

20 February 2015

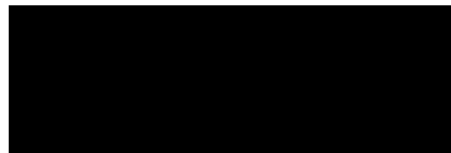
Project Manager
Food Standards Australia New Zealand
PO Box 10559
The Terrace
Wellington 6143
NEW ZEALAND

Email: standards.management@foodstandards.gov.au

Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Call for submissions – Proposal P1016: Hydrocyanic acid in Apricot Kernels & other Foods.***

Yours sincerely



Katherine Rich
Chief Executive

Food Standards Australia New Zealand
CALL FOR SUBMISSIONS – PROPOSAL P1016: HYDROCYANIC
ACID IN APRICOT KERNELS & OTHER FOODS

10 February 2015

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Call for submissions – Proposal P1016: Hydrocyanic acid in Apricot Kernels & other Foods.***

New Zealand Food & Grocery Council

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

Proposal P116

Proposal P1016 considers 5 options for dealing with apricot kernels in the food supply:

- status quo
- mandatory labelling
- setting a maximum level
- prohibition on the sale of raw unhulled (skin on) apricot kernels and
- prohibition on the sale of raw apricot kernels [hulled and unhulled].

FSANZ is proposing the last option, a general prohibition, with a number of exemptions for certain manufactured food products.

Overarching Comment

NZFGC is as focussed as FSANZ on ensuring the protection of public health and safety. However, NZFGC opposes a prohibition on the sale of apricot kernels. NZFGC appreciates that prohibition is proposed because FSANZ considers other options would be “unlikely to allow FSANZ to adequately ensure public safety due to the uncertainty surrounding the absolute maximum levels of hydrogen cyanide (HCN) that could potentially be present in unhulled or hulled apricot kernels”¹. However, NZFGC believes other options have not been exhausted and in particular mandatory labelling. NZFGC is concerned that prohibition might be expedient but from an industry (and consumer) perspective, this is a significant and serious step when other options, have not been exhausted, even when public awareness is low. NZFGC considers that consumer choice should be preserved in the food supply wherever possible.

¹ p10 SD2 COAG Consultation Regulation Impact Statement – Proposal P1016

Specific Comments

Supporting Document 2 (SD2) is the COAG Consultation Regulatory Impact Statement (RIS) for Proposal P1026 that reflects the options considered by FSANZ. It sets out five options noted above.

In assessing the options, it is not clear to NZFGC that the status quo is not working (warnings about consumption on the website) since it is not clear whether events reported to poison centres in Australia and New Zealand occurred after FSANZ's increased awareness advice issued in 2011. In any event, the heavy focus in the RIS on the determination of sellers and buyers to exploit apricot kernels as an alternative medicine is beyond the scope of the food control system. This is reflected in the summary of reported poisoning incidents (in SD2) about a number of 'intentional' incidents after consumption for health/alternative medicine treatments (46). As well, a number of general enquiries to the NSW Poisons Information Centre are reported (27) indicating a level of interest from the public.

NZFGC suggests that if the status quo is considered inappropriate, then Option 2 should be pursued, 'Applying mandatory labelling requirements'. FSANZ states that one reason for rejecting Option 2 is because "Labelling is not appropriate to mitigate a potentially serious public health risk for the general community where public awareness of the risk is low"². The level of public awareness of a public health and safety issue is not a reason for prohibition. This can be addressed through greater education efforts and through the likes of labelling.

Another reason for not pursuing Option 2 is that "it is difficult to predict a safe number of kernels that could be consumed per day". Warning advice need not specify the number of kernels for consumption. In the most recent WA poisoning case, we are advised the product was labelled but the nature of that labelling was not provided. Labelling advice could be more generic (and potentially more powerful) than recommending a number of kernels that might be consumed. It might contain a statement along the lines of the following:

"There are identified acute dietary risks and potentially severe acute potential poisoning associated with the consumption of raw apricot kernels. The product is not suitable for children and adults should be cautious in consuming kernels because of variable levels of the substance they contain that results in cyanide poisoning."

NZFGC notes that the results of the survey conducted under the Implementation Sub-Committee for Food Regulation's (ISFR's) Coordinated Food Survey Plan differentiated the HCN levels in 18 hulled and 10 unhulled apricot kernels such that the minimum level for unhulled kernels was three times the maximum level of the hulled kernels. FSANZ acknowledges the number of kernels tested was low but suggested that higher HCN levels in kernels are known and the uncertainty is too great for setting a maximum consumption level (Option 3). NZFGC is not supporting Option 3, a maximum level, but rather a strongly worded warning statement on all packaged apricot kernels.

NZFGC opposes Options 4 and 5 on the basis that these measures are draconian and based in part on prospective risks from high levels of HCN in kernels reported from overseas. No distinction has been made between hulled and unhulled kernels even though the risks are less in hulled apricot kernels by more than six-fold.

Under Options 4 and 5, the benefit to industry of reducing the risk of food poisoning events is a benefit from any measure for any food that addresses poisoning risks. Mandating labelling (Option 2) may result in some in the industry exiting because of the cost of labelling. This may have a similar effect as prohibition but it would be the result of a less draconian measure.

² p 10 SD2

In any event the costs to consumers of unreliable information concerning cancer and the benefits to consumers of 'inappropriately relying on apricot kernels to avoid or cure cancer' are outside the scope of the food supply and the food system.

NZFGC is concerned that no other country has prohibited sales of apricot kernels other than the USA and then because of their potential use in self-medication. Over time, industry uses may change creating the need for applications for further exemptions and additional costs to industry.

NZFGC recommends that mandatory labelling be applied for a given period, say 5 years and the situation re-evaluated through evaluation of the effectiveness of the measure.