

29 November 2019

[103-19]

Supporting document 1

Proposal P1044 – Plain English Allergen Labelling

Summary of issues raised in submissions

List of Submitters (42 submissions)

Submitter	Abbreviation	Additional details
Aldi Stores Australia	Aldi	
Allergen Bureau Ltd.	AB	Supports the submission of the Australian Food and Grocery Council.
Allergy & Anaphylaxis Australia	AAA	
Allergy New Zealand	AllergyNZ	
Auckland District Health Board	ADHB	Represents members of the Allergy Special Interest Group (SIG) of Dietitians New Zealand.
ausEE Inc.	ausEE	
Australasian Society for Clinical Immunology and Allergy	ASCIA	
Australian Food & Grocery Council	AFGC	
Australian Industry Group	AIG	Representing the confectionery sector.
Bega Cheese Ltd	Bega	
Campbell Arnotts Asia Pacific	CAAP	
Cerebos Australia and New Zealand	CANZ	
Ceres Natural Foods	Ceres	
Coeliac Australia	CA	
Complementary Medicines Australia	CMA	
Compass Group New Zealand Ltd.	CGNZ	
Dairy Technical Services – Food Assurance	DTS	
Dietitians Association of Australia	DAA	
Food Technology Association of Australia	FTAA	

Submitter	Abbreviation	Additional details
Food and Beverage Importers Association	FBIA	
Goodman Fielder Ltd.	GF	
Kernow Environmental Services	KES	Provides contracted environmental health service to City of Casey, Brimbank City Council, Cardinia Shire Council, Strathbogie Shire Council, Mitchell Shire Council, Pyrenees Shire Council.
Kraft Heinz Company	KH	
Lion Company	Lion, LBA, LDD	Captures feedback from both the Lion Dairy & Drinks Business (LDD) and the Lion Beer Business (LBA). Differences in comments between these two businesses have identified and kept separate.
Mondeléz International	MI	
National Allergy Strategy	NAS	Supports Allergy & Anaphylaxis Australia comments on Q8-12.
New South Wales Food Authority	NSWFA	
New Zealand Food & Grocery Council	NZFGC	
New Zealand Ministry for Primary Industries	NZMPI	
Nuts for Life	NFL	
Private - Douglas	PrvtA	
Private - Simmonds	PrvtB	
Queensland Health	QH	
Sanitarium Health and Wellbeing Australia	SHWA	
Scalzo Food Industries	SFI	
Seafood New Zealand	SFNZ	
South Australia Health	SA	
Tablelands Regional Council (Environmental Health Officer)	TRC	Comments made in a professional capacity.
Tasmanian Department of Health and Human Services	Tas	
Unilever	UL	
Venerdi Ltd	Venerdi	
Victorian government departments	Vic	Representing the Victorian Departments of Health and Human Services and Economic Development, Jobs, Transport and Resources.
Woolworths	WW	

Approach to PEAL

Issue	Comment	Submitter(s)	FSANZ Response
<p>Location of allergen declarations</p> <p><i>Includes Q14: Should the location of the allergen declaration(s) be mandated on the label (e.g. in a separate 'contains' statement or in the statement of ingredients)? If so, where on the label should this information be located?</i></p> <p><i>Includes Q15: If the location is not mandated, do you think the use of PEAL in at least one label element would provide sufficient information for consumers to make an informed choice?</i></p>			
<p>No, location should not be mandated</p>	<p>These submitters mentioned that they did not support mandating where allergen declarations should be made on a label. The following reasons were provided for this position.</p> <ul style="list-style-type: none"> Mandating the location of allergen declarations will restrict the ability to design labels, noting that there can be limited space for labelling information [LBA, SFI, WW]. Flexibility in locating allergen declaration is therefore needed to accommodate different packaging requirements, such as size [NZFGC, SHWA]. A summary statement is not needed if there are no allergens in the food [UL]. Mandating the location will add unnecessary complexity and cost [SHWA]. Allergen information is already being grouped together and displayed in the appropriate location [CA, MI, NZFGC, UL], which is being supported by the AFGC Guide [CA, MI, UL]. FSANZ will need to determine if the current arrangements are causing consumer confusion [WW]. NZFGC noted that there were mixed views in its membership on mandating the location of allergen declarations. Support for mandating the location was based on the risk of inconsistency in allergen declarations between the 'contains' statement and ingredient list label elements. 	<p>AB, CAAP, CANZ, LBA, MI, NZFGC, SFI, SHWA, UL, WW</p>	<p>See Section 5.2 of the main report.</p>
	<p>All of the submitters that did not support mandating a location for allergen declarations indicated that declarations in one label element would allow food allergen sensitive consumers to make informed food choices.</p> <ul style="list-style-type: none"> There were comments that the ingredient list was already mandated and should be the primary source of food allergen information [AB, CAAP, NZFGC, UL]. The ingredient list is also currently the most common location for allergen information [NZFGC]. Some of these submitters indicated that allergen declaration in the ingredient list or 'contains' statements by themselves would be sufficient [CANZ, SFI, SHWA]. SHWA noted though that it can be difficult to obtain information from the ingredient list alone. 	<p>AB, CAAP, CANZ, LBA, MI, NZFGC, SFI, SHWA, UL, WW</p>	<p>See Section 5.2 of the main report.</p>

Issue	Comment	Submitter(s)	FSANZ Response
Yes location should be mandated	<p>These submitters mentioned that they supported mandating the location for where allergen declarations should be made on a label. The following reasons were provided for this position.</p> <ul style="list-style-type: none"> The consistent placement of allergen declarations in the same location on labels across all foods will make identifying allergens easier for consumers with allergies [AAA, ausEE, DAA, NZMPI, QH]. It will also provide a level of clarity to allergen declaration requirements for businesses [LDD]. Allowing allergen declarations to be in either the ingredient list or a 'contains' statement will continue to produce a divergence of allergen labelling, with resulting consumer confusion [NZMPI]. Not mandating the location would perpetuate the current confusion for consumers and continue to put consumers at risk of purchasing food unsafe for them [AllergyNZ]. Educating consumers about allergen labelling is easier if you can direct them to a specific location on the label [ASCIA, NAS]. <p>Comments relating specifically on each location are provided in the rows below.</p>	AAA, ADHB, AFGC, AIG, Aldi, AllergyNZ, ASCIA, ausEE, Bega, CA, CGNZ, CMA, DAA, FBIA, FTAA, GF, KES, KH, LDD, NAS, NFL, NSWFA, NZMPI, QH, SFI, Tas, TRC.	See Section 5.2 of the main report.
Mandated location additional comments – should be the ingredient list	<p>When supporting a mandatory location for allergen declarations, these submitters also indicated that their preference was for the declarations to be made in the ingredient list, with declarations made in the 'contains' statement to remain voluntary. Most of these submitters [AIG, FBIA, GF, KH] also clarified that if allergens were only declared in the ingredient list then this would be enough information to allow food allergen sensitive consumers to make informed choices.</p> <ul style="list-style-type: none"> Mandating the contains statement has the potential to add significant cost to the food industry in Australia and New Zealand and will impact imports [AFGC, AIG] The 'contains' statement should not be prohibited, and instead be permitted for use on food labels on a voluntary basis [GF, KH]. Concern was raised about products that do not contain allergens would display a contains statement if it was mandated. A declaration such as "contains: no allergens" could be considered to be an "allergen free" claim [AFGC, AIG, KH]. The 'contains' statement could be mandated as a location for allergen declarations on food products where the ingredient list is not present [AFGC, KH]. AIG also noted that PEAL could still apply to allergen declarations, even the location of these declarations was mandated or not. 	AFGC, AIG, GF, KH	See Section 5.2 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
	<p>When supporting a mandatory location for allergen declarations, these submitters also indicated that their preference was for the declarations to be made in the ingredient list, however no comments were made on other locations for declaring allergens.</p> <ul style="list-style-type: none"> NZMPI also indicated that mandating the 'contains' statement would be its second preference, and may be necessary on foods that do not have an ingredient list. KES mentioned that consumers are familiar with the ingredients list as the source of information on allergens, and that this is where they should look for such information. 	<p>FBIA, FTAA, KES, NSWFA, NZMPI</p>	
<p>Mandated location additional comments – should be the 'contains' statement</p>	<p>When supporting a mandatory location for allergen declarations, these submitters indicated that their preference was for the declarations to be made in the 'contains' statement.</p> <p>Further comments on mandating the 'contains' statement for allergen declarations were as follows.</p> <ul style="list-style-type: none"> The 'contains' statement should be placed immediately under the ingredient list [AB, ASCIA, CGNZ, NAS, Tas]. Tas also commented that the Code must prescribe the wording and presentation in the 'contains' statement to ensure a consistent and uniform approach. A 'contains' statement provides the most direct and accurate way to identify the presence allergens in a food [ADHB, CGNZ, CMA, LDD], especially if there are multiple allergens in the food [ADHB, LDD] or where an allergen may not be expected from the ingredients [ADHB]. A label that does not have a 'contains' statement puts an allergen-sensitive consumer at risk when reading a long ingredient list, as there is the potential to overlook an allergen [ADHB, CGNZ, LDD]. Allergen declarations in all other locations (besides the 'contains' statement) should be consistent with the AFGC Guide [NFL, Tas]. SFI commented that although it supports a mandatory 'contains' statement, manufacturers should still be allowed to use collective terms (e.g. 'tree nuts') in this statement. A mandated 'contains' statement would increase certainty for manufacturers in the use of this information on their products [LDD]. 	<p>ADHB, CMA, CGNZ, LDD, NFL, QH, SFI, Tas</p>	<p>See Section 5.2 of the main report.</p>
	<p>A number of the submitters supporting this position said that declarations in just the 'contains' statement would be enough to allow food allergen sensitive consumers to make informed food choices [ADHB, CGNZ, LDD, NZMPI, Tas].</p> <ul style="list-style-type: none"> ADHB, LDD and Tas further stated that allergen declarations should not be mandated in the statement of ingredients. ADHB and Tas stated that this was because ingredient lists are often complex and contain terminology that may be unfamiliar to consumers, and are therefore often easily misread. <p>CMA, NFL, QH and SFI did not make any comment on whether declarations should or should not be mandated in the ingredient list in addition to the 'contains' statement.</p>	<p>ADHB, CGNZ, LDD, NZMPI, Tas</p>	

