



Unilever Australasia
219 North Rocks Road
North Rocks NSW 2151
Australia
103 Carlton Gore Road
Newmarket
Auckland 1023
New Zealand

Unilever Australasia

Response to FSANZ

Second Call for Submissions

To

**Proposal P1044 – Plain English Allergen
Labelling**

27th February 2020

A division of
Unilever Australia Ltd
A.B.N 66 004 050 828

Unilever Australasia

Unilever Australasia (Unilever) is an international manufacturer and marketer of foods, home and personal care products and is a market leader in a number of categories in Australia. Our well-known Food, Refreshment and FoodSolutions brands include Continental, Streets, Weis, Ben & Jerry's, and Knorr. Our products are used every day by millions of people around the world.

This Submission

Unilever supports Option 3 of the Consultation Paper, in principle.

Option 3: Declare allergens 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.

However Unilever is seeking some amendments to the details of Option 3, discussed below.

QUESTIONS FOR SUBMITTERS

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

Unilever has carried out an initial assessment of our product labels. Once the final changes to the Food Standards Code have been gazetted, we will undertake a detailed review of all packaging.

From this initial review of the changes detailed in the PEAL Consultation Paper, we would expect to need to change over 95% of our labels. It is noted that FSANZ has looked to align the changes with the current AFGC Guideline on Allergen Labelling, however the prescriptive nature of the proposed changes will require further amendments. While it is acknowledged that many of these will be minor in impact, they will still require time and cost in order to make the changes.

Some simple changes that will be required, include: -

- Changing from “soya” or “soybean” to “**soy**” in the Summary Statement
- For a number of Unilever products, the Summary Statement is below the ingredient list, however in a number of instances there are statements such as

“Sourced from sustainable plantations” in between the Ingredients List and Summary Statement. This will need to be amended to be compliant with the proposed changes.

- Use of “tree nut” (singular), in the Summary Statement.
- Use of the “tree nut” (singular) on inner packages, without the actual nut/s being identified will need to be considered and amended.

It is important to note that this will often require changes to multiple pieces of artwork for each Stock Keeping Unit (SKU), as changes may be required for primary packaging, shippers and/or inner packaging.

It is anticipated that the cost to Unilever to complete these changes will be in excess of \$3M.

Email

Examples of labels, that will require artwork changes are included in Attachment 1.

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

Unilever is in support of Option 3 being adopted.

However, it is important to note that there will be substantial, additional costs, to implement Option 3.

The majority of Unilever’s current labels have a Summary Statement that is bolded to be aligned with the AFGC Guideline for Allergen Labelling.

However, the prescriptive nature of the Option 3 proposed in the PEAL Consultation Paper, will require changes to significantly more labels. As noted above, this would include amendments such as changing the word “soya” to “soy”.

Unilever does not see a substantive benefit to the allergen consumer, in adopting such prescriptive wording.

Unilever would estimate that implementing Option 2 would cost less than half the cost of Option 3, to our business.

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

Unilever supports Option 3 as we are of the view that a Summary Statement is beneficial to the allergic consumer.

The short simple statement does allow a quick review of food products, to identify the potential for allergic substances to be present.

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

Unilever supports Option 3 as we are of the view that a Summary Statement is beneficial to the allergic consumer.

While Option 2 will still provide the required information, it may not be as readily obvious to some consumers.

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

Unilever supports a 3 year stock in trade provision.

This extended time is based on the following concerns, assuming the current Option 3 is adopted.

- The number of packages that will require amendment, including primary packs, inner, outer and shippers. This will require considerable staff time as well as the associated artwork and packaging costs.
- The need to co-ordinate the PEAL changes with the anticipated changes to the Health Star Rating system and the proposal for Added Sugars labelling.

- Stock management will also be impacted. As individual ice cream products are not required to have date marking, it will be important to ensure that all older stock is removed from market in time to ensure that only the stock that is compliant to the new PEAL labelling is available for sale after the end of the 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?

