

## Submission

### Consultation Paper – W1070 Plain English Allergen Labelling

Comments from the Department of Health and Human Services, Tasmania,  
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The Department of Health and Human Services, Tasmania (the Department) appreciates the opportunity to comment on the Consultation Paper – W1070 Plain English Allergen Labelling.

#### Use of the term ‘fish’ in Standard 1.2.3

- 1. Are the current requirements to declare fish and fish products in Standard 1.2.3 clear on what food/ingredients must be captured by the declaration? If not, please explain the problems associated with declaring these foods and ingredients on food labels.*

The Department does not consider that the current requirement to declare fish and fish products in Standard 1.2.3 is clear enough for both consumers and manufacturers. In Standard 1.2.3 it states that both crustacea and fish must be declared with no mention of molluscs. However the definition of fish in Standard 2.2.3 states that fish includes shellfish (i.e. crustacea and molluscs) and therefore there needs to be some mention of molluscs in Standard 1.2.3. This ambiguity could be resolved by listing finfish, crustacea and mollusc separately in Standard 1.2.3 - 4 (1) (b) as mandatory declarations.

In addition, if manufacturers chose to use the generic name ‘fish’ as allowed in Standard 1.2.4 then it should also follow that modifications be made to Schedule 10 where certain conditions apply when using this term. Currently it states that ‘if crustacea, the specific name of the crustacea must be declared’. To improve clarity of using the term ‘fish’ and enable consumers to make an informed decision it should also include ‘if mollusc, the specific name of the mollusc must be declared’. Consumers who are allergic to only one of these sources of protein (finfish, mollusc or crustacea) would have a greater range of products to choose as they would know which source the ‘fish’ was derived from. Manufacturers would also be clearer in knowing how to label products which contained fish and fish products.

## Cereal declarations

4. *Are manufacturers regularly declaring 'gluten containing cereals' in a 'contains' statement, with the specific cereal/s declared in the ingredients list? Is this information helpful for consumers with a cereal-specific allergy, or does it create difficulties for them in making correct food choices?*

The Department supports a mandated approach to 'contains statements' on food labels as it draws consumer's attention to the presence of particular allergens quickly and more easily. If consumers see this they are more likely to read the ingredients list in more detail to determine the specific type of allergen. Currently 'contains statements' are voluntary, which results in inconsistent labelling and consumer confusion. The inclusion of a mandated approach based on the AFGC and VITAL program would enable consumers to make correct food choices every time.

For cereal-specific allergies the Department supports the source grain being included in the statement rather than a generic term 'gluten containing cereals'. This provides greater clarity to consumers with a cereal-specific allergy, as products may still contain a cereal in which they have an allergy to but the cereal may no longer contain gluten as a result of processing.

5. *Are there instances where food labels omit the mandatory declaration for 'cereals containing gluten' because the cereal ingredients happen to contain no detectable gluten?*

The Department is not aware of any examples but acknowledges that Standard 1.2.3 could be confusing for manufacturers. The Department suggest removing the words 'cereals containing gluten' in Standard 1.2.3-4 (1) (b) (i) and replacing it with wording such as 'cereals, including wheat, rye, barely, oats or spelt or a hybridised strain of one of those cereals'. This would be more in line with Schedule 10 and the intent of Standard 1.2.3 that specific cereal names are declared on the food so that consumers with an allergy to a cereal can make an informed choice.

7. *Are you aware of food products that declare the name of a cereal on their labels but also declare that they are 'gluten free'? Would such information be unclear to consumers with a cereal-specific allergy, and if so, why?*

The Department has been made aware of one product - [REDACTED], in which it states it contains wheat but is also gluten free, which led to consumer confusion. When consumers are diagnosed with either a wheat allergy or Coeliac Disease they are educated on cereals that contain gluten of which wheat is one of them. Consideration would need to be given on how to communicate this message to consumers to reduce consumer confusion.

### **Use of tree nuts in Standard 1.2.3**

- 10. Are manufacturers declaring the presence of tree nuts using the broader term 'tree nuts' in addition to the declaration of the specific tree nuts elsewhere on the label (e.g. a 'contains tree nuts/nuts' statement, with the specific nuts listed in the ingredients list)? Would such an arrangement on a food label assist or hinder tree nut-sensitive consumers in making a correct food choice?*

The Department supports the use of 'contains statements' as outlined on the AFGC guide as it draws consumer's attention to the presence of tree nuts more quickly and easier than reading the ingredients list. Once a consumer sees this statement it triggers them to read the ingredients list more carefully to determine the specific type of tree nut/s. This process would only assist consumers if 'contains statements' were made a mandatory component of all food labels.

### **General issues associated with terminology**

- 12. Do 'contains' statements assist with identifying the presence of an allergen especially in the context of less familiar or less recognisable terminology being used in allergen declaration's?*

The Department supports the use of 'contains' statements for allergen declaration as it is easier for consumers to find the information at a glance. However, for this to be an effective strategy it needs to be mandated within the Food Standards Code to ensure a consistent, uniform approach in presentation and wording. The AFGC guide and VITAL could form the basis of the information incorporated in the code. The inclusion of precautionary statements in the Food Standards Code such as those suggested by the allergy bureau may help to address the overuse of the 'may contain' statements.