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Submission

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Project Name - Plain English Allergen Labelling

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Responses to questions in Appendix 1

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

No, the current requirements to declare fish and fish products are not adequate in Standard 1.2.3. Currently there is no definition in Standard 1.1.2 and 1.2.3 relating to finfish, crustacea and molluscs. The importance of accurate reflection of the code would benefit consumers with allergies as crustacea, mollusc and finfish are allergenically distinct to each other. This would also benefit smaller manufacturers and internationally manufacturers wanting to supply to Australia.

Woolworths believes that the current EU regulation has addressed this issue with clear guidance in *Food Allergen labelling and Information Requirements under the EU food Information for Consumers Regulation No. 1169/2011: Technical Guide April 2015*.

Due to Standard 1.2.3 not providing clear definitions Woolworths has developed an internal policy for all Woolworths Ownbrand products for allergen labelling which uses the format where ingredient list shall identify specific allergens by name and the contains statement shall list the allergen group. Please refer to question two for additional information on molluscs.

Example:

Ingredients: Marinated Prawns (Prawns, Parsley, Olive Oil, Salt), Salmon.

! Allergen Advice

Contains: Crustacea and Fish

2. Do food manufacturers understand that the allergen declaration requirement for fish and fish products includes finfish, crustacea and molluscs?

No, in our experience due to inadequate definition in Standard 1.1.2 and 1.2.3 manufacturers do not understand the requirements for fish and fish products to include finfish, crustacea and molluscs.

Having three distinct categories “Crustacea, Mollusc and Fish” with examples for each would be beneficial for giving adequate information to enable suppliers to categorise the correct allergenic group.

The importance of accurate reflection of the code would benefit consumers with allergies as crustacea, mollusc and finfish are allergenically distinct to each other. This would also benefit smaller manufacturers and internationally manufacturers wanting to supply to Australia.

3. Is the term ‘fish’ being used to refer to molluscs and/or crustacea in a ‘contains’ statement (even if a mollusc or crustacean ingredient is specifically declared in the ingredient list)?

Yes, Woolworths internal policy uses the collective term fish to describe molluscs and crustacea in our ‘contains’ statement. The name of the specific fish or crustacean is declared in the ingredients list. However in regards to finfish and molluscs, because they are allergenically distinct Woolworths declare as; Contains: Fish (Molluscs) to provide further clarity to our customers.

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

No, the ‘may contains/contains’ statements only generally makes reference to gluten not gluten containing cereals the ingredient name is being identified within the ingredient listing i.e. wheat.

The allergen warning statement which is separate to the ingredient list is not a requirement by the Code. We comply with the Code’s requirements for declaring gluten containing cereal as the cereal is listed in the ingredient list. The voluntary allergenic warning statement highlights allergen group - gluten.

Woolworths believes that the Standard needs to provide clarity on the requirements for gluten/ gluten containing cereals and ingredients derived from gluten, and the required wording needs more clarity.

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?

Woolworth's internal policy ensures that even if gluten is not detectable from the cereal ingredient, we list the cereal in the ingredient list. For example glucose from wheat. We do list gluten in voluntary allergen warning statement.

Additional guidance is required to exemptions in the overall statement. The User Guide *Standard 1.2.3, 5.2 Declaration where there may be no detectable traces of the allergenic protein January 2014* example is unclear as to where ingredients under proposal P1031 need to be listed if they are not required as per schedule 4.

6. Are there instances where manufacturers are declaring the presence of 'gluten' (not 'gluten-containing cereals') along with a declaration of the specific cereal elsewhere on the label? If so, then can you comment on why this labelling practice is occurring, and whether it is/is not useful information for consumers with a cereal allergy?

Yes, manufactures are declaring gluten in the may contains/contains statements rather than gluten containing cereals.

Woolworths experience is that manufacturers are interpreting the Code by declaring the gluten source in the ingredient declaration, and labelling the class of allergen gluten in the allergen warning statement.

Woolworths believes this is helpful to our customers as it provides clarity on the specific gluten source contained in the product, and draws their attention to look more closely into the ingredients listing

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, how?

