

submissions

From: Craig O'Harae [REDACTED]
Sent: Wednesday, 24 December 2014 8:34 AM
To: submissions
Cc: [REDACTED]
Subject: Submission for Proposal P1035 - Gluten Claims about Foods containing Alcohol
Attachments: Kikkoman Signed Submission for Proposal P1035.pdf

Food Standards Australia and New Zealand,

Please find attached Kikkoman Australia's submission for Proposal P1035 – Gluten claims about foods containing alcohol. It would be greatly appreciated if you could please acknowledge receipt of our submission.

Kikkoman Australia fully supports the proposal to permit nutrition content claims about gluten in relation to food containing more than 1.15% alcohol by volume to be made when Standard 1.2.7 – Nutrition, Health and Related Claims becomes mandatory. Please find attached our supporting submission.

We also express our strongest concerns that Standard 1.2.7 will no longer permit nutrition content claims about sodium in relation to food containing more than 1.15% alcohol by volume and therefore have included relevant information and data to support the inclusion of permission for sodium claims in this revision.

We look forward to your favourable consideration of our request for this inclusion. Please do not hesitate to contact me if you have any queries or require any additional information.

Regards


[REDACTED]
National Business Manager
KIKKOMAN AUSTRALIA PTY LTD
[REDACTED]

Application to Amend Standard 1.2.7 Nutrition Health and Related Claims

Applicant:

Kikkoman Australia Pty Ltd
Suite 2, 6th Floor,
132 Arthur Street
North Sydney 2060

Contact


Managing Director

Executive Summary

Kikkoman submits that *Clause 3* of Standard 1.2.7 *Nutrition Health and Related Claims* has an unintended consequence on brands of naturally brewed soy sauce such as Kikkoman, insofar as it does not allow for legitimate claims such as “reduced salt” or “gluten free” to be made on two of its naturally brewed Soy Sauce products that currently satisfy these claims.

Kikkoman submits that it is beyond question that soy sauce is not an alcoholic food and is not bought for its alcoholic content. Notwithstanding this, Kikkoman does include the alcohol content on the labels of all its products that exceed 1.15% as per this Standard.

A significant issue is that these two products are disqualified from making these differentiating and informational claims because of their alcohol content even though they have significant benefits for consumers.

We therefore apply to have the wording of this Standard modified in a way that does not change the intent of the Standard but allows these legitimate claims to be made. Additionally, we also offer a proposal that we believe will satisfy these objectives.

Kikkoman submits that it is beyond question that soy sauce is not an alcoholic food and is not bought for its alcoholic content.

Through the supporting information below, Kikkoman therefore affirms that naturally brewed soy sauce was never intended to be captured under the definition of an alcoholic food or beverage in the standards of *Nutrition Health and Related Claims* and *Labelling of Alcoholic Beverages and Food Containing Alcohol*.

Supporting Information

The clause of the Standard which disqualifies the two products from making these legitimate and consumer informational claims is *Standard 1.2.7 of Nutrition Health and Related Claims* seen in the table below:

Standard 1.2.7	
Nutrition Information Requirements	
3	Nutrition content claims or health claims not to be made about certain foods
	A nutrition content claim or health claim must not be made about –
(b)	a food that contains more than 1.15% alcohol by volume , other than a nutrition content claim about energy content or carbohydrate content

We hypothesise that the alcohol criteria used in this standard is based on the provisions contained in *Standard 2.7.1 Labelling of Alcoholic Beverages and Food Containing Alcohol*.

Standard 2.7.1	
Labelling of Alcoholic Beverages and Food Containing Alcohol	
2	Declaration of alcohol by volume
(1)	The label on a package of food listed in column 1 of the Table to this subclause must include a statement of the alcohol content in the corresponding form specified in column 2.
Table to subclause 2(1)	
Column 1	Column 2
Food, including alcoholic beverages, containing more than 1.15 % alcohol by volume	Expressed in mL/100g or mL/100mL or X% ALCOHOL BY VOLUME or words and expressions of the same or similar effect

We contend that this Standard was never intended to include naturally brewed soy sauce when it was originally proposed by ANZFA in 2000.

Kikkoman acknowledges the health and safety concerns that this Standard addresses as articulated in the explanatory notes below.