Issue	Comment	Submitter(s)	FSANZ Response
Mandated location additional comments – should be both the ingredient list and the ‘contains statement’	<p>When supporting a mandatory location for allergen declarations, these submitters also indicated that their preference was for the declarations to be made in both the ingredient list and the ‘contains’ statement.</p> <p>Most of these submitters [AAA, Aldi, ASCIA, ausEE, AllergyNZ, NAS] also mentioned that declarations in one label element would not allow food allergen sensitive consumers to make informed choices. CA stated that its preference was for mandating declarations in both elements, but would accept mandating the ingredient list only.</p> <p>Reasons for declaring in the ingredient list and ‘contains’ statement were as follows.</p> <ul style="list-style-type: none"> • Mandating allergen declarations in both the ‘contains’ statement and ingredient list using PEAL is necessary to create consistency in allergen declarations within the label, and across different foods [Aldi, Allergy NZ, ASCIA, ausEE, Bega, NAS, QH], and draw consumers’ attention to the presence of an allergen/s more quickly and easily [Bega]. • The ‘contains’ statement and ingredient list complement each other for the display of PEAL information. The ‘contains’ statement would allow quick identification of allergens without having to read the entire label. More specific information about the source allergen would then be available in the ingredient list to assist consumers requiring this level of information [AFGC, Aldi, ausEE DAA, NAS, QH]. • AAA surveyed its membership, and found that mandating allergen declarations for both the ingredient list and ‘contains’ statement had the greatest support, versus declarations in each label element by themselves. • The contains statement should complement the ingredient list by being located immediately below it [ASCIA, ausEE, Bega, NAS]. 	AAA, Aldi, AllergyNZ, ASCIA, ausEE, Bega, CA, DAA, NAS, QH	See Section 5.2 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
<p>Whether specific PEAL terms should be prescribed or not</p> <p><i>Includes Q13: Which of the proposed approaches for applying PEAL to allergen declarations (if any) would you support? Please explain your reasons.</i></p> <p>a) <i>The Code requires the specific source of an allergen to be declared but the terminology is not prescribed.</i></p> <p>b) <i>The Code prescribes the terms that must be used for each type of allergen declaration.</i></p>			
<p>Support for Approach a)</p> <p>General requirement for PEAL;</p>	<p>These submitters mentioned that they supported a general requirement for the use of PEAL. Reasons for this support were as follows.</p> <ul style="list-style-type: none"> • Use of prescribed terms risks of allergen labelling requirements becoming out of date [AB, CANZ, NZFGC], whereas a general requirement provides flexibility for manufacturers to adapt terminology [AB, AIG, KH]. • Naming of the source allergens is best handled through industry codes of practice [AB, AIG, NZFGC]. • Food manufacturers are best placed to align allergen labelling to the needs of their customers [AIG, CAAP] and determine if further information is required [AFGC, UL]. • Option a) will have the least impact on food manufacturers due to a reduced need to update labels [CANZ, MI]. Product labels also have limited space to display revised allergen information [LDA]. • Allergen declarations are already using PEAL in a consistent manner [AFGC, UL]. • Ingredient labelling such as ‘cream (milk)’ or ‘tuna (fish)’ risks consumer confusion and ridicule of the allergen labelling system [AB]. 	<p>AB, AFGC, AIG, CAAP, CANZ, GF, KH, LDA, MI, NZFGC, UL</p>	<p>See Section 5.3 of the main report.</p>

Issue	Comment	Submitter(s)	FSANZ Response
<p>Support for Approach b)</p> <p>Prescribed PEAL terms</p>	<p>These submitters mentioned that they supported the use of prescribed PEAL terms. Reasons for this support were as follows.</p> <ul style="list-style-type: none"> • Prescribed terms will result in standardised, consistent and clear terminology for allergen declarations [ADHB, ausEE, Aldi, Bega, CA, CGNZ, KES, LDD, NZMPI, SHWA, Tas, WW]. • This approach will decrease consumer confusion [AAA, ADHB, ASCIA, FTAA, LDD, NZMPI, NAS, Tas] and makes identification of allergens on labels easier / safer for allergen-sensitive consumers [AllergyNZ, ausEE, CGNZ, DAA, SHWA]. Improvements in allergen identification would also increase the range of safe foods due to decreased unnecessary food avoidance [DAA, NAS]. • Prescribed terms would make it easier to educate consumers on how to identify an allergen [CA, DAA], and would make allergen labelling simpler and easier for individuals with limited allergy knowledge (e.g. carers) and those with English as their second language [CGNZ, DAA, NAS]. It would also assist Environmental Health Officers (EHOs) in their compliance activities [KES]. • Prescribed terms align with Canadian and US regulations, and so facilitate harmonisation [CMA, DAA, Tas]. • The use of prescriptive terms will prevent the use of competing terms for an allergen e.g. 'casein' being used as an identifier for 'milk' [KES]. 	<p>AAA, Aldi, ADHB, AllergyNZ, ASCIA, ausEE, Bega, CA, CMA, CGNZ, DAA, FBIA, FTAA, KES, LDD, NAS, NFL, NZMPI, QH, SFI, SHWA, Tas, TRC, WW</p>	<p>See Section 5.3 of the main report.</p>
	<p>Of those submitters who supported Approach b), there were additional comments that many food manufacturers are confused by what terminology they should be using on their ingredient panels [ausEE]. It was considered that further guidelines should be provided to assist the food industry should PEAL terms be prescribed [ausEE, NZMPI].</p>	<p>ausEE, NZMPI</p>	
	<p>Of those submitters who supported Approach b), several provided the following comments on the method that PEAL terms should be prescribed.</p> <ul style="list-style-type: none"> • If a scientific ingredient name is used (in the ingredient list), then the allergen name should be listed in brackets after it [ADHB]. NAS also commented that allergens should be listed in the ingredient list using the common allergen name. • The Code should preference the clearest and most unambiguous naming conventions for allergen labelling [NSWFA]. • PEAL terms should align with those of other countries e.g. Canada and USA [SHWA]. 	<p>ADHB, NAS, NSWFA, SHWA</p>	