No, Woolworths internal policy for Ownbrand products follows the current Code requirements and does not label gluten free on any products containing gluten containing cereals.

8. Do food manufacturers understand which tree nuts must be declared on food labels as a means of meeting the tree nut declaration requirements in Standard 1.2.3?

The current definition of tree nut in the code, suggest that any nut that grows on a tree or hard shelled fruit, shall be labelled as a tree nut except for coconut from species *cocos nucifera*.

However there are other species of coconut that is edible, based on the code, it is unclear if the below examples of coconut are considered tree nuts and therefore should be labelled.

- Coco de mar (*Lodoicea maldivica*)
- Pijiguao (*Bactris gasipaes*)
- Corozo corojó (*Bactris minor*)
- Palmira (*Borassus flabellifer*)
- Salaca (*Salacca edulis*)

9. Which tree nuts are clinically significant for individuals with a tree nut allergy? Has there been any clinical evidence since 2010 to further clarify the types of tree nuts implicated in tree nut allergies in Australia and New Zealand?

Woolworths experience with apricot kernels has been raised as an issue for similar properties to almond. Apricot kernels may be used as a substitute as for almonds and due to cross-reactivity there is a possibility that a reaction may occur in people with nut allergies. Woolworths believes a study is required to look at these and they should be considered as a highlighted concern..

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 ingredient list)? Would such an arrangement on a food label assist or hinder tree nut-sensitive consumers in making a correct food choice?

Yes, Woolworths policy is to identify the actual variety of tree nut within the ingredient listing and the may contains/ contains statement only refer to tree nuts. If other tree nuts are in the manufacturing facility and have the potential for cross contact, the may contain/ may be present statement will state - other tree nuts.

Example:

Ingredients: Wheat Flour, Water, Butter (from Milk), Apricots, Sultanas, Blanched Almonds, Walnuts.

(Cross contact allergens as identified by VITAL at Action Level 2: Eggs and Cashews)

! Allergen Advice

Contains: Gluten, Milk and Tree Nuts

May be present: Egg, Other Tree Nuts

Woolworths believes that this assists tree nut sensitive customers make correct food choices as these are commodity item, and there is a risk of potential cross contact from other tree nuts. The use of the broader term 'other tree nuts' is preferred to mitigate risk of allergic reactions.

11. Is the use of unfamiliar or unrecognisable terminology for allergen declarations common practice, and/or creating difficulties with the identification of allergens in foods?

Woolworths policy is to ensure that we use simple terminology that our customers understand and we also define in brackets where the ingredient contains an allergen. For example Butter (contains Milk), Emulsifier (Lecithin from Soy).

Woolworths experience has been that some manufacturers would benefit from further clarity in the Code guidance document. It would be useful within the guide to highlight ingredients which are often associated or contain an ingredient, as small manufacturers have issues identifying ingredients that are less obvious for example; mascarpone as milk containing ingredients and often we see butter being listed without the additional bracket of milk.

Sulphite labelling is also an area that requires further clarity. Woolworths supports the move to call out 'sulphites' in lieu of just calling out the sulphite number. For Example Preservative (220) would be declared as Preservative (220 (Sulphite)).

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 declarations?

Yes, Woolworths believes that the 'contains' statement assist with identifying the presence of an allergen, especially in the instance of a less familiar terminology being used in the allergen declaration.

Woolworth believes that bolding of ingredients in the listing that contain allergen sources would assist customers in making informed food choices. Currently the Code is not clear if the intention is for ingredients containing allergen sources should be bolded. We believe that Code should include clear formatting requirements for allergen labelling.

Warning and Advisory Statements and Declarations User Guide to Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations January 2014, 5.6 Legibility requirements for mandatory declaration states that clause 2 of Standard 1.2.9 requires that any statement prescribed to be contained on the label must be 'set out legibly and prominently such as to afford a distinct contrast to the background' and in the English language. With an example of some manufactures using bold font to ensure allergens stand out.

Woolworths supports the adoption of mandatory bold font of allergens in the ingredient declaration, and recommend it be made mandatory in the Code.