Unilever anticipates considerable associated costs to arise from the PEAL amendments, in addition to the costs to amend labels and packaging.

All product specification documentation (both locally and globally recorded), purchasing documents and potentially contracts, as well as internal guidance documentation and training materials will need to be amended / updated.

It is also important to note that materials, specifications (including nutrition information) and pack shots that are provided to retailers will need to be updated. A number of retailers, particularly those with online shopping, will require updated allergen information statements, to be consistent with pack labels.

The timing required to manage the update of this information will be critical so that the online information is consistent with stock being offered for sale. This has been included as part of the assessment undertaken by Unilever, in requesting a 3 year implementation period.

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

As noted above, Unilever is concerned that the use of the required wording on inner packs, particularly for “tree nut”, will NOT provide the allergenic consumer with sufficient information. When the outer, primary packs are discarded and the inner packs are stored in freezer baskets or draws the intent to use the Summary Statement as a trigger to review the Ingredient List will fail.

Unilever would urge FSANZ to review this, with consideration of consumer habits.

ADDITIONAL COMMENTS

1. Mutipack Separation of Primary Packaging from Inner Packages

Unilever is of the understanding that it is common for shoppers to remove inner packs from their outer, primary packaging, particularly when storing frozen products such ice creams and ice confections.

FSANZ noted that they see the Summary Statement as a trigger, to alert the consumer to check the ingredient list for detailed information on the exact allergens present in the food.

However, once the outer, primary package has been disposed of, there is no longer an opportunity to check the exact details.

It cannot be assumed that the food products brought into a home are all suitable for each allergic family member.

Unilever is undertaking a review in an attempt to provide qualitative information on the how common this practice is. However, we would urge FSANZ to review their data, and if required to undertake further research, to assess this.

2. Unilever supports the NZFGC comment regarding tree nuts.

NZFGC is seeking amendments as stated in their submission noted below: -

“The dilemma for ingredients listing is between accuracy and truth in labelling on the one hand and consumer understanding and plain English on the other. The two are not mutually exclusive and is why use of common terms in parentheses should be permitted in the ingredients list AND the reverse permitted in the summary statement. By this we mean in the ingredients list, for example, listing:

“cashew (tree nut), almond (tree nut), walnut (tree nut) or tree nuts (cashew, walnut, almonds), wheat and rye” and, for the summary statement “tree nuts [plural] (cashew, walnut, almonds), gluten (wheat, rye)”.

This is consistent, informative and clearly linked, each piece of information confirming every other piece of information. The consumer should not have to read the summary statement then search the ingredients list for the type of tree nuts contained.”

3. Summary Statement Location

Unilever is seeking a review of the overly prescriptive requirement of the Summary Statement to be located directly below the Ingredient List.

It is noted that the Summary Statement will be required to be bolded, and clearly identified by way of font type and size. Unilever supports this.

The Unilever has concern in regards to bars and small packages. We would support permission that would allow the Summary Statement to run on from the Ingredient List (i.e. on the same line), providing it is clearly delineated from the Ingredient List.

As long as the Summary Statement is clearly delineated, this would meet the aims of this PEAL Consultation.

Also, Unilever is concerned that actions taken to highlight the Summary Statement, as shown in Example 4 of Attachment 1; may not be considered compliant, as it sits between the ingredients list and the Summary Statement.