Issue	Comment	Submitter(s)	FSANZ Response
	<p>Of those submitters who supported Approach b), a number also provided the following comments on problems that they considered would occur if PEAL terms were not prescribed (Approach a)).</p> <ul style="list-style-type: none"> Option a) does not address the shortcomings of the current standard [AAA, ASCIA], namely that there should be reference to the specific source of the allergen [AAA]. There are too many variances in the current industry allergen labelling guidelines [ausEE]. Similarly, AllergyNZ considered that option a) would allow a range of terms to be used for the same allergen declarations, adding to consumer confusion. Examples were provided of milk declarations that did not refer to the allergen source (such as 'sodium caseinate'). These examples were considered to represent the issues that occur when allergen terminology is not prescribed [Vic]. 	AAA, AllergyNZ, ASCIA, ausEE, Vic	
Other comments on the approach to PEAL			
Flexibility in location	If a particular location is prescribed, there should be some flexibility for exceptional labelling circumstances e.g. very small packages.	CMA, KH	See Section 5.8 of the main report.
Cannot comment on location of allergen declarations	Vic mentioned that it could not comment on whether a location should be mandated for allergen declarations. However they did comment that PEAL is not going to be useful unless it is used consistently in all places on a label, and that declarations in both the ingredient list and 'contains' statement were important for ensuring that consumers can understand allergen labelling.	Vic	See Section 5.2 of the main report.
Comments on voluntary use of PEAL	Should the system be voluntary, DAA recommends policy guidelines that include using prescribed plain English terms for allergens in a dedicated box underneath the ingredients list, as well as identifying the source of the allergen in the ingredients list. A review and evaluation of the policy could occur after 3 years to decide if mandating is needed.	DAA	FSANZ is proposing to mandate the location of allergen declarations on food labels. See Section 5.3 of the main report.
Use of PEAL in both voluntary and mandatory label elements	The AFGC recommend that PEAL should be applied to all elements of a label whether they are mandated or voluntary to ensure that any allergen ingredients of concern to the consumer are easily identifiable to enable consumers to make safe food choices.	AFGC	See Section 5.3 of the main report.
Generic ingredient names	Companies should be required to specify the individual ingredients they use, and not use groupings such as fruit / vegetable /spice. There are many consumers allergic to individual fruits, vegetables and spices.	AAA, ausEE	FSANZ has given consideration to the use of generic ingredient names and allergen declarations. See Section 5.7 of the main report.

Fish / crustacean / mollusc declaration comments

Issue	Comment	Submitter(s)	FSANZ Response
<p>Comments on Mollusc Allergy</p> <p><i>Includes Q1: Do you agree there should be a separate declaration requirement in Standard 1.2.3 for molluscs?</i></p>			
<p>Supports a separate declaration for molluscs</p>	<p>Reasons provided for support of a separate mollusc declaration are as follows.</p> <ul style="list-style-type: none"> Fish, crustacea and mollusc are allergenically distinct from each other [MI, NZMPI, SFNZ, Vic] The current requirement for declaring 'fish and fish products' is confusing and unclear, and difficult to interpret [ADHB, ausEE, CAAP, Tas]. It also restricts the food choices for mollusc allergic consumers [ADHB, Bega, DAA]. A separate declaration requirement for molluscs removes ambiguity and adds clarity to the requirements for declaring fish, crustacea and molluscs [AAA, AllergyNZ, CAAP, DTS, KH, NZMPI]. A separate 'mollusc' declaration will assist consumers in identifying the presence of molluscs in food [AAA, ADHB, AFGC, AllergyNZ, Bega], and facilitates informed choice [AAA, AllergyNZ, DAA, GF, NAS]. Is aligned with other overseas regulations [AFGC]. 	<p>AAA, AB, ADHB, AFGC, Aldi, AllergyNZ, ASCIA, ausEE, Bega, CAAP, CANZ, CMA, DAA, DTS, FBIA, FTAA, GF, KH, Lion, MI, NAS, NSWFA, NZFGC, NZMPI, QH, SFNZ, Tas, UL, Vic</p>	<p>See Section 5.4.2 of the main report.</p>
<p>Does not support a separate mollusc declaration</p>	<p>CGNZ (food service company) also commented that they considered separating fish and shellfish in their operations, but this caused some confusion about which allergen group molluscs should be included in.</p>	<p>CGNZ, WW</p>	
<p>Comments on foods and ingredients containing molluscs</p>	<p>Molluscs can be present in foods that consumers do not always expect. Examples include oyster sauce and Asian style sauces [DAA], and in some types of beer [Lion].</p> <p>Imported food do not always declare molluscs when present.</p> <p>Finfish, crustacea and mollusc species are an important part of daily life and for special cultural celebrations, e.g. coastal and Maori communities, Asian communities. Identifying molluscs in a product will enable those with mollusc allergies to participate in culturally significant events.</p>	<p>DAA, Lion.</p> <p>DTS</p> <p>ADHB</p>	<p>The addition of a separate mollusc category in the draft amendments will provide further clarity to declarations for this allergen.</p>

