



27 July 2016

Project Officer Proposal P1026  
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
WELLINGTON 6036

Dear Sir/Madam

**Proposal P1026 – Lupin as an Allergen – Call for Submissions**

Thank you for the opportunity to comment on this proposal. The Ministry for Primary Industries (MPI) has the following comments to make.

General comments:

As noted by FSANZ, it would appear that lupin allergy is not currently a significant public health concern for New Zealand, but this is likely to be due to the current low use and/or market for lupin in New Zealand, and consequent low dietary exposure. MPI is not aware of any food products currently available in New Zealand that contain lupin as an ingredient. Provisional data from the Nutriweb database on the presence of lupin in foods in the New Zealand food supply (2016 survey data) shows 41 food products with 'may contain lupin' statements on the label, but none listed with lupin as an ingredient. The majority of those foods with 'may contain lupin' statements were produced by one manufacturer. In 2015, the database showed two imported food products with lupin listed as an ingredient.

MPI is not aware of any clinically confirmed cases of lupin allergy in New Zealand. MPI does however acknowledge the increase in lupin-derived ingredients in food products produced in Australia, and the interest from the Australian food industry to explore the development of various lupin products in food due to the potential health benefits. This will most likely impact on the New Zealand food supply in the long term, with the possible emergence of lupin allergen if these food products are imported into and/or produced in New Zealand.

MPI notes that the risk assessment and RIS do not refer to honey. If bees collect both pollen and nectar from lupins, it would be expected that the pollen in the honey would more than likely contain allergenic proteins. Has consideration been given as to whether the presence of lupin in honey will trigger any mandatory allergen labelling

requirements, noting that the lupin is not present as an ingredient, a food additive or a processing aid, but could potentially be present as a low level component?

We do note the mandatory requirement for an advisory statement indicating that a 'product contains bee pollen which can cause severe allergic reactions' if the food is bee pollen, or if the food contains bee pollen as an ingredient. This would not be applicable to honey as the pollen is not an ingredient.

### **Comments in relation to questions in Call for Submissions:**

#### **Option 3 – Prepare a draft variation**

Do you expect to have any notification, education, permission, purchasing, record keeping, enforcement, publication and documentation, procedural, delay, labelling or any other costs associated with the proposed changes to the Food Standards Code?

- MPI does not expect to have additional costs, over and above business as usual costs for changes made to the Food Standards Code for these proposed changes.

Would implementation of the Option 3 cost more than implementation of the Option 2? If yes, why?

- Implementing Option 3 would incur less cost for MPI than Option 2. Existing tools for allergens would need to be updated under option 3 to include lupin, which is less costly than developing a new Code of Practice.

Whether some level of education would be required to inform consumers that lupin is an allergen under this option?

- MPI will review and update the consumer information on our website relating to allergens to include lupin.

### **Preferred option**

MPI supports the conclusions of the risk assessment prepared by FSANZ, and notes that the expert advisory group also supported the risk assessment. MPI's preliminary view is therefore to support option 3 – that is to prepare a draft variation to the Food Standards Code to require the mandatory declaration of lupin under section 1.2.3 – 4, and lupin oil under section S10-2. This approach would benefit susceptible lupin allergic individuals by mandating the declaration of lupin on food labels.

MPI also supports the proposed 12-month transition period to include lupin and lupin products in section 1.2.3-4 of the Food Standards Code so that mandatory allergen

declaration requirements apply; and to include lupin in Schedule 10 so that the specific source name of lupin oil is required. Given the low use of lupin ingredients currently in foods in the New Zealand food supply, this is unlikely to pose a significant issue for New Zealand manufacturers in terms of label changes.

We suggest “self-revocation” clauses for the clauses relating to transitional arrangements (i.e clause [2.2]), so that after the transition period ends the clauses no longer appear in the Code. It may be that these are removed by other means, and if so it would be helpful to note this in the Approval Report.

Yours sincerely



Manager Food Science and Risk Assessment