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## **Submission to Food Standards Australia and New Zealand**

### **Second Call for Submissions – Proposal P1044**

#### **Plain English Allergen Labelling**

Thank you for the opportunity to make feedback on proposal P1044.

This submission is from dietitians who are members of Dietitians New Zealand (Dietitians NZ) Allergy Special Interest Group (SIG) and the Paediatric SIG.

Dietitians are registered health practitioners who evaluate scientific evidence about food and nutrition and translate it into practical strategies. Dietitians work in partnership with individuals, whānau, communities and populations, in states of health and disease, to support optimal health and well-being.

Dietitians use their dietetic knowledge, skills, and judgement in a variety of contexts, which includes promoting and protecting public health, directing and delivering medical nutrition therapy services, and managing food and health systems. They may perform a variety of functions, including policy development, leadership, management, research, education, and communication roles.

Dietitians with a prescribing endorsement are able to prescribe Special Foods and approved nutrition-related medicines.

Dietitians are accountable for ensuring that their practice is consistent with the Dietitians Board's competency requirements, Code of Ethics and Conduct, and relevant legislation.

Dietitians New Zealand Incorporated (Dietitians NZ) is the professional association of registered dietitians and associated nutritional professionals. With a current membership of approximately 600, we represent the largest group of fully trained food and nutrition professionals in New Zealand. Dietitians NZ exists to build a strong and sustainable profession that empowers New Zealanders around food and nutrition; and inspire change to enhance the health and wellbeing of Aotearoa, New Zealand.

Answers to the Questions for Submitters

**Question 3. Is there likely to be a material difference in the benefit to consumers between Options 2 and 3?**

**Yes**

- There are significant material differences in the benefit to consumers between Options 2 and 3. Consumer safety: Option 3 is the safe option for a consumer compared to Option 2.
- The presence of a Contains statement will help the accurate identification of the presence of an allergen. Without a Contains statement it can be easy to miss the name of an allergen in a long list of ingredients, e.g. up to 32 ingredients on a cereal packet.
- The ingredient list is often in small font, so an allergen statement is a clear and concise notification of the presence of an allergen. The Contains statement is beneficial to those who have decreased sight ability or lower English reading/literacy skills.
- It will help prevent the potentially harmful and sometimes fatal consequences of a food allergic reaction from consumption of a food containing an allergen they are allergic to.

**Question 4. Is Option 2 or 3 sufficient for consumers to make quick and reliable assessments of foods?**

**Option 3 is the preferred option**

- Option 3 is the most effective and safe way for consumers to make a quick and reliable assessment of a food and if contains an allergen they are allergic to.
- Option 3 with a Contains statement means each allergen is able to be identified initially and consistently by the one Mandatory specified term or required name e.g. milk. If the Contains statement was not present the consumer would need to read through the ingredient list to find out if a specific allergen was present. This can take a long time when there are many ingredients in a food; font size is often small and difficult for some people to read. This becomes more difficult with two or more food allergies and many more allergen containing ingredients to search for. .
- Also, without a Contains statement the consumer would have to look through the ingredient list to find out what different forms of the allergen are present in e.g. milk encompasses foods including yoghurt, cheese, casein, whey etc, or wheat encompasses spelt, bran, farina, semolina etc. It is not realistic to expect a consumer to know all of the derived names of a food allergen to look for in an ingredient list.

**Question 6. Do you expect to have any notification<sup>6</sup>, education<sup>7</sup>, permission<sup>8</sup>, purchasing<sup>9</sup>, record keeping<sup>10</sup>, enforcement<sup>11</sup>, publication and documentation<sup>12</sup>, procedural<sup>13</sup>, delay<sup>14</sup>, labelling<sup>15</sup> or any other costs associated with the proposed changes to the Food Standards Code?**

**Yes**

- Additional resources will be required of dietetic time in District Health Boards and other professional organisations to update food allergy education information sheets; to update parents, whanau and caregivers, and adults with food allergy.
- In-house food service managers and food service contractors will need to determine if products meet allergen friendly diet codes, and may need to update food supplier information.

**Question 7. Any views in relation to unintended consequences associated with Option 2 or 3.**

**Option 3.** Tree nuts labelling where tree nut or tree nuts are to be declared in the Contains statement.

All dietitians agree this will assist effective and accurate identification of tree nuts as an ingredient and are very pleased to see this proposal.

### **Section 5.8 p26**

Comment on the requirement to not use the term gluten:

*“FSANZ is not proposing to change these requirements. However for consistency, FSANZ considers the same mandatory specified terms required for the statement of ingredients on packaged foods should be used for these declarations. Alternative terms required for the allergen summary statement, such as ‘gluten’ and ‘tree nut’, will not apply (see Table 2 below). While the consumer behaviour research has shown ‘gluten’ and ‘tree nut’ are useful prompting terms to include in the allergen summary statement, there is an underlying need to ensure the declaration of individual tree nuts and cereals, even if a statement of ingredients is not present. Therefore the use of mandatory specified terms for individual tree nuts and cereals in allergen declarations on foods not required to bear a label or display a statement of ingredients will ensure consistency of information for allergic consumers. While ‘gluten’ and ‘tree nut’ terms will not be required for these foods, they could still be used voluntarily, provided the individual cereals/tree nut terms are also declared.”*

- If gluten is not mandated on the allergen summary statement this can cause problems for the consumer when they ask “if a food contains gluten”. Gluten is the known generic term for a number of foods they need to avoid. If the shop assistant has a list of ingredients only they may not know which ones contain gluten or not, and give incorrect advice that the food does or does not contain gluten. If there was the wording “contains gluten” this will help

the food caterer / shop assistant to accurately identify the gluten containing ingredients and reply correctly to a consumer query about gluten.

- There are a large number of foods and ingredients that contain gluten and it is impractical for a consumer and the staff to know and remember all of these.
- A busy and noisy shop environment can lead to misunderstanding and uncertainty about the gluten status, and the consumer feeling unsafe to make a purchase.

We are pleased to see the progress FSANZ has made in their detailed work on Plain English Allergen labelling, and to have the opportunity to make a submission on this proposal P1044.

Yours sincerely

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