Issue	Comment	Submitter(s)	FSANZ Response
Comments on the term 'shellfish'	<p>One submitter [Bega] commented that a definition of 'shellfish' was required in the Code, whereas two other submitters [AB, NZFGC] commented that all mention of 'shellfish' should be removed from the Code. AB also indicated that 'crustacea and molluscs' could replace 'shellfish' in the definition for fish (Standard 1.1.2).</p> <p>CGNZ and SFNZ suggested that the Code should require molluscs to be declared using the term 'shellfish', which CGNZ also stated could be used for the 'contains' statement.</p>	AB, Bega, CGNZ, NZFGC, SFNZ,	FSANZ is not proposing to require the use of 'shellfish' for mollusc or crustacea declarations, and so a definition for this term is not required.
Introducing requirements into the Code for a mollusc declaration	<p>Several submitters provided suggestions on how a mollusc declaration requirement should be introduced into the Code, as well as how the Code defines 'molluscs'.</p> <ul style="list-style-type: none"> 'Molluscs' should be listed separately in section 1.2.3—4, as currently occurs with 'fish' and 'crustacea' [ADHB, NSWFA, Tas]. The Code should require that the specific name / species of mollusc is declared in the ingredient list [CGNZ, NZMPI] One submitter mentioned that a definition for molluscs may be expanded to include sea urchins and sea cucumbers, and jelly fish [CAAP]. Comments were also received that a declaration of molluscs should not capture land-based snails [AB, KH, NSWFA], and Standard 1.2.3 should clarify that 'molluscs' refers to aquatic animals only [KH]. 	AB, ADHB, CAAP, CGNZ, KH, NSWFA, NZMPI, Tas	FSANZ's draft amendments to the Code can be found in Attachment A of the main report. The draft amendments do not include definitions for molluscs and crustacea, as the ordinary meaning of the terms are considered sufficient for allergen labelling purposes.
<p>Declaration of 'fish' versus 'finfish'</p> <p><i>Includes Q2: How should finfish be declared on food labels? Should Standard 1.2.3 require a declaration of 'fish' or 'finfish'?</i></p>			
No preference for either term	We do not have a definitive position on whether the term fish or finfish should be used however by adding mollusc separately it will help reduce confusion around the term 'fish' as an allergen.	ausEE	See Section 5.4.1 of the main report.
Support for the term 'fish'	<p>These submitters indicated that they supported the term 'fish'. Reasons given for this support were as follows.</p> <ul style="list-style-type: none"> 'Fish' is the term that the general public commonly associates with finfish [AAA, AB, MI, UL]. 'Finfish' is not used in everyday speech [AB, ausEE, CAAP, DAA, FTAA] and would risk confusing consumers [AB, ausEE, CAAP, NSWFA, NZFGC], who may not be aware of what this term refers to [UL]. A declaration of 'finfish' provides little benefit to consumers over 'fish' [CANZ, NZFGC, WW], and would result in costs to industry due to the need to update labels [CAAP, CANZ, UL]. Finfish is also not used in overseas or other domestic legislation [CANZ, CMA]. 	AB, AAA, AFGC, Aldi, ASCIA, CAAP, CANZ, CMA, DAA, FBIA, FTAA, GF, KH, MI, NSWFA, NZFGC, UL, WW	See Section 5.4.1 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
Support for the term 'finfish'	<p>These submitters indicated that they supported the term 'finfish'. Reasons given for this support were as follows.</p> <ul style="list-style-type: none"> The term 'finfish' is very clear and explicit as to what it covers [ADHB, Bega, NZMPI, Tas], and provides a visual descriptor of the allergen group [CGNZ]. 'Fish' however is a very general descriptor [ADHB]. The term 'fish' may continue to be interpreted as including shellfish [ADHB, AllergyNZ, Bega, NZMPI] and lead to consumer confusion [Tas]. Declaring with 'finfish' will help to educate consumers in the reading of allergen information on labels [ADHB]. 	ADHB, AllergyNZ, Bega, CGNZ, Lion, NAS, NZMPI, QH, SFNZ, Tas, Vic	See Section 5.4.1 of the main report.
Request for consumer research on 'finfish'	Suggests that FSANZ conduct consumer research to inform whether permitting 'finfish' as an alternative for 'fish' would result in enhanced consumer and food handler understanding of allergen information on seafood that would be captured under this title.	NSWFA	FSANZ is proposing to use 'fish' in Standard 1.2.3. As such, consumer research into the term 'finfish' is not required.
<p>How fish, crustacea and molluscs should be declared and named on a label</p> <p><i>Includes Q3: What amendments should be made to Section S10—2 of Schedule 10 (if any) to prevent inconsistencies between ingredient labelling requirements and allergen declaration requirements for finfish, crustacea and molluscs?</i></p>			
Ingredient naming requirements for fish, crustacea and molluscs	<p>These submitters indicated that section S10—2 of the Code should be amended to include new generic names for fish, crustacea and molluscs as follows.</p> <ul style="list-style-type: none"> Fish, crustacea and molluscs should be listed separately in the generic name column [Aldi, ADHB, ASCIA, ausEE, DAA, FBIA, GF, NAS, UL, Vic, WW]. Shellfish should be listed as a generic name category [AAA, Bega, CGNZ] Add a separate generic name category for molluscs [AAA, AB, LBA, MI, QH]. Finfish should be listed as a generic name category [Bega, CGNZ]. <p>Several submitters requested that the requirement to 'specifically name' crustacea be extended to molluscs [Aldi, CAAP, DAA, FTAA].</p> <ul style="list-style-type: none"> In the submission from Bega, they requested specific names for 'finfish' and 'shellfish'. CAAP recommended that any 'specific naming' for molluscs should not apply to the 'contains' statement. FTAA mentioned that the 'specifically name' requirement should apply to all generic names in Schedule 10 that encompass an allergen. 	<p>AAA, AB, Aldi, ADHB, ASCIA, ausEE, Bega, CGNZ, DAA, FBIA, GF, LBA(Lion), MI, NAS, QH, UL, Vic, WW</p> <p>Aldi, Bega, CAAP, DAA, FTAA</p>	See Sections 5.4.2 and 5.7 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
No specific ingredient naming requirements	Recommended removal of the requirement in Schedule 10 to specify the type of crustacea when using the generic term 'fish', given that crustacea already has to be declared as part of Standard 1.2.3 and that there are no similar requirements for specific naming of molluscs or other fish.	CANZ	FSANZ is proposing to remove the conditions in the table to S10—2 for 'fish', but retain permission to use this generic name. See also Sections 5.4.1 and 5.7 of the main report.
General comments on ingredient naming	<ul style="list-style-type: none"> Separate generic ingredient names for fish, crustacea and molluscs will enable manufacturers to be very clear about what and how they need to declare these foods [ADHB, CMA]. DAA were of the view that additional ingredient names would assist consumers in following advice on mercury in fish. Section S10—2, which currently allows molluscs to be grouped with fish using the generic name "fish", is a potential source of confusion for food manufacturers and consumers [AB]. The primary purpose of amending Schedule 10 should be to ensure consistency in relation to ingredient labelling and allergen declaration of fish, molluscs and crustacea [AB]. Confusion has arisen with the interpretation that in the generic group name needs to be shown in the ingredient list due to section 1.2.3—4 requirements, while Schedule 10 requires the <u>specific name</u> of the ingredient to be mandated [FTAA]. 	AB, ADHB, CMA, FTAA	FSANZ is proposing changes that will provide clarity on the use of generic ingredient names in regard to allergens. Further detail is provided in Section 5.7 of the main report.
Use of individual species names	A number of submitters provided support for FSANZ's decision not to require the declaration of individual fish, crustacea or mollusc species, as occurs in some overseas jurisdictions [CMA, SFNZ, UL]. AAA however commented that it would be helpful to have the individual species listed in the ingredient list, but only if the generic category name was used alongside it e.g. 'prawn (crustacea)' or 'oyster (mollusc)'.	AAA, CMA, SFNZ, UL	FSANZ is not proposing to require the declaration of individual species names for fish, crustacea or molluscs. The allergy is to 'fish', 'crustacea' and 'molluscs', and so FSANZ is proposing to prescribe the use of these terms for the respective allergen declaration.
	<p>AB and NZFGC also commented that the taxonomic class level of gastropods, bivalves and cephalopods should not be required for the ingredient naming of molluscs, although NZFGC mentioned that 'bivalves' is a more commonly recognised term for molluscs in New Zealand.</p> <p>QH mentioned that consideration would need to be given to the most appropriate specific name required in Schedule 10, i.e. common name, class, order or species name.</p>	AB, NZFGC, QH	

Issue	Comment	Submitter(s)	FSANZ Response
Issues related to the drafting of requirements for declaring fish, crustacea and molluscs			
Definitions – general	FSANZ should consider providing definitions of the fish, crustacea and mollusc terms that are eventually decided. This will provide manufacturers with the clarity that is currently missing for fish, crustacea and mollusc declaration requirements.	SFNZ	The draft amendments to the Code do not include definitions for fish, crustacea or molluscs. Further details on this issue are provided in Section 5.4 of the main report.
Definitions of crustacea and molluscs	<p>Suggest the inclusion of definitions in Standard 1.1.2 of the terms “Fish”, “Crustacea” and “Mollusc” as follows:</p> <ul style="list-style-type: none"> “crustacea” means aquatic animals from the phylum Arthropoda, such as crabs, lobsters, crayfish and shrimp. “molluscs” means animals from the phylum Mollusca, such as squid, octopus, clams, oysters and snails. 	Bega	
Definition of fish	<p>A number of submitters suggested that the definition of ‘fish’ in Standard 1.1.2 (and repeated in Standard 2.2.2) be changed as follows.</p> <ul style="list-style-type: none"> Finfish; true fish or aquatic animals with backbones and gills including bony fish, like salmon, or cartilaginous fish, like sharks and rays, but does not include shellfish [Bega]. “Fish” means gill bearing animals from the phylum Chordata, subphylum vertebrata, such as cod and tuna [CAAP]. ‘Fish means cold-blooded aquatic vertebrates including finfish, or aquatic invertebrates including molluscs and crustacea, but not including amphibians or reptiles’ [QH]. <p>DAA mentioned that the ‘fish’ declaration requirement should clarify that the Standard 1.1.2 definition of fish does not apply to Standard 1.2.3 and Schedule 10. NSWFA also requested that FSANZ aligns the terminology in the definition of <i>fish</i> in Standard 1.1.2 to that in sections 1.2.3—4 and S10—2.</p>	Bega, CAAP, DAA, NSWFA, QH	
Consistent definitions for fish, crustacea and molluscs	<p>These submitters mentioned that there needed to be consistency in how fish, crustacea and molluscs are defined across the Code.</p> <ul style="list-style-type: none"> Fish, crustacean and mollusc definitions need to be aligned between Schedule 10 and Standard 1.1.2 [CAAP, UL, Vic]. FSANZ should review of the terms as used throughout the Australia New Zealand Food Standards Code (‘the Code’), including Standard 1.1.2 and Schedule 10 [CANZ, Vic]. Fish, crustacean and mollusc definitions need to be harmonised between the Code and other domestic regulations, such as the Department of Agriculture definitions for imported foods [UL], and TGA’s <i>Therapeutic Goods Order No. 92 - Standard for labels of non-prescription medicines</i> [CMA]. 	CAAP, CMA, UL, Vic	FSANZ has given consideration to how fish is defined in the Code, and is proposing to exempt Standard 1.2.3 from the definition of ‘fish’ in Standard 1.1.2. Further details are provided in Section 5.4.1 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
Other fish / crustacea / mollusc issues			
Cultural considerations	Finfish, crustacea and mollusc species can be important part of cultural/ religious celebrations e.g. coastal and Maori communities, Asian communities. Knowing molluscs are in a product will enable those mollusc allergic only people to safely participate these events.	ADHB	FSANZ is proposing to require the separate declaration of molluscs. See Section 5.4.2 of the main report.

