


Submission to
Food Standards Australia and New Zealand
P1044 – Plain English Allergen Labelling (PEAL)



On behalf of Bega Cheese Limited
26 February 2020

Nayla Rizk, Regulatory Manager

 **1 Vegemite Way, Port Melbourne, 3207**



Submission authorised by:
Sandra Dal Maso, General Manager R&D.
Bradley Wilson, Group Quality Assurance Manager.

Questions for submitters

1. What proportion of foods are likely to be affected by the change?
More than 50% of foods across the Bega business are likely to be affected by the change.
2. Is there likely to be a material difference in costs between Options 2 and 3? If yes, why?
No. The proposed changes would require label updates regardless of whether Option 2 or 3 was selected.
3. Is there likely to be a material difference in the benefit to consumers between Options 2 and 3?
Option 3 is better, although still not ideal in our opinion. Whilst consumers with allergies are probably very savvy at reading the ingredient declaration and identifying allergens declared in bold, the addition of a summary statement re-enforces the message. However, the benefit of “grouping” allergens in the summary statement is unclear e.g. “tree nut”, or “gluten” does not provide the consumer with additional information regarding the specific source of the allergen and is inconsistent with the labelling of the ingredient declaration.
4. Is Option 2 or 3 sufficient for consumers to make quick and reliable assessments of foods?
Both options should allow for consumers to make a reliable assessment of the food, although Option 3 provides a more rapid and effective view of the allergens and therefore the least chance for allergens to be missed.

Having said that, our recommendation is to include a summary statement (e.g. Option 3) that shows the specific variety of allergen, particularly for nuts. We believe that a consumer who has an allergy to a specific nut would benefit more from a consistent labelling approach whereby the specific nut is declared in the ingredient declaration and further supported by the use of the same terminology in the summary statement.

e.g. Our preference:

Ingredients: **Hazelnuts** (100%).
Contains Hazelnuts.

vs. Current proposal:

Ingredients: **Hazelnuts** (100%).
Contains Tree Nuts.

5. What would be an appropriate duration of time for stock in trade provisions?
The current proposal which includes a two-year transition period followed by a 12-month stock-in-trade period seems reasonable.

However, other potential changes that would impact labels in the future (e.g. Health Star Rating and Added Sugar Labelling), should be taken into consideration to avoid prohibitive cost and complexity of updating labels a second time within a short duration.

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?

Yes;

- many artwork updates by where, each pack artwork change generally incurring business costs related to;
 - Development: print set up (stereo/plates), press approval, updated colour standards, certified translations (for export products).
 - Procurement: supplier run out of preprinted old stock, run out of already purchased old stock, modified schedule based on availability of new stock.
 - Consumption: adjustment to online quality processes, such as recalibration of vision systems and online checks; potential write-off of films due to contractual obligations and incurred disposal fees.
- changes to specification systems, project management of transition, training of technical teams and smaller domestic customers in new requirements, changes to quality management requirements, changes to HACCP templates.
- issues with clarifying actual allergens (in the case of tree nuts) from raw material vendors and third-party manufacturers.

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

- neither Option 2 or 3 address precautionary statements, which are very prevalent in the industry and cause a great deal of confusion for consumers. This also gives opportunity for producers to use non-standard allergen terminology to which this proposal is seeking to eliminate. "May contain semolina, dairy, and nougat" would still be permitted, and would imply the possible presence of wheat, gluten, milk, and almond, but not definitively clarify for the consumer.
- as per response to Question 3, ambiguity will still exist as to the exact allergen potentially present if the summary statement is only required to state the allergen family, e.g. "Tree nut" if the actual allergen is not identified in the ingredient declaration, then there will be no reference to what actual allergen (e.g. nut) is present. Therefore, this is not entirely clear for consumers.
- the use of plural or singular terminology needs to be clarified. Schedule 9 of P1044 uses inconsistent terminology. Some terms are listed as plural (e.g. oats) and some as singular (e.g. peanut). Does this mean that the ingredient declaration would include "peanut" vs. "peanuts" suggesting there is only 1 peanut in the product?
- where International jurisdictions require the mandatory declaration of allergens (e.g. mustard) which are not recognised as allergens in Australia and New Zealand, can these be in bold font in the ingredient declaration?