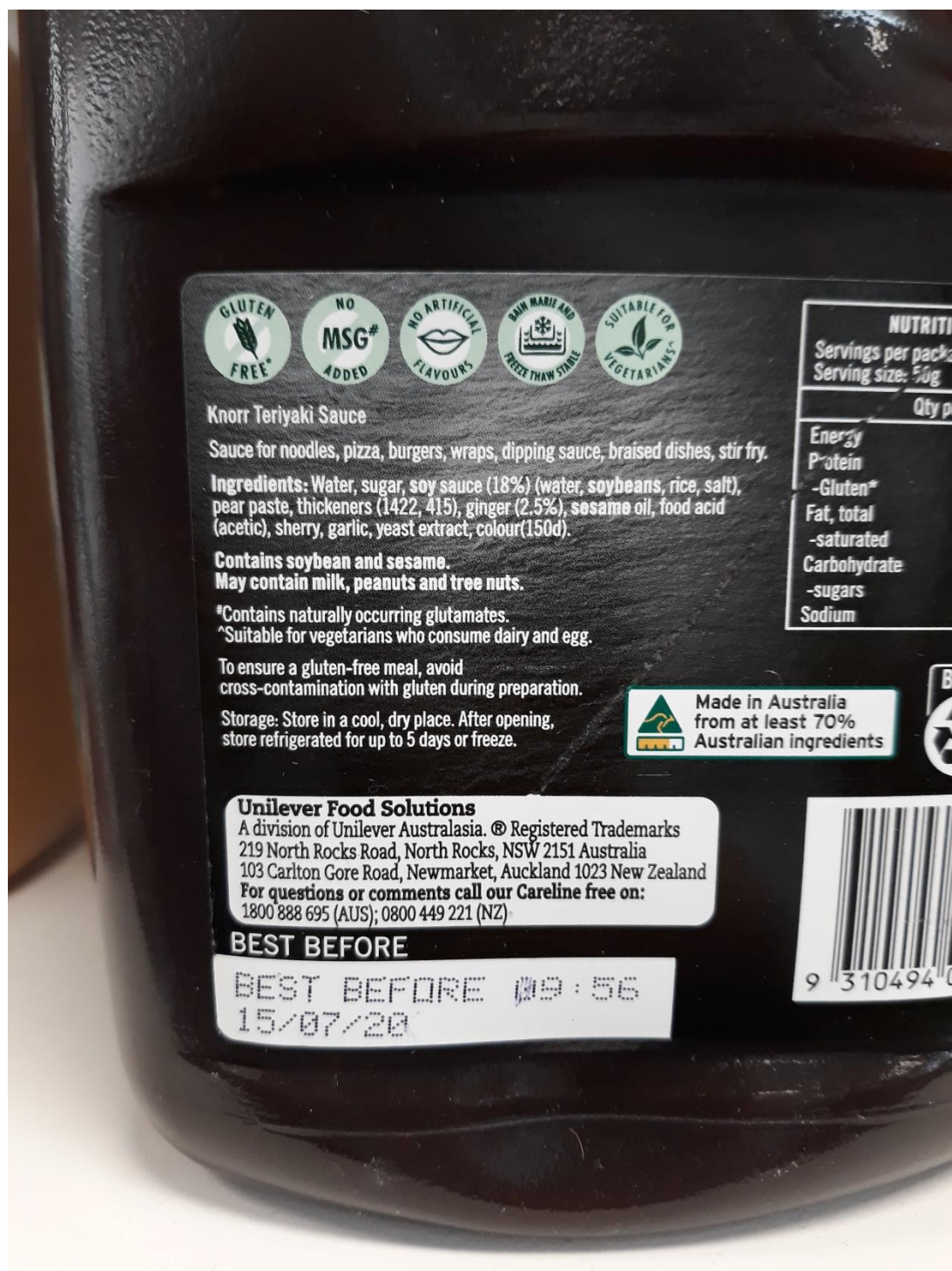
Unilever would welcome the opportunity to discuss these comments further, if required. For further information, please contact:

Melanie McPherson
Regulatory Specialist – Foods
Unilever Australasia
219 North Rocks Road
North Rocks NSW 2151
Australia

