



26 November 2014

Standards Management Officer  
Food Standards Australia New Zealand  
PO Box 7186  
Canberra ACT 2610

Dear Sir

**Re: SUBMISSION: Proposal P1035- Gluten Claims about Foods containing Alcohol**

Thank you for the opportunity of commenting on this proposal, which we support. This change to the Standard will be to the benefit of those with Coeliac disease and Dermatitis herpetiformis who require a gluten-free diet for their health and well-being.

We would also like to take this opportunity of communicating our concern about inadequate governance of food testing for gluten in Australia. This has relevance to alcohol containing foods labelled 'gluten free', but also other foods labelled 'gluten free'. We acknowledge that FSANZ receives many submissions that raise issues and concerns which FSANZ does not have responsibility for and cannot address. We recognise that FSANZ sets Standards, upon which States establish laws, for local governments to implement. We also recognise that the ACCC has responsibility for Australian Consumer Law, and that the Department of Agriculture has some responsibility for imported foods. Unfortunately, our enquiries have confirmed that no single jurisdiction has been prepared to take responsibility for ensuring compliance with the FSANZ Standard as it relates to foods labelled 'gluten-free'. This becomes particularly problematic for imported foods manufactured in countries which have established a gluten threshold of 20ppm, or have not established their own gluten standard.

This is a serious issue for the health of the many Australians with Coeliac disease, who need to place trust in the veracity of gluten-free claims. Testing of gluten in foods in Australia is ad hoc, without interstate coordination, and lacking in laboratory standardisation; hence, the consumer with Coeliac disease is unable to receive assurance that foods comply with the FSANZ Standard. We acknowledge the publication of the NSW Food Authority studies of 2008 and 2010, which outwardly provide some reassurance for the consumer (1). Of the 223 and 211 foods tested in these two studies however, only 14% and 8% (total of 41 [9%] of 434 foods) were from overseas. Accordingly, reassurance can be implied for the majority of Australian-manufactured products, 5-7 years ago. Further, the last 5 years has seen tremendous growth in the gluten-free food industry, with an increase in imported foods labelled 'gluten-free'.

Overseas food companies may advertise their compliance with local standards, but this provides no assurance that there is compliance with Australian standards (2,3). For example, in the US, where gluten testing of foods is not mandated by the FDA (4), a recent study found 20% of foods labelled gluten-free did not comply with their local requirements (ie, gluten

levels  $\geq 20$  ppm) and a further 18% had gluten levels of 11-19 ppm (5). In this study 61.5% had gluten levels  $< 10$  ppm, the lower limit of laboratory quantification, and hence a proportion of these are likely to have had gluten levels of 3-10 ppm, and hence would not be compliant with the FSANZ Standard. This is an entirely unsatisfactory situation for Australian consumers with Coeliac disease.

Are not European and North American gluten-free Standards acceptable? No. This is a complex issue about which we can provide further information at your request. For the sake of brevity, the gluten-free threshold of 20 ppm represents an unsatisfactorily high level of gluten for many patients with Coeliac disease. Clinical studies from those regions report incomplete healing of small bowel injury in about one-third of Coeliacs on a GF diet (6). The US FDA recommended, but did not implement, a lower threshold on the basis of safety for Coeliac patients ( $< 1$  ppm) (7). From an Industry perspective, a lower threshold than 20ppm was clearly achievable, based on the Australian experience (1).

In summary, we support proposal P1035. We would also like for FSANZ to facilitate a system of improved governance over testing of imported foods labelled 'gluten-free' in order that the Australian standard is adhered to. We acknowledge that the ISFR subcommittee of FSANZ has some responsibility in this area, and the matter has been brought to the attention of 2 subcommittee members. To our knowledge, the subcommittee has not considered this matter. Given the rapid growth of the gluten-free Industry, including for imported foods, and given the health implications for those with Coeliac disease, we believe there is some urgency in having this matter dealt with. Either of us would be prepared to help or provide guidance if needed. Thank you for giving this your consideration.

With kind regards

Yours sincerely



Gastroenterologist



Chief Dietitian

1. [http://www.foodauthority.nsw.gov.au/Documents/science/gluten\\_survey\\_report\\_2010.pdf](http://www.foodauthority.nsw.gov.au/Documents/science/gluten_survey_report_2010.pdf)
2. <http://www.drschaer-foodservice.com/smartedit/documents/download/guidanceforcaterers.pdf>
3. <http://www.bobsredmill.com/our-story-on-gluten-free.html>
4. United States Food and Drug Administration.  
<http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/allergens/ucm362880.htm>
5. Lee HJ, Anderson Z, Ryu D. Gluten contamination in foods labelled as 'gluten-free' in the United States. J Food Prot 2014; 77: 1830-3.
6. Lebowitz B, Murray JA, Rubio-Tapia A, et al. Predictors of persistent villous atrophy in coeliac disease: a population-based study. Aliment Pharmacol Ther 2014; 39: 488-495.
7. <http://www.fda.gov/downloads/Food/FoodScienceResearch/UCM264152.pdf>