



P1044 Plain English Allergen Labelling (PEAL)

February 2020

The Dietitians Association of Australia (DAA) is the national association of the dietetic profession with over 7500 members, and branches in each state and territory. DAA is a leader in nutrition and advocates for food and nutrition for healthier people and healthier nations. DAA appreciates the opportunity to provide feedback on P1044 Plain English Allergen Labelling (PEAL) by Food Standards Australia New Zealand.

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DAA interest in this consultation

DAA is the peak professional body for dietitians in Australia and responsible for the Accredited Practising Dietitian (APD) program as the basis for self-regulation of the profession.

DAA advocates for a safe and nutritious food supply in which the community has confidence and which meets the nutritional needs of all Australians, including groups with special needs.

As experts in nutrition, APDs assist the general population and groups with special dietary needs, such as those with food allergy and intolerance, to meet their nutritional requirements. APDs also assist with the translation of food labels and nutrition content claims. APDs working within the food industry also assist companies to develop new products and food labels, including those relevant to allergy aware customers.

Recommendations

DAA supports clear and consistent plain English labelling of allergens on food products and **supports Option 3**: that the Code requires allergens be declared using mandatory specified terms in bold font, with additional requirements to declare in the statement of ingredients as well as in a separate allergen summary statement.

More specifically, DAA recommends:

- Allergenic summary statements be regulated by s1.2.1—25 to have a minimum font size of 3mm to adequately protect allergenic consumers in the same way all consumers are protected by any other warning statement in the Food Standards Code.
- Including definitions of “crustacean” and “mollusc” in the Food Standards Code with some common examples would reduce the potential risk of confusion and mistakes in labelling.
- DAA opposes using the generic names for molluscs and crustaceans for the statement of ingredients due to cross-reactions being more likely within the same class, consumers of mixed seafood products potentially having less information about the ingredients in their food, and inconsistency with the approach taken by the European Union.

Discussion

1. What proportion of foods are likely to be affected by the change?

DAA has no comment on proportion of foods likely to be affected by the change.

2. Is there likely to be a material difference in costs between Options 2 and 3? If yes, why?

DAA does not speak for food producers or manufacturers, but labels not currently using the Australian Food and Grocery Council recommended format¹ may need minor design changes to accommodate the extra space required for the summary statements. DAA considers there would only be a small extra marginal cost for Option 3.

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

DAA has consistently supported having the allergen summary statement in addition to declaring allergens in the statement of ingredients (Option 3). DAA considers that this optimises the protection for allergenic consumers because they, and people buying on their behalf, are much more likely to see this critically important information if both methods are used.² The dual approach gives full information to consumers and facilitates allergen identification for younger consumers and other consumers who may have lower English literacy levels. The dual approach is also consistent with the Australian Food and Grocery Council's Food Industry Guide to Allergen Management and Labelling.¹

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

Subject to our comments for question 7, DAA supports Option 3 because it is most likely to make it easier for allergenic consumers and people buying on their behalf to see relevant food allergens.

5. What would be an appropriate duration of time for stock in trade provisions?

DAA supports the transition period outlined by FSANZ: for the draft variation to take effect on the date of gazettal, with the a two-year transition period followed by a 12-month stock-in-trade period.

6. Do you expect to have any notification, education, permission, purchasing, record keeping, enforcement, publication and documentation, procedural, delay, labelling or any other costs associated with the proposed changes to the Food Standards Code?

DAA expects that Accredited Practising Dietitians working with allergenic patients and their carers would engage in some minor additional training to understand the effect of the proposed reforms and develop new educational resources to reflect the changes.

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

DAA is concerned about the following unintended consequences:

- Presentation of allergen information. Under the current proposal, declarable allergens will be in bold text in the statement of ingredients and the allergen summary information will be the same size as the allergen declaration. In cases where this information is less than 3mm, information critical to the life of allergenic consumers could be in smaller font than any other warning statements required by the Food Standards Code (s1.2.1—25). DAA strongly recommends that allergenic summary statements be regulated by s1.2.1—25 to adequately protect allergenic consumers in the same way all consumers are protected by any other warning statement in the Food Standards Code.
- DAA strongly supports consistent approaches to facilitate label reading for affected consumers and people buying on their behalf. Paragraph 5.2.2.3 of the consultation paper raised the issue of naming the source of the allergen in parentheses if it is not mentioned in the name of the ingredient, e.g. “bulgur (wheat)”. As noted, this approach is recommended in the Food Industry Guide and followed in the USA and Canada. DAA considers this approach should be mandatory so there is a consistent plain English approach for all labelled foods. Paragraph 5.2.2.3 of the consultation paper discussed the needs of industry. However, it is also important to balance this with the needs of consumers to have consistent, plain English information available to meet their needs to identify relevant allergens. This is consistent with the stated goal of the proposal: to make allergen information clearer and more consistent for consumers particularly through the use of plain English allergen labelling.
- DAA welcomes the proposal to have molluscs as a separate declarable allergen. However, DAA considers that a definition in the Food Standards Code of the terms “molluscs” and “crustacean” would assist consumers and industry. We think it is likely that consumers and industry, particularly importers with limited English, may not know the distinction between the two. Having a definition with some common examples would reduce the potential risk of confusion and mistakes in labelling. The *Cambridge Dictionary* definitions alongside examples currently on the FSANZ website³ would be appropriate to include in the variation.

- DAA opposes using the generic names for molluscs and crustaceans for the statement of ingredients for three reasons. First, a recent review demonstrates that cross-reactivity is not uniform for each of these allergens.⁴ Although most people with a mollusc allergy react to all molluscs, cross-reactions are more likely within the same class (bivalves, cephalopods or gastropods). Secondly, the proposal may have the outcome that consumers of mixed seafood products would have less information about the ingredients in their food. Thirdly, we note that the overall effect of the proposal is inconsistent with the approach taken by the European Union. Regulation (EU) No. 1169/2011 provides that molluscs and crustaceans are declarable allergens but does not permit each of these groups to be labelled generically. It would be undesirable for Australian consumers to have less information than their European counterparts.
- DAA notes that FSANZ is also not suggesting currently proposing a specification of the type of fish. DAA considers identifying specific fish in the ingredients list would be an advantage to provide this detail for consumers who are trying to avoid specific fish, which contain high mercury levels, as per FSANZ advice, e.g. pregnant women and young children. Inclusion of the generic term “fish” in brackets after the specific fish type and use of the generic term in the statement of allergens will clearly identify the allergen to allergic consumers or those buying for them.

References

1. Australian Food and Grocery Council, Allergen Bureau. *Food Industry Guide to Allergen Management and Labelling*. Canberra 2019.
2. Barnett J, Leftwich J, Muncer K, et al. How do peanut and nut-allergic consumers use information on the packaging to avoid allergens? *Allergy*. 2011;66(7):969-978.
3. Food Standards Australia New Zealand. Shellfish. <https://www.foodstandards.gov.au/consumer/foodallergies/allergies/Pages/Shellfish.aspx>. Published 2019. Accessed 17 February, 2020.
4. Ruethers T, Taki AC, Johnston EB, et al. Seafood allergy: A comprehensive review of fish and shellfish allergens. *Mol Immunol*. 2018;100:28-57.