

25 February 2009 [2-09]

APPLICATION – ADMINISTRATIVE ASSESSMENT

PA1023	Date Received:	29 January 2009		
	Date Due for completion of Administrative Assessment: 20 February 2009			
	Date Administrative Assessment Completed: 20 February 2009			
Applicant: Humane Society International			Potentially Affected Standards in the Code:	
Title: Method of Production Labelling for Animal-derived Food Products			1.2.2	
			2.2.1	
Brief Description of Application:			2.2.2	
To amend Standard 1.2.2, Standard 2.2.1 and Standard 2.2.2 such that all animal-derived food products (meat and eggs) are labelled with a limited number of nationally- consistent legally-defined terms that refer to their method of production and rearing method.			Identified by FSANZ: 1.2.1	
Procedure: Major		Estimated total hours (Major Procedure)	Estimated start work:	
		5810		
Reasons why: The Application would require the variation of food regulatory measures including Parts 1 and 2 of the Code that would involve:		Reasons why:	If the Application had been accepted and the Applicant chose not to pay to have this work commence on receipt of fees, or part thereof as permitted, work would not commence for at least two years.	
		The assessment of the Application will require extensive stakeholder consultation and consumer research.		
 such scientific or technical complexity that it is necessary to adopt this procedure in considering it, and 		The Application is likely to require:		
		extensive consultation with government agencies, industry and consumer groups		
 such a significant change the scope of the food regulatory measures the necessary to adopt this procedure in considering and a change to labelling requirements impacting wide range of foods. 	the food neasures that it is adopt this	a benefit cost analysis of the proposed changes and a comprehensive assessment of risk management requirements		
	G .	two or more rounds of public consultation		
	s impacting on a	notification to the World Trade Organization		
		 establishment of external working parties and advisory groups 		
		the development of a complete community communications strategy to address the public concern		
		the development and distribution of community education material		

DECISION

Application rejected

Date: 20 February 2009

If rejected, list reasons for rejection:

The proposed variation to the Code would require a Major Assessment of the Application. The information provided in the Application is not commensurate with the information requirements for the proposed amendments.

Many references were listed in support of the proposed amendments. The *Application Handbook* requires that all claims or assertions be supported with evidence. The references were not provided.

The Application provides a list of food categories likely to be affected by the proposed amendments. FSANZ has identified that Standard 1.2.1 – Application of Labelling and Other Information Requirements of the Code would potentially be affected as it sets out certain exemptions relating to the food categories specified in the Application. The requirements of Standard 1.2.1 have not been considered in the Application.

Has the Applicant claimed Confidential Commercial Information status?

Yes No ✓

What documents are affected? N/A

Has the Applicant provided justification for Confidential Commercial Information status? $\ensuremath{\mathsf{N/A}}$

Is the Application for a High Level Health Claim?

Yes No ✓

If so, has the Applicant made an election to have FSANZ give public notice calling for submissions under s.51 of the FSANZ Act? $\,$ N/A

Has the Applicant sought special consideration e.g. novel food exclusivity, two separate applications which need to be progressed together e.g. a novel food and a related high level health claim.

Yes No ✓

Details: N/A

Charges

Does FSANZ consider that the Application is subject to ECCB?

Yes No ✓

If yes, indicate the reason: N/A

Does the Applicant want to expedite consideration of this Application?

Yes No Not known ✓

Application Handbook Requirements

Which Guideline/s within the Part 3 of the *Application Handbook* apply to this Application: Sections 3.1, 3.2.1, 3.2.4

Does the Application meet the requirements of the relevant Guideline/s?

Yes No ✓

Is the checklist completed?

Yes ✓ No

What information is not provided?

The proposed variation to the Code would require a Major Assessment of the Application. The information provided in the Application is not commensurate with the information requirements for the proposed amendments.

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Does the Application relate to a matter that may be developed as a food regulatory measure, or that warrants a variation of a food regulatory measure?

Yes No

- The Application suggests that it relates to a matter that may be developed as a food regulatory measure (defined as a Standard or Code of Practice), however
 - o the scope and intent of the proposed application is unclear
 - the information provided is inadequate to assess whether a variation to a food regulatory measure is warranted; and/or, .
 - whether non-regulatory measures could be used.

Is the Application so similar to a previous application or proposal for the development or variation of a food regulatory measure that it ought not to be accepted?

Yes No 🗸

Did the Applicant identify the Procedure that, in their view, applies to the consideration of this Application?

Yes ✓ No

If yes, indicate which Procedure:

The Applicant indicates the General Procedure.

It is the opinion of FSANZ that the scope as provided and associated matters for consideration suggest categorisation as a Major Procedure is justified.

Other Comments or Relevant Matters:

- Part 2 of the Application Handbook strongly advises applicants to consult with FSANZ prior
 to submitting an application. This pre-application consultation assists to ensure that the
 application contains all the necessary information relevant to the proposed standard or
 variation to a standard in the Code. This did not occur.
- The labelling terms stated in the Application may be subject to the *Trade Practices Act 1974*as administered by the Australian Competition and Consumer Commission (ACCC). This
 aspect has not been addressed in the Application. The Applicant is advised to contact the
 ACCC to discuss the relevant matters with that agency.
- The Applicant is also advised to contact the State and Territory Health Departments as appropriate, the New Zealand Food Safety Authority and the ACCC to discuss compliance with the standard and the enforcement of the proposed standard. FSANZ is not an enforcement agency and matters relating to breaches of the Code rest with the Jurisdictions and the New Zealand Government.

CONSULTATION & ASSESSMENT TIMEFRAME

Consultation Strategy:

Proposed length of public consultation periods:

Major Procedure post-1st Assessment (8 weeks)

Post 2nd Assessment (8+ weeks)

- A Standards Development Advisory Committee and Technical Advisory Group would be required, rigorous consumer behaviour research, broad consultation with stakeholders.
- Significant evaluation of costs to industry and government.

Community Involvement Category:

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Intensive and broad focus

- significant potential economic impacts
- many involved in impact
- broad public interest in the issue

Proposed Timeframe for Assessment:	N/A