Tree nut declaration comments

Issue	Comment	Submitter(s)	FSANZ Response
Separate individual declaration requirements for nine tree nuts associated with food allergies			
<i>Includes Q4: Do you agree with FSANZ's preliminary view that the nine individual tree nuts associated with food allergy should be required to be specifically declared?</i>			
<ul style="list-style-type: none"> <i>Would this approach offer sufficient clarity in the Code with regard to which tree nuts / nuts should be declared?</i> 			
Supports the individual declaration of each of the nine tree nuts	<p>Reasons provided for support of the specific declaration of the nine identified tree nuts are as follows.</p> <ul style="list-style-type: none"> Will allow tree nut allergic consumers to more readily identify the tree nut of concern [ADHB, AllergyNZ, ASCIA, DAA, NAS, NFL]. Will also allow these consumers to identify tree nuts that they can consume safely, thus increasing their available food choices [ADHB, AllergyNZ, ASCIA, NAS, Tas]. Declaring individual tree nuts will provide manufacturers with clarity on how to declare tree nut ingredients [AB, AIG, KH, NFL, SHWA, Vic, WW]. This change will harmonise the Code with overseas requirements for declaring tree nuts on food labels [AFGC, KH, NSWFA, NZMPI, Tas, WW]. <p>Most of these submitters also indicated that a requirement to individually declare the nine tree nuts would offer sufficient clarity on what tree nuts need to be declared on food labels [AB, ADHB, AFGC, Aldi, AllergyNZ, ASCIA, Bega, CANZ, CGNZ, GF, MI, NAS, SHWA, Tas].</p> <p>Bega also commented that a list of tree nuts/nuts which do not need to be declared would also remove any ambiguity (eg. shea, coconut).</p>	AAA, AB, ADHB, AFGC, AIG, Aldi, AllergyNZ, ASCIA, ausEE, Bega, CAAP, CANZ, CGNZ, DAA, KH, GF, Lion, MI, NAS, NFL, NSWFA, NZFGC, NZMPI, QH, SHWA, Tas, UL, Venerdi, Vic, WW	FSANZ is proposing to require the declaration of each tree nut separately. See Section 5.5.1 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
Does not support the declaration of individual tree nuts	<p>These submitters supported the continued use of 'tree nuts' as a declaration requirement.</p> <ul style="list-style-type: none"> The individual tree nuts are almost always individually declared within the main ingredient list [CMA]. 'Tree nuts' is already a well understood term, and specifically declaring the nine individual tree nuts on the label would create more confusion for consumers [FBIA, SFI]. Declaring individual tree nuts on the label would duplicate information that's already required in the ingredient listing as per the table to section S10—2 of the Food Standards Code [SFI]. 	CMA, FBIA, SFI	FSANZ is proposing to require the declaration of each tree nut separately. See Section 5.5.1 of the main report.
Require individual tree nut declarations in the ingredient list only	<p>A number of submitters commented that the declarations of individual tree nuts should be made in the ingredient list only.</p> <ul style="list-style-type: none"> Manufacturers should be allowed to voluntarily declare individual tree nut declarations elsewhere on the label (e.g. the 'contains' statement) [AFGC]. However, Aldi argued that this practice should not be permitted. 	AFGC, Aldi, NFL, UL	FSANZ is proposing to require the use of individual tree nut terms in the statement of ingredients, and the term 'tree nut' in an allergen summary statement. The reasons are provided in Section 5.5.2 of the main report.
Permit the use of the term 'tree nuts' in the 'contains' statement	<p>These submitters commented that the collective term 'tree nuts' should still be permitted in the 'contains' statement, with the individual tree nut declarations being made in the ingredient list.</p> <ul style="list-style-type: none"> There were additional comments that this approach to declaring tree nuts would allow the 'tree nuts declaration in the 'contains' statement to function as an alert word, so that consumers would be prompted to seek further information on the specific tree nut in the ingredient list [CGNZ, CAAP, NZFGC]. NFL and KH also noted that it was common industry practice to use 'tree nuts' in the 'contains' statement, and declare the individual tree nuts by name in the ingredient list. 	CGNZ, AIG, CAAP, CGNZ, GF, KH, NFL, NZFGC, SFI, UL	
Require individual declarations in both ingredient list and 'contains' statements	<p>AAA and Bega mentioned that individual tree nut declarations should be mandated for use in both the 'contains' statement and ingredient list. These submitters viewed the 'contains' statement declarations as a prompt for further reading of the actual tree nut ingredient.</p>	AAA, Bega	
Problems with the term 'tree nuts'	<p>A number of submitters expressed concern with the current and potential use of the collective term 'tree nuts' as a means of declaring the presence of tree nuts in a food. It was noted that 'tree nut' as a term can capture tree nuts that may not be associated with a food allergy [NZMPI], and does not provide enough information for specific tree nut allergies [FTAA, Vic].</p> <p>AAA and ADHB argued that the term 'tree nuts' should not be permitted for use as a term that meets tree nut declaration requirements.</p>	AAA, ADHB, FTAA, KH, NZMPI, Vi	

Issue	Comment	Submitter(s)	FSANZ Response
Drafting suggestion	The specific declaration of the nine individual tree nuts should be placed in Standard 1.2.3-4 and formatted similarly to subparagraph 1.2.3-4(1)(b)(i). For example: (ix) tree nuts, namely almond, Brazil nut, cashew, hazelnut, macadamia, pecan, pine nut, pistachio and walnut;	KH, NZMPI	FSANZ is proposing a completely new format for declaration requirements. See Attachment A of the main report for details on the draft variations to the Code.
<p>Regulatory impact of declaring individual tree nuts associated with food allergy</p> <p><i>Includes Q4: Do you agree with FSANZ's preliminary view that the nine individual tree nuts associated with food allergy should be required to be specifically declared? What would be the impacts of this requirement for industry (e.g. costs and trade considerations) and consumers?</i></p>			
Minimal or positive impacts for industry	<p>These submitters indicated that industry would receive beneficial outcomes from individual tree nut declarations, or that that any negative impacts would be small. It was also noted that:</p> <ul style="list-style-type: none"> The naming of the individual tree nuts in Standard 1.2.3 will provide further clarity and consistency for the food industry [AAA, AB, AIG, DAA, KH]. KH also mentioned that clarifying which tree nuts do <u>not</u> need to be declared would save businesses the cost of having to investigate for their presence in their products. There will be more consistency in information from tree nut ingredient suppliers [AB]. There would be no negative impacts on exports from greater information requirements, and imports should not be affected as the proposed declaration requirements harmonise with overseas requirements [NZMPI]. 	AAA, AB, Aldi, CANZ, DAA, KH, NZFGC	FSNZ has given consideration to the costs and benefits arising from the proposed changes to the Code in Section 7.1 of the main report.
Description of costs to industry	<p>Comments were received indicating that there will be some costs incurred by industry, because a new mandatory requirement will be introduced that will affect at least a portion of businesses. The nature of these costs would include:</p> <ul style="list-style-type: none"> Packaging/ label costs as some manufacturers that are not declaring individual tree nuts will need to do so [Aldi, ADHB, Bega, SHWA]. Aldi also noted that if the contains, may contain, may be present statements need to be updated to include the individual tree nut names, then this would be a significant impact versus changes just to the ingredient list. Other costs to food manufacturers could include managing the artwork process, updating web sites and apps, and managing revised labels on-site [Bega]. Analytical costs may also be incurred [Vic]. There would be some costs to the food service industry, as new directions and meal/product recording processes will need to be developed for individual tree nut information [CGNZ, DAA]. 	Aldi, ADHB, Bega, CGNZ, DAA, SHWA, Vic	

Issue	Comment	Submitter(s)	FSANZ Response
Benefits to consumers from separate tree nut declarations	<p>Some submitters noted that consumers would receive the following benefits if individual tree nuts were declared on food labels.</p> <ul style="list-style-type: none"> Food avoidance by consumers with a tree nut allergy would decrease, leading to a greater choice of products on the market [AAA, ADHB, DAA]. ADHB noted that a reduction in food avoidance could lead to a benefit for industry through an increase in the sales of foods containing tree nuts. Consumers with tree nut allergies travelling overseas would benefit from consistency in labelling across countries [ADHB, DAA] 	AAA, ADHB, DAA	FSANZ has given consideration to the costs and benefits arising from the proposed changes to the Code in Section 7.1 of the main report.
Other comments on tree nut declaration requirements			
Generic ingredient name requirements for tree nuts	AFGC and AIG requested that the generic name 'nuts' in Schedule 10 be amended to 'tree nuts'. The term 'nuts' is not an accurate generic ingredient name for use with individual tree nut declarations. SFI also clarified that the nine tree nuts associated with food allergy should be explicitly listed in Schedule 10.	AFGC, AIG, SFI	FSANZ is proposing to delete the permission to use 'nuts' as a generic name from Schedule 10. The reasons for this proposal are provided in Section 5.7.2 of the main report.
Comments on nuts other than the nine identified	<p>AFGC, CGNZ and NZMPI requested that if section 1.2.3–4 is amended to require the declaration of the nine identified tree nuts, then the Code should still retain the explicit exclusion from declaring coconut (from the fruit of the palm <i>Cocos nucifera</i>).</p> <p>Alternatively, DAA recommended that coconut is included in the list of tree nut declarations, since sensitisation to tree nut is correlated with coconut (published peer-review articles cited).</p> <p>AAA noted that <i>Cocos nucifera</i> is exempt from declaration, whereas <i>Lodoicea maldivica</i>, <i>Bactris gasipaes</i>, <i>Bactris minor</i>, <i>Borassus flabellifer</i>, <i>Salacca edulis</i> are not exempt from a 'tree nut' declaration and must be declared, even though Supporting Document 1 shows they are not associated with an allergy.</p>	AAA, AFGC, CGNZ, DAA, NZMPI	FSANZ is not proposing to retain the exemption for coconut, as the requirement to declare individual tree nuts makes this requirement redundant. Further consideration of coconut as an allergen is provided at Section 5.5.3
	Lion and NSWFA requested that FSANZ clarifies tree nuts outside the nine associated with food allergy will be managed. ausEE suggested that these tree nuts could be managed by requiring a declaration of tree nut (other) on food labels.	ausEE, Lion, NSWFA	FSANZ is proposing to require the declaration of nine individual tree nuts identified as being associated with an allergic reaction. FSANZ has not identified evidence to support declaration requirements for other tree nuts.