Mob 0433 680 709
Email melanie.mcpherson@unilever.com

ATTACHEMENT 1

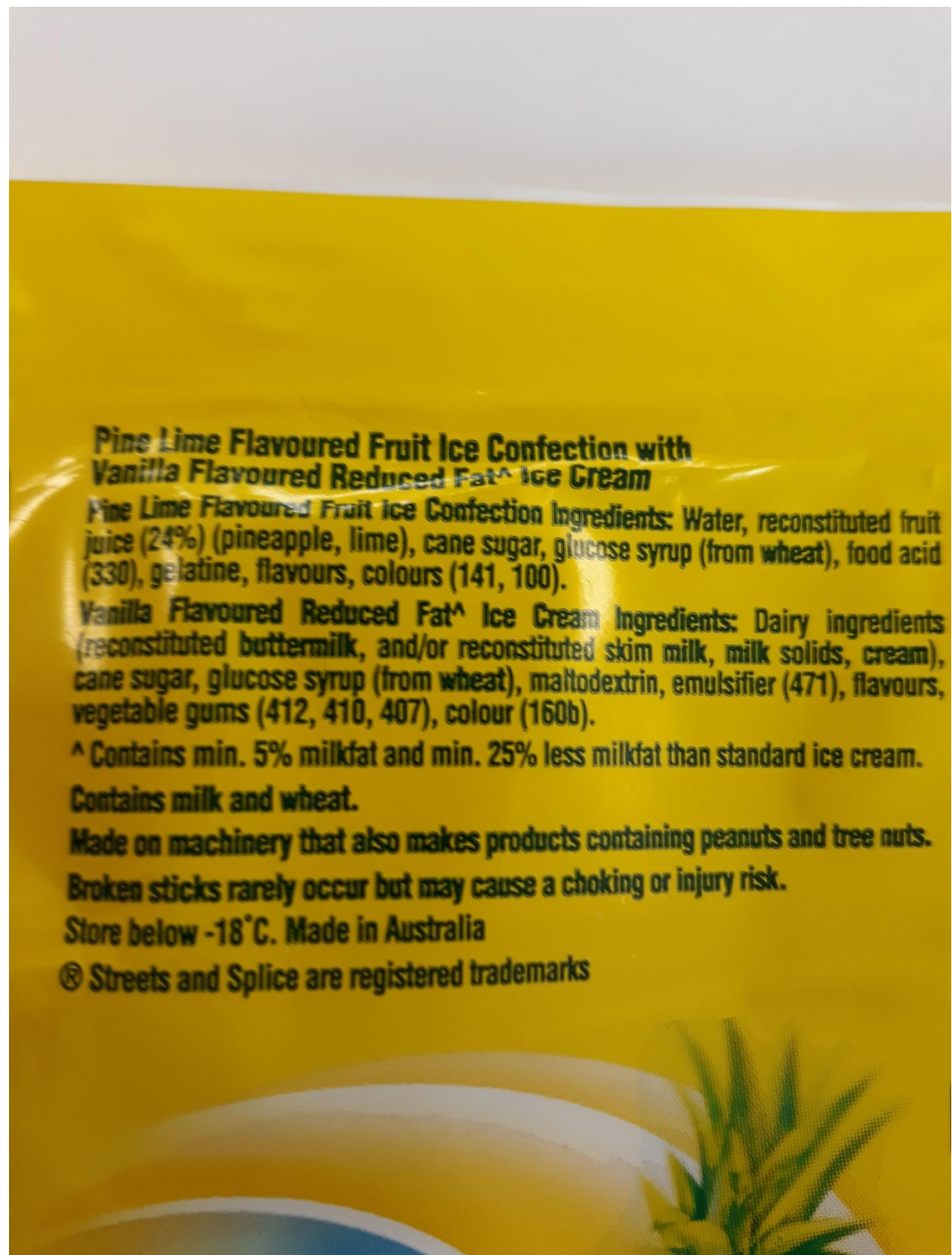
Example 1 – Knorr Teriyaki Sauce – one of many products that will be required to change the labelling to identify the “soy” in the Summary Statement.



Example 2 – Magnum Ice Cream, the Summary Statement uses the name “soybean” and is not directly below the ingredient list



Example 3 – Streets Splice Ice Confection, does not have the Summary Statement directly below the ingredients list.



Example 4 – Continental Cup-a-Soup that calls out the Allergen Summary Statement; but is not directly under the ingredient list

