

## **Application 1257**

### **Australian native bee honey – NSW Submission**

#### **General Procedure – 1<sup>st</sup> Call for Submissions**

NSW Food Authority appreciates the opportunity to comment on Application 1257 (A1257) – Australian native bee honey. The submission does not represent a NSW Government position, which will be a matter for the NSW Government should notification be made by the FSANZ Board to the Food Ministers' Meeting.

NSW Food Authority notes the Australian native bee honey industry is an emerging niche industry. As mentioned by the applicant, whilst currently the industry mostly consists of amateur producers with small production scale, there is considerable interest in expanding production due to strong consumer demand.

NSW Food Authority agrees a Code amendment is required to legalise the sale of Australian native bee honey, however, does not support creating a new Standard for Australian native bee honey. NSW Food Authority considers the similar nature, composition and allergic concerns do not justify separate Standards in the Code to regulate European bee honey and Australian native bee honey. NSW Food Authority recommends both European bee honey and Australian native bee honey should be regulated under Standard 2.8.2.

NSW Food Authority does not support FSANZ's proposal to share a prescribed name 'honey' between European bee honey and Australian native bee honey. The proposed approach would not sufficiently achieve differentiation between European bee honey and Australian native bee honey. Additional enforcement challenges are also anticipated. NSW Food Authority considers a distinctive prescribed name for Australian native bee honey is necessary to help consumers to differentiate Australian native bee honey due to the potential fermentation that occurs.

NSW Food Authority recognises a long history of use of Australian native bee honey by the First Nations people. However, NSW Food Authority considers today's commercial production of Australian native bee honey may not be undertaken in the same way as the traditional use. NSW Food Authority considers as the production scale grows, appropriate food safety measures should be in place to ensure the food for sale is safe and suitable.

While fermentation may be desirable to develop unique character of Australian native bee honey, this natural process may pose unintended food safety concerns. As the production grows, Australian native bee honey may be consumed by more consumers unfamiliar with the product. NSW Food Authority recommends FSANZ consider regulating the level of fermentation in Australian native bee honey in the Code.

To handle and sell safe and suitable food for sale, NSW Food Authority would encourage industry to develop and implement good hygiene practices (GHPs) in the production of Australian native bee honey. NSW Food Authority requests FSANZ, in consultation with the applicant, to demonstrate in the approval report that expected GHPs in the production of Australian native bee honey would be sufficient to produce safe and suitable food for sale.

NSW Food Authority offers further comments below.

### **New Standard for Australian native bee honey**

NSW Food Authority agrees the existing Code provisions for honey (i.e. European bee honey) are not appropriate to characterise Australian native bee honey, therefore Code amendment is required. However, NSW Food Authority considers this may be achieved by creating a new division within the existing honey standard in the Code rather than create a separate food standard.

Australian native bee honey and European bee honey are essentially the same product but produced by different species of insects, with both mainly consisting of sugars. Additionally, according to FSANZ's assessment, Australian native bee honey *poses similar risks to individuals allergic to pollen, propolis or royal jelly in honey sourced from European bees* (CFS document page 11). Given these similarities, NSW Food Authority considers there is no justification to regulate Australian native bee honey and European bee honey under separate food Standards and suggest they may be regulated under 2 divisions of the existing honey standard.

Further, the proposed approach is not consistent with other Chapter 2 Standards. For example, Standard 2.5.1 regulates milk from any animal species and provides special requirements for cow's milk (section 2.5.1—4). Standard 2.2.1 regulates meat and meat products derived from multiple animal species. NSW Food Authority considers it would be more logical and appropriate to regulate both Australian native bee honey and European bee honey under one Standard in the Code.

### **Prescribed name and compositional requirements**

NSW Food Authority does not support FSANZ's proposal to require the same prescribed name 'honey' to both European bee honey and Australian native bee honey.

While section 2.8.2—4 only requires the name 'honey' as a prescribed name for European bee honey, for Australian native bee honey FSANZ proposes to require a prescribed name 'honey' and *a description that adequately describes the true nature of Australian native bee honey*. NSW Food Authority considers this does not provide sufficient legal separation between European bee honey and Australian native bee honey, as the descriptor to separate the two is left to industry. It would seem more logical to include words in the Code to ensure that separation is clearly understood and legally binding. An example could be 'Australian native bee honey' as one prescribed name and 'honey' to refer to product sourced from European bees.

