



27<sup>th</sup> February 2020

Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
Wellington 6143

**Submission for Proposal P1044 Plain English Allergen Labelling**

Dear Sir or Madam,

**Introduction**

The New Zealand Beverage Council (NZBC) represents the manufacturers of New Zealand's juice, carbonated drink and bottled water brands, and their suppliers. The Association has established a Voluntary Code of Practice that is aimed at ensuring accurate and truthful labelling on products. In particular, the Code signifies compliance with the relevant Food Regulations and Fair Trading requirements. This system is at the forefront of industry self-regulatory developments in New Zealand and over 95 per cent of the sold in New Zealand is supplied by NZBC members who are signatories to the Code.

**Summary**

The New Zealand Beverages Council, acting on behalf of the non-alcoholic refreshment beverages industry in New Zealand, would like to indicate its support for a modification of option 3 as outlined below.

***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.*

**Singular and Plural**

*"The use of mandatory specified terms of the allergen source when declaring allergens."*

**AGREE IN PRINCIPLE**

Comments: Further clarity is required around the use of singular and plural for mandatory specified terms. Oats and sulphites are identified as plural whereas all other foods are identified as singular. Are these prescribed statements or is there some flexibility in terms of singular and plural uses. E.g. in the

case of a summary statement, if more than one tree nut, is it acceptable to declare 'Contains Tree nuts' as opposed to the current requirement which is singular (i.e., Contains Tree Nut).

### **Bold Typing**

*"The declaration of allergens in the statement of ingredients using bold font and in a separate emboldened allergen summary statement."*

#### **AGREE IN PRINCIPLE**

Comments: Agree in principle (as bold typing of statements is already common practice outside the ingredient statement), however bold typing may impact legibility requirements below 5pt font size and some types of printers or printing may not have the capability to print bold type (i.e., digi, ink jetting). Recommend consideration towards a principles-based requirement which stipulates prominence rather than overly prescriptive wording. Principles-based would also give some flexibility around the separation and prominence of other advisory/warning statements (e.g., Contains Caffeine) which are also declared in bold-type and are as important as summary statements. This would address the unintended consequence of bold typing both summary statements and warning/advisory statements. Examples of prominence could include: boxing, italics, bold typing or formatting of font.

### **Tree Nuts**

*"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."*

#### **AGREE IN PRINCIPLE**

Comments: Further clarity is required for tree nuts specifically in the case of a processing aid containing nuts (e.g., almond) which are not required to be declared in the ingredient statement and for which mandatory specific terms would not be declared. In this case, the summary statement requirement is for 'tree nut'. Recommend adopting the same requirement as 'foods not required to bear a label or display a statement of ingredients' - in that the same mandatory specified terms required for the statement of ingredients on packaged foods should be used for summary statement declarations. To be clear, in this scenario the summary statement would declare 'Contains Almond'.

*"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."*

#### **CONCERNS**

Comments: Further clarity is required for tree nuts other than the nine tree nuts listed: Almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut. Currently, under Standard 1.2.3-4 (1)(b)(ix) a declaration is required for "tree nuts" other than coconut from the fruit of the palm *Cocos nucifera*. Under P1044, only the nine tree nuts listed would be labelled whereas there is no requirement for "other" tree nuts (Chestnuts, Coconut, Hazelnuts, Japanese horse-chestnut, Pili nuts, Sapucaia nut). A strong consumer awareness campaign will be required when these changes are made.

### **Transition Period**

*"Transition period means the period commencing on the variation's date of commencement and ending 24 months after the date of commencement."*

#### **AGREE**

*“Post-transition period means the 12 month period commencing on the day after the transition period ends.”*

#### **DISAGREE**

Comments: Recommend a stock-in-trade provision (similarly to CoO) to allow product to remain in market for duration of shelf-life. This will allow industry to manage minimum order quantity constraints as well as minimizing the number of label changes that are currently underway, and in the future (i.e. HSR, added sugar labelling).

#### **Additional Recommendations**

##### **Table to Schedule 9**

- Review positioning of fish, crustaceans and molluscs – within closer proximity to each other
- Review positioning of peanut – within closer proximity to tree nut grouping
- Column 2 exemption: for ‘tree nuts’ add ‘other than coconut from the fruit of the palm *Cocos nucifera*’

##### **Standard 1.2.3-7 (3)**

Requirement states that the position of the summary statement be directly below the statement of ingredients and distinctly separated. This positional requirement might create issues for smaller packages or products with less ‘real estate’ on the label. This overly prescriptive requirement could be addressed through a principles-based approach. Recommendation to stipulate the positional requirements of the summary statement as being in close proximity to and in the same view as the statement of ingredients.

We thank Food Standards Australia New Zealand for the opportunity to provide this submission and look forward to working with FSANZ on the Applications and Proposal identified in the coming years.

Yours sincerely,



Isabel Buerschgens  
Chair NZBC Technical Advisory Group