Cereal declaration comments

Issue	Comment	Submitter(s)	FSANZ Response
<p>Separate declaration requirement for wheat and its hybrids</p> <p><i>Includes Q5: Do you support clarifying the intent of Standard 1.2.3 by requiring wheat and its hybrids to always be declared irrespective of the gluten content in a food?</i></p>			
<p>Supports requiring wheat and hybrids to always be declared</p>	<p>Reasons provided for support of a separate wheat (and hybrid) declaration are as follows.</p> <ul style="list-style-type: none"> The problems with the current 'cereals containing gluten' declaration requirement relate to the attempt to provide information for wheat allergy and gluten intolerance conditions simultaneously [AAA, AFGC, AIG]. A separate wheat declaration will allow wheat-allergic consumers to obtain labelling information applicable to their condition [AIG, AB, ADHB, NZFGC, Vic]. Individuals with a wheat allergy must avoid the proteins in wheat and not necessarily the gluten fraction of a cereal [ASCIA, NAS, CA, FBIA, SFI]. Declaring wheat will therefore reduce unnecessary food avoidance by these consumers [AllergyNZ, CA, DAA, SFI]. There are also some wheat ingredients that individuals with Coeliac disease can tolerate, so a separate wheat declaration will be of assistance for this condition as well [CA]. Wheat ingredients can be produced without gluten, and are becoming more prevalent on the market [AFGC, CGNZ]. A separate wheat declaration requirement will have a minimal impact on industry [KH], and will also provide clarity for declaring cereal ingredients [GF]. <p>CMA also stated it would not support a requirement to declare <i>individual</i> wheat varieties or hybrids.</p>	<p>AAA, AB, AFGC, AIG, Aldi, ADHB, AllergyNZ, ASCIA, ausEE, Bega, CA, CAAP, CANZ, CGNZ, CMA, DAA, FBIA, FTAA, KH, GF, Lion, MI, NAS, NSWFA, NZFGC, NZMPI, QH, PrvtB, SFI, SHWA, Tas, UL, Vic</p>	<p>FSANZ is proposing a declaration requirement separately for wheat. See Section 5.6.1 of the main report.</p>
<p>Issues relating to wheat exemptions</p>	<p>Expressed concern that products exempt from declaring 'cereals containing gluten' will not have to declare the presence of wheat if this requirement is introduced [AAA, PrvtB]. Also argued against beer and spirits exemption, and not just for wheat declarations, but all 'cereals containing gluten' [AAA].</p> <p>These submitters commented that the current exemptions for the 'cereals containing gluten' declaration requirement should be retained for a separate wheat declaration requirement.</p>	<p>AAA, PrvtB</p> <p>AFGC, AIG, Aldi, CANZ, KH, Lion, MI, SHWA, UL, WW</p>	<p>FSANZ is not proposing to change the current exemptions from declaring allergens – this is outside the scope of Proposal P1044. The exemptions for 'cereals containing gluten' will continue to apply to the individual cereals that have to be declared.</p>

Issue	Comment	Submitter(s)	FSANZ Response
Issues related to wheat hybrids	Requested that FSANZ confirm that consumers and food handlers will understand that declared wheat hybrid strains (e.g. triticale) are also sources of wheat, even when not named as 'wheat'.	NSWFA	FSANZ is proposing the use of the term 'wheat' when declaring wheat hybrids, which will provide clarity that these strains are a source of wheat.
Different requirements needed for wheat allergy and gluten intolerance	Several submitters commented that declaration requirements for wheat allergy needed to be kept completely separate from declaration requirements for gluten intolerance [ADHB, ASCIA, Lion, NAS, NZMPI]. One method alone cannot meet the requirement of both groups. Allergens and gluten need to be considered separately, legislated separately and labelled separately [ASCIA, NAS].	ADHB, ASCIA, Lion, NAS, NZMPI	FSANZ is proposing separate declaration requirements for wheat and gluten. See Section 5.6 of the main report.
<p>Clarifying the intent of declaration requirements for gluten-containing cereals</p> <p><i>Includes Q6: Would clarifying the intent of Standard 1.2.3, so that individual sources of gluten-containing cereals are declared provide adequate information about the presence of gluten in a food for gluten intolerant consumers?</i></p> <p><i>Includes Q7: Are there other approaches (if any) that could be used for regulating how wheat, barley, rye, oats, spelt and their hybrids are declared to assist both allergen sensitive and gluten intolerant consumers?</i></p>			
Supports clarifying that individual cereal sources are to be declared	<p>Reasons provided for supporting the declaration of individual cereal sources are as follows.</p> <ul style="list-style-type: none"> • Declarations using the individual cereal source can be helpful to individuals with Coeliac disease or gluten intolerance [ASCIA, ausEE, NAS], as they may be able to consume some products or ingredients sourced from certain gluten containing cereals (e.g. glucose syrup), but not others [ASCIA, NAS, CA] • Consumers who are gluten intolerant / have Coeliac disease should know the various cereals that contain gluten, and are typically educated in this respect [Bega, CA]. • Individual cereal declarations ensures consistency within labelling to avoid confusion [Bega]. It will also require minimal label changes to products [KH]. <p>Bega and GF mentioned that they also supported other alternatives for clarifying the declaration of cereals containing gluten, which are detailed in the rows below.</p>	ASCIA, ausEE, Bega, CANZ, GF, NAS, NZMPI	See Section 5.6.2 of the main report.
	Supports declaring 'wheat' but is unnecessary to mandate declarations for other cereals. The current standard for declaring the cereal source in the ingredient name is sufficient for those with gluten intolerance / Coeliac disease.	SFI	FSANZ is proposing that barley, rye, oats and spelt will have to be declared, but only when gluten is present in the food. See section 5.6.2 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
Require 'gluten' in the ingredients name along with the source cereal.	These submitters stated that this is the clearest and most easily understood way to declare the presence of gluten in a food [Aldi, Tas]. When there are cereal ingredients present in a food that do not contain any detectable gluten, then only the cereal grain would be declared (e.g. 'wheat') [Tas]. Tas also commented that the source cereal and 'gluten' also needed to be declared together in a 'contains' statement.	Aldi, FTAA, Tas	See Section 5.6.2 of the main report.
Supports declaring individual cereal sources in the ingredient list, but only if 'gluten' can also be declared in the 'contains' statement	<p>These submitters provided support for the declaration of individual cereal sources, but only if a declaration of 'gluten' or 'cereals containing gluten' was permitted on the label in addition to the cereal source.</p> <ul style="list-style-type: none"> AB, AFGC, AIG, CA, KH, NZFGC, NZMPI and Vic stated that the declaration of gluten in the 'contains' statement should be a voluntary requirement. Individual cereal sources would still be declared in the 'contains' statement. ADHB, AllergyNZ, CAAP, CGNZ, FBIA, SHWA, UL mentioned that the declaration of 'gluten' or cereals containing gluten' should be a mandatory requirement for any declaration in the 'contains' statement. 	AB, ADHB, AIG, AllergyNZ, CA, CAAP, CGNZ, FBIA, KH, NZFGC, NZMPI, SHWA, UL	See Section 5.6.2 of the main report.
	<p>The reasons provided for the above positions were as follows.</p> <ul style="list-style-type: none"> Identifying the presence of gluten without reference to the individual cereal source significantly decreases the range of foods available those with allergies to wheat, barley, rye or oats [ADHB, NZMPI]. AB argued that cereal sources needed to be declared for processing aids and compound ingredients. A generic term such as 'gluten' or 'cereals containing gluten' should not be precluded from being used in the contains summary statement provided both wheat and wheat products and other individual cereals containing gluten are named in the ingredient list [AB, ADHB, AIG, CAAP, FBIA, SHWA]. Declaring the individual cereal source can be useful for gluten intolerance or Coeliac disease, but 'gluten' is also useful [CA, CGNZ]. However, the individual cereal source by itself is unhelpful for those that are unfamiliar with gluten / gluten-containing cereals but take care of someone with a gluten intolerance, or are food service providers [CGNZ, KH]. KH also provided consumer enquiry data in support of this comment. CA provided data from a survey of its members, which showed that only a small percentage rely on individual source grain declarations. Most members found both individual source grain and 'gluten' declarations to be useful, and some also preferred to just look for the term 'gluten'. ADHB argued that the gluten content of a food (>3ppm) could be used as a criterion to determine when to declare 'gluten' in addition to an individual cereal declaration. 	AB, ADHB, AIG, CAAP, FBIA, KH, NZMPI, SHWA	

