

Nuts for Life submission for: Second call for submissions Proposal P1044 - Plain English Allergen Labelling (PEAL)

February 2020

Introduction

Nuts for Life is the collective nutrition education initiative by the Australian tree nut industry (growers, importers, processors, packers and small retailers). We provide universal, credible and up-to-date information about the nutrition and health benefits of eating nuts. Nuts for Life is funded through voluntary contributions from the Australian tree nut industry, and government matched funds for research and development activities through Horticulture Innovation Australia. Nuts for Life has been in operation since 2003.

The **Australian Nut Industry Council (ANIC)** represents the Australian tree nut growing industries (almonds, chestnuts, hazelnuts, macadamias, pecans, pistachios and walnuts). ANIC supports the activities of Nuts for Life.

Nuts for Life, on behalf of ANIC and the Australian tree nut industry, appreciates the opportunity to comment on this proposal. We would be pleased to elaborate on any comments contained within this response, if necessary.

Response to proposal

Regulatory options

- Nuts for Life supports FSANZ's preferred option 3, to declare allergens using mandatory specified terms in bold font, with additional requirements to declare in the statement of ingredients, and separate allergen summary statement. Nuts for Life agrees that this option provides the greatest benefit to consumers.

Statement of ingredients

- Nuts for Life supports an amendment to the code to require the separate declaration of individual tree nuts: almond, Brazil nut, cashews, hazelnut, macadamia, pecan, pine nut, pistachio and walnut. This listing of the specific nut in the ingredient list is already broadly adopted across the nut industry.
- Nuts for Life supports that the allergens be declared using a bold font, and a font size no less than that used for other ingredients.

Allergen summary statement

- Nuts for Life supports that the allergen summary statement 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.
- Nuts for Life supports 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. This style of declaration is already broadly adopted across the industry.
 - Nuts for Life does not support declaring each of the nine tree nuts individually in the allergen summary statement. Per our previous submission, using the term 'tree nuts' when specific nuts are listed in the ingredients list allows the statement to be shorter, assisting the nut industry to better manage label space.
- Nuts for Life supports that specific tree nuts be declared by name, when a statement of ingredients is not required to be displayed for the food.

Additional comments

Use of collective term: 'tree nuts'

Several allergy support organisations comment that the term 'tree nuts' should not be used anywhere on food labels. Nuts for Life supports this position for the statement of ingredients, agreeing individual tree nuts should be listed.

However, Nuts for Life strongly disagrees that the nine tree nuts should be declared individually in the allergen summary statement. We support the use of the term 'tree nuts' in this statement to avoid unnecessary duplication of information on packaging.

- Consumers with allergies tend to first check the allergen summary statement. Use here, of the collective term 'tree nuts' enables consumers to quickly and confidently identify the risk of allergens in the product, and refer to the statement of ingredients for further information.
- Mandated listing of individual tree nuts in the allergen summary statement is impractical, and would likely have significant cost implications and present labelling space issues for the industry.

Cross contamination risk labelling

Nuts for Life notes that this proposal does not clarify the procedure for labelling products with the terms 'may contain', 'may contain traces of', 'made on a line which also processes', and similar. Feedback from the Australian nut industry indicates this is where the main confusion lies amongst consumers, and for businesses.

Nuts for Life requests FSANZ provide recommendations on these statements to ensure maximum benefit for consumers and eliminate confusion for manufacturers. Recommendations by FSANZ regarding these statements should be made available for public comment.

- Nuts for Life recommends a prefix mandated by FSANZ for all cross-contamination risk labelling. Consistent prefixes across all products would have maximum benefit for consumers.
- Nuts for Life recommends further consultation with industry regarding the mandate for individual tree nuts to be listed, vs. use of the collective term 'tree nuts' for this statement.
 - For consumers, listing individual tree nuts is ideal as it provides clarity of risk in relation to specific allergens.
 - For industry, the collective term 'tree nuts' is preferred, as production and manufacturing processes can change year to year, making the mandated listing of individual tree nuts cost-prohibitive and logistically very difficult. This is particularly relevant for smaller manufacturers and producers.

Response to questions

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

The listing of the specific nuts in the ingredient list, followed by an allergen summary statement (prefixed with 'Contains' and using the term 'tree nut') is already broadly adopted across the nut industry. However, some labels do not use bold font to declare allergens in the statement of ingredients.

The cost to implement these changes is estimated to be around \$150,000 per business. We are unable to provide an indication of how many foods this would affect.

2. Is there likely to be a material difference in costs between options 2 and 3?

Nuts for Life is unaware of any potential cost differences significant to the tree nut industry. As much of the nut industry has already adopted FSANZ's preferred option 3 (except bolding, see answer 1), any potential costs would be incurred in changing the allergen to bold font in the statement of ingredients.

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

Nuts for Life does not anticipate additional benefits to consumers as option 3 (except bolding, see answer 1) is already widely adopted by the nut industry. Where products do not comply, option 3 would improve consistency and clarity by bringing them into line with the majority of nut products. This improvement would deliver a material benefit for consumers who could then easily and accurately determine allergens in food products.

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

Nuts for Life believes option 3 provides the clearest, most concise, and most meaningful assessment of allergens in foods. Mandating allergen declarations in a separate allergen summary statement, along with adoption of consistent terminology, will create greater transparency for consumers as all allergen information will be grouped together.

We note the proposal fails to clarify statements and the procedure for labelling products with the terms 'may contain', and similar (please see 'additional comments', above). Standard terminology for these phrases would increase consumer confidence and create consistency across all allergen labelling information.

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

At least two (2) years would be appropriate for stock in trade provisions.

Nuts for Life has no additional comments for questions 6 and 7.

Conclusion

Nuts for Life welcomes the FSANZ proposal requiring mandatory food allergen labelling to be made clearer and in plain English. The current lack of explicit requirements for allergen labelling in the Code creates uncertainty for industry in complying with these requirements, and for regulators in enforcing the Code. It also creates confusion for consumers trying to navigate potentially fatal ingredients.

The adoption of PEAL option 3, will ensure allergen declarations are clear, concise, and consistent. This will deliver meaningful benefits to consumers, as standardised language across all products will remove any terms which are inconsistent, ambiguous, or unfamiliar.

Nuts for Life thanks FSANZ for the opportunity to share our views. If you require further information please contact us.

Correspondence and further comment

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