

19 December 2014

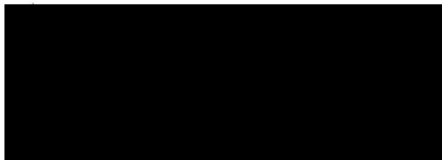
Project Manager  
Food Standards Australia New Zealand  
PO Box 10559  
The Terrace  
Wellington 6143  
NEW ZEALAND

Email: [standards.management@foodstandards.gov.au](mailto: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 P1035 Gluten Claims about Foods containing Alcohol.***

Yours sincerely



Katherine Rich  
**Chief Executive**

**Food Standards Australia New Zealand**  
**CALL FOR SUBMISSIONS – PROPOSAL P1035 GLUTEN CLAIMS**  
**ABOUT FOODS CONTAINING ALCOHOL**

**December 2014**

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Call for Submissions – Proposal P1035 Gluten Claims about Foods containing Alcohol***.

### **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 P1035**

The Proposal seeks to allow the continuation of nutrition content claims about gluten in relation to food containing more than 1.15% alcohol by volume when Standard 1.2.7 *Nutrition, Health and Related Claims* becomes mandatory in January 2016.

### **Overarching Comment**

NZFGC supports the continuation of gluten content statements being made for foods containing alcohol including alcoholic beverages and in particular for beer. The current application of such statements has been undertaken voluntarily and responsibly by industry. The current arrangements meet consumer needs by assisting consumers, such as those with coeliac disease or other health related issues, with information about the gluten status of beer and other foods containing alcohol.

NZFGC recommends that concurrently, the requirement for alcoholic beverages making such statements to carry a nutrition information panel (NIP) be removed. In making this recommendation, it is not NZFGC’s intention that all alcoholic beverages might carry NIPs and NZFGC does not support NIPs applying to all alcoholic beverages on the basis of issues including cost and trade related.

Mandating NIPs when a claim is made is intended to assist consumers to identify nutrient content within the category of products associated with the claim. Nutrition information on a very few alcohol products that are a subset of alcoholic beverages does not assist consumers to identify nutrient content within the category of alcoholic beverages because other alcoholic beverages do not carry NIPs and a NIP on a few beers would likely be more confusing than helpful. NZFGC points out that statements concerning sulphite content on wines are not treated as claims and do not trigger the need for such wines to carry NIPs.

## Specific Comments

The new Standard 1.2.7 *Nutrition, Health and Related Claims* prohibits the application of nutrition content claims on foods containing alcohol other than for energy and carbohydrate content (clause 3). This effectively reversed gluten content claims for foods containing alcohol that had been able to be made under Standard 1.2.8 *Nutrition Information Requirements*.

### **Consumer information**

As FSANZ has noted, most beers and some other alcoholic beverages are produced from ingredients containing gluten, including barley, wheat and rye, but some beers are produced to be gluten free. Once Standard 1.2.7 becomes mandatory, permission to make gluten content claims will be removed and consumers will not receive information about the gluten content of alcohol containing food.

No other labelling mechanism, such as ingredient lists (which are not required on alcoholic beverages) are available for gluten-free beer manufacturers to use to provide consumers with gluten status information.

Some other foods that contain more than 1.15% alcohol by volume will also be affected by the prohibition on gluten content claims when Standard 1.2.7 becomes mandatory such as some soy sauces, marinades and essences.

### **Industry responsibility**

Manufacturers of foods containing alcohol have acted responsibly in the past by

- developing products for the 1% of the Australian and New Zealand population that suffers from coeliac disease
- voluntarily labelling products with the gluten status.

This approach has ensured the consumer has adequate information to make choices about the foods they eat and drink.

### **Need for a Nutrition Information Panel (NIP)**

The current provisions (Standard 1.2.8, clause 4(1)) require that when a claim is made on food that is otherwise exempt from carrying a NIP, that food must carry a NIP. The rationale for exempting foods from carrying a NIP removes the prospect of what might otherwise be meaningless NIPs. This is the case, for example, for exempting foods such as vinegar, salt, tea, coffee and herbs and spices from the requirement to carry NIPs. It is anomalous for some alcoholic beverages (foods standardised in Standards 2.7.2 to 2.7.5) to be required to carry NIPs simply because they carry a gluten content statement. The rationale for alcoholic beverages not carrying a NIP has not changed.

NZFGC also notes that statements on wine relating to sulphite content are not treated as claims and do not trigger the requirement for a NIP. Such inconsistency in treatment does not assist either manufacturers in applying the Code or consumer use of labels.

When nutrition labelling was reviewed in 1997, (Proposal P167), the underlying principles were the need to ensure that information:

- provided to the consumer was accurate, easy to use and did not confuse
- assisted the consumer in identifying the key nutrient contents of individual food products
- assisted the consumer in choosing among relevant food alternatives by being able to compare nutrient content within product categories.

A NIP on alcoholic beverages permitted to make gluten content statements does not assist consumers to identify nutrient content within the category of alcoholic beverages because other alcoholic beverages do not carry NIPs. To this extent a NIP on a few beers would likely be more confusing than helpful and the underlying principles for the requirement to display a NIP when making a claim are not met.

In light of this, and in relation to alcoholic beverages (foods containing alcohol and standardised in Standards 2.7.2 to 2.7.5) the requirement for such foods to carry a NIP should not apply/be removed when gluten information is provided to consumers in the form of a statement that is to be considered a claim.

### ***FSANZ Act Objectives***

The FSANZ Act 1991 (Subsection 18(1)) sets out the objectives for FSANZ. One of these objectives is: “The provision of adequate information relating to food to enable consumers to make informed choices”. Allowing gluten content claims to continue on foods containing alcohol satisfies this objective.

NZFGC supports continuation of the provision for alcoholic beverages to make statements concerning gluten but recommends that the provision requiring such foods to carry a NIP when gluten statements are made be removed.