Issue	Comment	Submitter(s)	FSANZ Response
	<ul style="list-style-type: none"> The term 'gluten' in the 'contains' statement is would to draw a consumer's attention to the presence of gluten-containing cereals, and prompt reading of the ingredient list for specific information (i.e. where the cereal source is declared) [AFGC, AIG, CAAP]. Declaring barley, rye, or oats without reference to gluten relies on the consumers knowing that they are gluten containing grains, which may be unrealistic [SHWA]. 		
Does not support declaring individual cereal sources of gluten – must declare 'gluten' instead	<p>These submitters did not support mandating the declaration of individual cereal sources (except for wheat). Instead, they argued for a declaration of 'gluten' or 'cereals containing gluten' as the required information for consumers with gluten intolerance or Coeliac disease.</p> <ul style="list-style-type: none"> A declaration of the individual cereal does not provide clear and adequate information about the presence of gluten for individuals with gluten intolerance or Coeliac disease [Aldi, DAA, Lion]. This information is especially unhelpful for those that are unfamiliar with gluten / gluten-containing cereals but take care of someone with a gluten intolerance, or are food service providers [Aldi, DAA]. There is no consumer advantage to naming the individual gluten-containing cereals when the presence of gluten can be confidently identified by manufacturers [CMA], and when Schedule 10 already requires that these cereals are named in an ingredient list [NSWFA]. Declaring individual gluten-containing cereals requires the separation of the cereals in industry documentation, introducing costs and complexity that could lead to inadvertent errors [CMA]. 'Gluten' is a simple label declaration that is short and succinct for labelling purposes [CMA]. The source of the gluten should also be declared to provide information for those who can consume gluten from some cereal products but not others [AAA]. AAA, AFGC and DAA indicated that a 'gluten' declaration should be made in the 'contains' statement. However these and other submitters did not clarify if 'gluten' should be also used as a term in the ingredient list. 	AAA, AFGC, CMA, DAA, FTAA, Lion, NSWFA, WW	See Section 5.6.2 of the main report.

Issue	Comment	Submitter(s)	FSANZ Response
Other comments on cereal declaration requirements			
Issues with the term 'cereals containing gluten'	<p>Several concerns were expressed by submitters over the current use of the words 'cereals containing gluten' in section 1.2.3–4.</p> <ul style="list-style-type: none"> • These words are confusing for some food ingredient suppliers and manufacturers, and is result in inconsistent use of 'gluten' and 'gluten containing cereals' on food labels [AB, FTAA, KH, NSWFA]. Gluten content is of major concern as it is linked to cereals as a group and should be separated [FTAA]. • KH noted that most ingredient suppliers are especially confused over the words 'cereals containing gluten'. • Tas suggested that the words 'cereals containing gluten' should be replaced with 'cereals, including wheat, rye, barley, oats or spelt or a hybridised strain of one of those cereals'. This would be more in line with Schedule 10 and the intent of Standard 1.2.3. 	AB, FTAA, KH, NSWFA, Tas	FSANZ is proposing to place the list of declarations into Schedule 9. It is still necessary to refer to 'cereals containing gluten', even though the declaration requirements now make it clear that the individual cereals have to be declared. See Attachment A of the main report for the draft amendments to the Code.
Defining 'cereals'	AAA reiterates its concern expressed during W1070 over the use of the term 'cereals' in the table to Schedule S10—2. The table references both cereals and starch as generic names, apparently accepting that starch derived from cereals is not encompassed by the generic name 'cereals'. AAA states that this is a problem because there is no definition of 'cereals' in the Code, yet there is a definition of 'flours or meals; which refers to milled products. 'Cereals' by inference refers to the intact grain.	AAA	See Section 5.7 of the main report.
Comments regarding gluten content claims	There is also a potential for confusion if a food labelled as "gluten free" also declares the presence of an ingredient derived from a gluten containing cereal (noting that the gluten content can be removed by processing).	AB, Vic	See Section 5.6.2 of the main report.
	The presence of gluten in a food should be handled under Schedule 4 Nutrition and Health Claims (and be expanded accordingly).	FTAA	FSANZ is not proposing to alter the requirements for 'gluten-free' claims. This is outside the scope of Proposal P1044.
Gluten declaration requirements apply to all foods	All foods should have to provide information on their gluten content. Foods in small packages should not be exempt.	PrvtB	See Sections 5.6.2 and 5.8 of the main report.

Consumer behaviour comments

See Supporting Document 2 and Section 4.1 of the main report for information relating to FSANZ's consumer behaviour evidence base.

Issue	Comment	Submitter(s)
<p>Comments on how consumers use and understand allergen labelling</p> <p><i>Includes Q8: What evidence can you provide on how food allergen sensitive consumers use food labels to identify allergens?</i></p> <ul style="list-style-type: none"> • <i>Where on the label do they look to determine whether an allergen is present?</i> • <i>What types of terminology in allergen declarations are the most meaningful to consumers?</i> • <i>Do you have any evidence on the importance of the source allergen in a declaration (e.g. 'milk' versus 'sodium caseinate' in the statement of ingredients)?</i> 		
<p>Comments on where consumers look first</p>	<p>A number of comments were received indicating that both the ingredient list and the 'contains' statement are used together by consumers when searching for allergen information [AAA, AllergyNZ, Aldi, ausEE, Bega, CA, DAA]. Some of these submitters clarified further how different labelling elements are used.</p> <ul style="list-style-type: none"> • There is a preference against using the ingredient list if it is too long [AAA]. CGNZ stated that less experienced food service staff will rely on the 'contains' statement only. • Aldi and CGNZ mentioned that the 'contains' statement is the first place that consumers will search for allergen information, whereas ausEE stated that the first location was the ingredient list. Bega mentioned that the front of the package was inspected first for any allergen related claims. <p>CA reported that very few of its members use the product name or claims in allergen searches.</p>	<p>AAA, AllergyNZ, ausEE, Bega, CA, DAA</p>
<p>Consumer understanding of allergen labelling elements</p>	<p>Published evidence:</p> <ul style="list-style-type: none"> • Zurzolo (2013); Zurzolo et. al (2016 and 2017); Duncanson et al 2014 [cited by DAA]. • Cochrane et al. (2013); Marra et al. (2017) [cited by UL]. <p>Customer / member feedback data:</p> <ul style="list-style-type: none"> • Feedback from customers enquiries shows that they do not understand that some ingredients are linked to allergens such as whey (milk) [Aldi]. • Most consumers enquiring to KH were confused as to whether a food contained gluten, even though the individual cereal source of gluten is declared on the label by KH. <p>Anecdotal information:</p> <ul style="list-style-type: none"> • ADHB stated that feedback from dietitians indicates that plain and simple source allergen labelling is vital in keeping those with food allergy safe [ADHB]. 	<p>ADHB, Aldi, DAA, KH, UL</p>