15 March 2000 11/00

Explanatory Notes

Proposal P219: Labelling Of Foods Containing Alcohol

- There is currently a public health and safety concern due to:
 - a lack of labelling with alcohol concentrations on some foods containing alcohol; and
 - a lack of awareness by some consumers as to the presence of alcohol in some foods, and its unsuitability for children.

Further examination of *Proposal P219* notes that the major concerns in formulating this proposal were essences.

There have been concerns raised in relation to particular products, labelled as 'essences', which can be made into alcoholic beverages, often imitations of genuine spirits. These products are usually sold in larger (375 ml) volumes, have very high alcohol concentrations (50-80% alc/vol) and often come with instructions on how to dilute them to make alcoholic beverages.

It is also noted that other foods specifically flavoured with alcohol were also of mentioned in the earlier *Proposal P204*

As a part of the review of the FSC, alcoholic beverages and foods containing alcohol have been considered. Proposal P204 – Review of Alcoholic Beverages and Foods Containing Alcohol, was endorsed by ANZFA at Inquiry in November 1999. ANZFA is recommending that:

- food, including alcoholic beverages, containing more than 1.15 per cent alcohol by volume must include a statement of the alcohol content; and
- a package of a beverage or a food capable of being consumed as a beverage, which contains more than 0.5 per cent alcohol by volume must be labelled with a statement of the approximate number of standard drinks in the package.

These proposed changes will ensure that all foods containing alcohol (for example, essences, alcoholic icy poles, liqueur chocolates, any new products which are developed) will be adequately labelled with an alcohol concentration, and in some cases, the number of standard drinks, enabling consumers to make informed decisions as to the quantity of alcohol they are consuming.

We could not find however reference to condiments in this proposal which leads us to believe that naturally brewed soy sauce was never a consideration in the drafting of this regulation.

This was also confirmed recently by an exchange of emails between Tony Beaver of the FBIA (*acting on our behalf*) and FSANZ.

The impact of *Clause 3 of Standard 1.2.7* places soy sauce products which are naturally brewed at a disadvantage against those which are artificially brewed.

There are two primary methods of producing Soy Sauce, by natural brewing or by acid hydrolysis.

Kikkoman Naturally Brewed Soy Sauce is made from soybeans, wheat (rice replaces wheat for gluten free products), salt and water. A fermentation process is undertaken whereby the yeast has been fermented and then wheat starches are broken down to sugars and part of the sugars are converted into alcohol (a process that takes many months to complete). This alcohol adds to the aroma and overall flavour in the soy sauce. As this residual alcohol is generally above 1.15%, there is a requirement to declare the actual level under Standard 2.7.1.

Soy Sauce manufactured by acid hydrolysis (*normally Hydrochloric Acid with a Sodium Hydroxide neutralisation*) conversely does not produce alcohol.

Therefore assuming the percentage reduction criteria is met, a low salt claim could be made on the acid hydrolysed product whereas a low salt claim on our naturally brewed product which meets the reduced criteria is disqualified under *Clause 3* of Standard 1.2.7.

Proposal

We apply to have the wording of this standard modified in a way that does not change the intent of the Standard but allows for these legitimate claims to be made.

Kikkoman proposes the following suggested amendment to Clause 3:

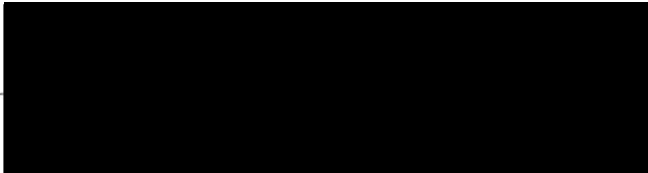
Standard 1.2.7	
Nutrition Information Requirements	
3	Nutrition content claims or health claims not to be made about certain foods
	A nutrition content claim or health claim must not be made about –
(b)	a feed beverage, essence or confectionery product that contains more than 1.15% alcohol by volume , other than a nutrition content claim about energy content or carbohydrate content

In formulation of this proposal we have taken into account the 3 products specifically mentioned in *Proposal P219/ P204*.

We submit that this change will better address the health and safety concerns that were the objectives of this legislation and allow us to make legitimate claims on our products to the benefit of consumers.

We look forward to your favourable consideration of this Application to Amend *Standard 1.2.7 Nutrition Health and Related Claims*.

Yours Sincerely

A large black rectangular box redacting the signature of the Managing Director.

Managing Director

December 17th 2014

