



22 December 2014

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 Brewers' Guild of New Zealand wishes to present on the ***Call for Submissions – Proposal P1035 Gluten Claims about Foods containing Alcohol.***

Yours sincerely

Bob King,
Chair
Brewers' Guild of New Zealand

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

December 2014

The Brewers' Guild of New Zealand welcomes the opportunity to comment on the ***Call for Submissions – Proposal P1035 Gluten Claims about Foods containing Alcohol.***

About the Brewers' Guild

The Brewers' Guild of New Zealand ("the Guild") represents around 60 breweries of all shapes and sizes throughout New Zealand. Overall, the brewing industry employs 1,800 people with thousands more working in the beer value chain. Brewing is a \$2.2 billion industry which contributes \$722 million directly to New Zealand's GDP every year.

The Guild was created to support and give a collective voice to the burgeoning number of local breweries in New Zealand. It has been a very exciting time in the industry with the number of new breweries and new beers increasing dramatically. The Guild aims to support and represent a vibrant, diverse and socially responsible Kiwi brewing industry.

Two members of the Guild specifically make gluten-free beer (Scotts Brewing Co based in Oamaru and Kereru Brewing Company based in Upper Hutt), however, there is constant innovation in the industry and many member companies are interested in pursuing low or gluten free beers.

Proposal P1035

The Proposal P1035 seeks to continue to permit 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. If the proposal is not successful nutrition content claims about gluten on alcohol beverages will be prohibited from January 2016.

The Guild welcomes and supports P1035. We believe this Proposal addresses the oversight that arose in the development of Standard 1.2.7. If the proposal is not successful it will prevent provision of useful information to consumers, particularly those who are affected by Coeliac Disease and who wish to have greater choice in alcohol beverages, particularly beer.

Summary

The Guild supports the continuation of gluten content claims being made for beer. Given that most beers are made using ingredients that contain gluten (barley, wheat, rye), it is important that clear information is available to assist consumers, such as those with coeliac disease or other health related issues, with information about the gluten status of beer. Traditional beers are not suitable for those with Coeliac Disease and there is a high degree of awareness of this fact, but there are beer options available and it is important that consumers know that these options exist. The beer industry has acted to ensure the consumer has choice and also adequate information to make decisions about what they drink so that even those with coeliac disease or gluten intolerance can choose to responsibly enjoy their preferred alcohol beverage.

The Guild welcomes the increased interest in, development and growth of beer styles, including 'gluten-free' beers, believing that it provides greater choice to the consumer. We see the introduction of low gluten and gluten free beers as providing potential products of interest to those with Coeliac Disease or other health-related issues. We are therefore concerned that the prohibition in Standard 1.2.7 pertaining to claims regarding gluten for alcohol beverages after January 2016 could hinder growth, research and development in the beer category and hinder choice for the consumer.

The Guild suggests that FSANZ review the requirement for alcoholic beverages making such a claim to carry a nutrition information panel (NIP). First, such information does not assist consumers to identify nutrient content across the category of alcoholic beverages because other alcoholic beverages do not carry NIPs. Secondly, the requirement for an NIP on only gluten-free beers is cost prohibitive to the producer and could provide a disincentive to developing or labelling low or gluten free beers. Thirdly, the health rationale for gluten claims on beer (ie. the health and safety of consumers with coeliac disease) is essentially different to claims about energy or carbohydrate content. Therefore the justification for requiring an NIP is different.

Background

Need to maintain the ability to make low or gluten-free content claims about beer

Producers of beer have responded to consumer demand and acted responsibly in the past by:

- developing products for the 1% of the Australian and New Zealand population that suffers from coeliac disease; and
- voluntarily labelling products with the low or gluten-free status to provide consumer information and choice.

This approach has ensured the consumer has adequate information to make choices about the beverages they drink and even those that have coeliac disease can responsibly enjoy their preferred alcoholic beverage. Traditional beers are not suitable for those with Coeliac Disease and there is a high degree of awareness of this fact, but there are beer options available and it is important that consumers know that these options exist.

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. We strongly support P1035 for this reason.

Need for a Nutrition Information Panel is not justified

We understand that the current provisions require that alcoholic beverages are exempt from carrying an NIP (Standard 1.2.8, clause 3(b)) except if they make a nutrition content claim. This proposal relates to the issue that currently the only nutrition content claims allowed are about energy or carbohydrate content – Standard 1.2.7, clause 3). An NIP would be required to be provided for alcohol beverages making content claims about gluten content (in accordance with existing requirements in Standard 1.2.8).

We suggest that FSANZ to review this proposal such that the requirement to carry a NIP should not apply/be removed when gluten information is provided to consumers.

Justification for an NIP not founded

When nutrition labelling was reviewed in 1997, (Proposal P167), one of the underlying principles was the need to ensure that information provided to the consumer was accurate, easy to use, did not confuse, and assisted the consumer in identifying the key nutrient contents of individual food products, in comparing nutrient content across and within product categories, and in choosing among relevant food alternatives. An NIP on alcoholic beverages permitted to make gluten content claims 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 only a small number of beers products would likely be more confusing than helpful, and is not serving the purpose for which NIPs were initiated.

Furthermore, we have been advised that the NIP can actually cause more confusion to the average consumer than benefit as they do not understand that the current test for gluten can not test for less than 3ppsm. Most people assume that gluten free would be zero gluten, but do not appreciate that the test cannot detect lower than that.

Cost prohibitive and unduly onerous

The requirement for an NIP on only gluten-free beers is cost prohibitive to the producer and could provide a disincentive to developing or labelling low or gluten free beers. Compliance costs, particularly for small breweries preparing small batches, to prepare NIPs would be a significant disincentive to produce low or gluten-free beers, or to label them as such. This then is contrary to the objective of providing clear and necessary information to the consumer. We have estimated the cost to a small brewer to have NIP testing (additional to the gluten testing) undertaken is around \$500 per product. Labelling costs on top of that would add an extra expense, especially if a back label is required to be added.

Very real health rationale

The health rationale for gluten claims on beer (the health and safety of consumers with coeliac disease) is essentially different to claims about energy or carbohydrate content. Therefore the justification for requiring an NIP is different. Products that make claims about energy and carbohydrate content are potentially across all alcohol beverage categories (wine, beer, cider, spirits, RTDs etc), therefore the rationale to be able to compare key nutrient information across and within product categories is justified. However, gluten claims are made on a much narrower band of alcoholic beverages (predominantly beer and spirits) and for a unique component of the product, ie. gluten.

In light of this, and in relation to alcoholic beverages (foods containing alcohol and standardised in Standard 2.7.2 to Standard 2.7.5) the Guild suggests that the requirement to add an NIP when gluten information is provided to consumers should be reviewed.