Given the special need to control/limit fermentation of Australian native honey (e.g. by storage and use-by date conditions), NSW Food Authority considers clarity should be provided so that consumers can identify Australian native bee honey and store it appropriately post-purchase.

FSANZ's proposed approach to apply the same prescribed name 'honey' to both products and allow industry to provide the appropriate descriptor will complicate and delay complaint investigations as regulatory officers will first need to ascertain which honey is being produced in order to apply the appropriate compositional parameters, which are also of concern. The additional complication to consider is honey blends, whilst not in scope of the current application how would a regulatory officer respond to a complaint about blended honey products? (e.g. mixture of European and Native bee honey being sold as a food?).

NSW Food Authority considers the proposed compositional requirements for Australian native bee honey would not provide a clear distinction from European bee honey.

Existing section 2.8.2—3 provides compositional requirements for European bee honey as follows:

- (i) no less than 60% reducing sugars; and
- (ii) no more than 21% moisture.

FSANZ proposes the following compositional requirements for Australian native bee honey:

- (i) no less than 50% reducing sugars; and
- (ii) no more than 28% moisture; and
- (iii) no less than 2% trehalulose.

In the CFS document page 10 FSANZ stated the trehalulose level 'no less than 2%' is *high enough to differentiate native bee honey from honeybee honey*. However, FSANZ also stated trehalulose can be present in European bee honey as well, with reported levels of 0.5 to 2.5 g/100 g and 0 to 3.3 g/100 g (SD page 8). With evidence that trehalulose levels over 2% have been observed in European bee honey, NSW Food Authority does not consider trehalulose levels could be used as a means of separating the two honey types to a level where it is beyond reasonable doubt. NSW Food Authority requests that FSANZ further explore and define compositional parameters for the two honey products that allow regulators to appropriately identify and separate these two honey products as well as any non-compliant products in the approval report.

Given the similar nature of European bee honey and Australian native bee honey, NSW Food Authority supports regulating Australian native bee honey in the same Standard. This is consistent with FSANZ's commentary that for allergen consideration, *native bee honey presents very similar risks to honeybee honey* (CFS document page 11).

However, NSW Food Authority considers a distinctive prescribed name for Australian native bee honey, coupled with appropriate compositional parameters, is necessary to enable clear differentiation between European bee honey and Australian native bee honey. NSW Food Authority requests that FSANZ explore this suggestion in developing the approval report for Application 1257.

### **Microbiological fermentation**

NSW Food Authority notes microbiological fermentation can naturally occur due to the lower sugar content and higher moisture level of Australian native bee honey compared to European bee honey. NSW Food Authority further notes that the change in the composition (e.g. increased acid and alcohol levels) may be favourable in developing unique flavours of Australian native bee honey.

NSW Food Authority requests FSANZ clarify if fermented Australian native bee honey would be able to be sold as mead. If the existing definition of mead does not cover alcoholic beverage made from fermented Australian native bee honey, NSW Food Authority suggests additional consequential amendment to the Code to allow inclusion of Australian native bee honey in the definition of mead.

Generally consumers perceive honey as a non-alcoholic food. NSW Food Authority is concerned about the risk of unintended consumption of alcohol through Australian native bee honey. Low level alcohol consumption by some consumers such as pregnant women, provisional drivers and people with religious beliefs may cause serious consequences as well as disrespect these persons.

Furthermore, fermentation after packaging the product may pose a risk of spoilage (including spore formers such as *Clostridium botulinum*) and physical danger (e.g. burst container).

With the general consumer perception that honey is shelf-stable, there is potential risk of further fermentation post-purchase. If required a label, Australian native bee honey for sale would be subject to general labelling requirements in section 1.2.1—8 that include date marking information and storage conditions. As no specific requirement is proposed by FSANZ, industry would have the ability to decide the appropriate storage conditions and choose if their product has a use-by date or best-before date. As is common for European bee honey, if Australian native bee honey industry decides the best-before date is 2 years or more after packaging, the date marking information is not required in accordance with section 1.2.5 — 3.

