemption such as certain glucose syrups made from wheat starch must be retained.

## Questions for submitters:

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

Mondelez International anticipates that the majority of the retail portfolio will be impacted and require packaging updates (> 500 skus). Some products also have multiple levels of packaging that contain allergen information.

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

Yes, Option 3 will be costlier to implement as it is highly prescriptive and likely to impact a larger number of products in the market.

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

Mondelez International does not agree with the post-transition period of a 12 month period commencing on the day after the transition period ends.

For products with long shelf lives, it will be impossible to comply with a typical two year stock-in-trade provision. This change should be combined with other regulatory changes (such as Health Star Rating and Added Sugar Labelling) to reduce the burden to industry.

As per the AFGC submission, Mondelez International favours the approach of the ACCC where goods manufactured after a specified date are required to be labelled according to the new requirements and stock-in-trade made before this date is not required to comply with the new requirements.

Kind Regards,

Mondelez International