NSW Food Authority anticipates that as the production scale expands, Australian native bee honey may become available for more consumers who are not familiar with the product and its compositional differences to European honey. NSW Food Authority requests FSANZ explore additional requirements such as microbiological requirements and specific labelling requirements regarding date marking and/or storage conditions to control the level of fermentation in Australian native bee honey for sale in developing the approval report for Application 1257.

In SD page 10-11 FSANZ mentioned processing methods such as refrigeration, pasteurisation, dehydration and maturation that are internationally used to limit or control bacterial and yeast growth in native bee honey. NSW Food Authority requests FSANZ assess the handling and/or processing requirements for Australian native bee honey that are in place in other countries as mentioned in SD page 11 in the approval report for Application 1257. NSW Food Authority requests FSANZ to assess whether these measures should be included in the Code and provide commentary in the approval report.

### **Good hygiene practices**

FSANZ's risk assessment concluded that *consumption of Australian native bee honey at the requested compositional limits for moisture content and reducing sugars does not present a risk to public health if beekeepers apply good hygienic practices* (CFS document page 3).

FAO provides the definition of good hygiene practices (GHPs) as *fundamental measures and conditions applied at any step within the food chain to provide safe and suitable food*.<sup>1</sup>

Chapter 3 of the Code (Food Safety Standards) places obligations on Australian food businesses to produce food that is safe and suitable to eat, and also place health and hygiene obligations on food handlers. The Code requires a business that involves the handling of food intended for sale or the sale of food to comply with the Food Safety Standards.

In NSW Australian native bee honey would not be considered a potentially hazardous food, or subject to a food safety scheme. However, it is an offence to handle and sell unsafe and/or unsuitable food as well as sell food non-compliant with the Code.

To handle and sell safe and suitable food for sale, NSW Food Authority encourages industry to develop and implement GHPs in the production of Australian native bee honey. Step-by-step food safety risk management throughout food chain is the best recommended food safety measure.

FSANZ's assessment mentioned implementation of GHPs as a condition to permit Australian native bee honey, stating *keepers of native bees must apply good hygienic practice during harvest and processing to ensure the safety of their produce* (CFS document page 10). However, FSANZ's discussion about harvesting methods in SD page 11-12 did not provide details of GHPs.

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<sup>1</sup> <https://www.fao.org/3/cc6226en/cc6226en.pdf>

NSW Food Authority notes there are certain hazards in Australian native bee honey production that may affect food safety. Examples include contamination from environment and/or a handler, spoilage or compositional change arising from fermentation. GHPs in place need to appropriately address risks arising from such hazards.

NSW Food Authority requests FSANZ, in consultation with the applicant, to demonstrate in the approval report that expected GHPs in the production of Australian native bee honey would be sufficient to produce safe and suitable food for sale, and are implemented as standard business practice across the industry.

NSW Food Authority notes food businesses who sell Australian native bee honey (including home-based businesses) in NSW would be subject to food safety compliance and enforcement activities. Retailers who sell Australian native bee honey would be subject to inspections by local council environmental health officers<sup>2</sup>. If NSW based Australian native bee honey producers predominantly sell foods by wholesale with a limited or no retail sales business component, they would be subject to the Food Authority's Manufacturer/Wholesaler Food Inspection Program<sup>3</sup>, which would require businesses to demonstrate adequate processing controls as part of compliance with Standard 3.2.2 clause 7.

### **'No added sugar(s)' claim conditions**

NSW Food Authority requests FSANZ to clarify in the approval report that Australian native bee honey will be included in the definition of 'added sugar' in line with European bee honey. As the proposed draft does not reflect the recent change in Schedule 4 as to 'no added sugar(s)' claim conditions through Proposal P1062 – Defining added sugars for claims<sup>4</sup>, it is unclear if Australian native bee honey will be considered as an added sugar.

## **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.**

Dated as 25 January 2024

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<sup>2</sup> <https://www.foodauthority.nsw.gov.au/retail/inspections>

<sup>3</sup> <https://www.foodauthority.nsw.gov.au/industry/manufacturers-and-wholesalers>

<sup>4</sup> <https://www.foodstandards.gov.au/food-standards-code/proposals/p1062-defining-added-sugars-claims>