Issue	Comment	Submitter(s)
Use of allergen labelling by consumers	<p>Published evidence:</p> <ul style="list-style-type: none"> Allen and Taylor (2018); Barnett et al. (2011a, 2011b, 2013); Yazar et al. (2014) [cited by DAA]. NZMPI noted that the EU review of the provision of food information to consumers highlighted that consumers were mostly interested in clear, understandable, simple, comprehensive, usable, standardised and authoritative information (no citation provided). <p>Customer / member data</p> <ul style="list-style-type: none"> AFGC Consumer survey: gluten free claims and labelling, Philip Mohr, PhD., 29 April 2015. A survey of individuals with Coeliac disease about claims and labelling for gluten or gluten-containing grains [AFGC]. 96% of respondents to a CA survey reported they use 'contains' statements. A number also clarified that they would cross check the information in the allergen summary statement with the ingredient list [CA]. <p>Anecdotal information</p> <ul style="list-style-type: none"> Individuals with Coeliac disease use a combination of the 'contains' statement and ingredient listing. A fructose intolerant consumer must inspect the ingredient list to determine the ingredients that are suitable for them, as the Food standards do not require the declaration of ingredients containing fructose [SFI]. 	AFGC, DAA, NZMPI SFI
Comments on the most meaningful terminology	<p>Of those submitters commenting on the type of terminology that was the most meaningful to allergen sensitive consumers, all indicated that this needed to be a reference to the source allergen.</p> <p>There was variation in what was considered to be a reference to the source allergen. Some submitters considered 'gluten' or 'gluten containing cereals' to be the source for gluten intolerance / Coeliac disease as well as or instead of the individual cereal [Aldi, CA], and that milk allergic individuals refer to their allergy as being to 'dairy' rather than 'milk' [ausEE]. Some submitters also mentioned that a combination of the allergen source and general naming (e.g. lecithin (soy), caseinate (milk)) was the clearest approach for declarations made in the ingredient list [AAA, UL].</p> <p>QH also noted that the allergen 'milk' can be declared using a variety of common terms (e.g. 'dairy', cream, cheese, yoghurt etc.) or scientific terms (e.g. sodium caseinate) which a consumer may not necessarily associate with 'milk'.</p> <p>A reference to the source allergen was considered the most meaningful for the following reasons.</p> <ul style="list-style-type: none"> Terminology used for allergen declarations needs to be consistent with the language people use and hear in their everyday environments, and in a form consumers can understand [CGNZ, Vic]. Plain English terms need to be recognisable not only to allergen affected consumers, but people in their community and the food preparation workforce [DAA]. 	AAA, Aldi, AllergyNZ, ausEE, CA, CGNZ, DAA, FTAA, GF, QH, UL
<p>Comments on how consumers use and understand allergen declarations made in different labelling elements</p> <p><i>Includes Q9: What evidence can you provide about consumers' awareness that some allergen labelling formats are currently provided voluntarily (e.g. the 'contains' statement), and therefore may not always be present on all products?</i></p> <p><i>Includes Q10: Is there any evidence of consumers being confused when the terminology used for declaring allergens differs between the statement of ingredients and a 'contains' statement? How important to food allergen sensitive consumers is consistency in the terms used for declaring allergens across different labelling elements?</i></p>		

Issue	Comment	Submitter(s)
Evidence that consumers do not understand that the 'contains' statement is voluntary	<p>Published evidence (precautionary allergen labelling)</p> <ul style="list-style-type: none"> • Marchisotto et al 2017 – consumer views that PAL was required by law in US and Canada [DAA]. • Cochrane et al. 2013 [UL] • Zurzolo 2013 [Vic] • Precautionary Allergen Labelling Roundtable Prepack (2014 [FTAA] <p>Customer / member feedback</p> <ul style="list-style-type: none"> • The majority of respondents to a CA member survey (78%) mistakenly believed that Allergen Summary Statements are mandatory on labels [CA]. <p>Anecdotal information</p> <ul style="list-style-type: none"> • Discussions with and complaints from individuals with allergies / intolerances indicated that voluntary nature of the 'contains' statement does make it more difficult and time-consuming to inspect food labels to ensure that it is suitable for their consumption, or results in confusion and incorrect food choices [NZMPI, SFI]. 	CA, DAA, FTAA, SFI, UL, Vic
Comments that consumers do not understand that the 'contains' statement is voluntary	<p>These submitters are involved in providing support or services to individuals with food allergies. They commented that this experience has shown many consumers are unaware that 'Contains' or 'May contain' statements are voluntary.</p> <p>Additional comments included:</p> <ul style="list-style-type: none"> • Health professionals are also sometimes unaware that some allergen labelling is provided voluntarily, and provide inconsistent information on this topic to their patients [ausEE, AllergyNZ]. • The voluntary nature of the 'contains' statement can be dangerous, as some consumers (or their carers) assume the absence of a 'contains' statement implies the product is free from any allergens [AAA, CGNZ]. • There is also confusion between the 'contains' statement and PAL [CA]. 	AAA, ausEE, AllergyNZ, CA, CGNZ

Issue	Comment	Submitter(s)
Evidence of consumer confusion from inconsistent terminology	<p>Published evidence</p> <ul style="list-style-type: none"> • Preeti 2002 – allergen sensitive consumers in Australia and overseas were unable to identify common allergenic food ingredients [Vic] • Zurzolo 2013 – allergen sensitive consumers did not understand PAL [Vic] • Vierk 2007 – words for allergen declarations in some ingredient lists were too technical or hard to understand [Vic] <p>Customer / member feedback</p> <ul style="list-style-type: none"> • Results from a AAA member survey found that respondents would preferred consistent naming across all allergen declarations on a food package. There would less potential for confusion if the ingredient list stated E.g. lecithin (soy) and a 'contains' statement stated 'soy' [AAA]. • CA reported examples from members where the 'contains' statement includes 'gluten', but without an indication of which ingredient in the product is derived from gluten or wheat. Coeliac consumers prefer to know the exact source of any gluten in a product i.e. grain source declared within the ingredient list; this allows an informed choice. <p>Anecdotal information</p> <ul style="list-style-type: none"> • Complaints from individuals with allergies / intolerances indicated that inconsistent terminology both within a product label, and across different foods, made allergen declarations confusing and potentially life-threatening [NZMPI] 	AAA, NZMPI, Vic

Issue	Comment	Submitter(s)
Comments from submitters about consumer confusion and consistency in allergen labelling	<p>These submitters mentioned that the voluntary nature of the 'contains' statement is leading to inconsistencies in allergen labelling information.</p> <ul style="list-style-type: none"> • Has identified products where a contains statement does not match the allergens identified in the ingredient list [AAA], or where the allergen labelling was incorrect [ausEE] • A lack of consistent display of the 'contains' statement means either patients ignore this labelling information and risk possible life threatening allergic reactions or they over-restrict food choices [ADHB]. It also contributes to consumer confusion [ausEE, Vic]. • The lack of a consistent 'contains' statement on a product can be confusing, especially for ingredients not usually linked to allergens by customers such as 'whey' and 'spelt' (gluten) [AB, Aldi, CGNZ, Vic]. The use of an uncommon ingredient name (e.g. a processing aid, or 'mustard flour') can be particularly confusing [AB, CGNZ]. • Having a consistent place to check this information and the use of consistent terminology. It is very important that when terminology is used in differing label elements they should be the same and consistent, which will make identifying allergens easier [AllergyNZ, CGNZ, DAA, FTAA, SFI]. SFI also mentioned that consumers needed to have a high level of self-education about allergens to deal with label inconsistencies. • Comments were received from ausEE that the voluntary nature of the 'contains' statement means that products cannot be recalled when this statement is incorrect or inconsistent with the ingredient list. AllergyNZ also commented that that it is unclear whether differences in terminology between the statement of ingredients and a 'contains' statement could be deemed 'misleading' under consumer protection legislation e.g. the NZ Fair Trade Act. • Vic suggested that mandating the use of the source allergen in the ingredient name (e.g. sodium caseinate (milk)) would address the problems with unfamiliar ingredient names. 	AAA, AB, ADHB, Aldi, ausEE, AllergyNZ, CGNZ, DAA, FTAA, SFI, Vic
	<p>Some submitters indicated that inconsistencies in terminology between different labelling elements was not a problem, or was sometimes unavoidable / necessary [AB, CAAP, UL].</p> <ul style="list-style-type: none"> • Some allergen-containing ingredients had complex names (e.g. processing aids), and so it was better to use a 'contains' statement for a simple allergen declaration [AB]. • One issue with having the terminology the same in the ingredients as well as the contains statement is that there could be a lot of repetition [UL]. 	AB, CAAP, UL

Issue	Comment	Submitter(s)
<p>Source of advice and information on how to read allergen labelling information</p> <p><i>Includes Q11: Where do food allergen sensitive consumers obtain information about how allergens are labelled? For example, GP, friend or family member, a support group, the Internet etc. What is the nature and quality of information provided from these sources?</i></p>		
<p>From medical or health professionals (including dietitians)</p>	<p>These submitters mentioned that either medical or allied health professionals (especially dietitians) were a source of information on allergen labelling. Additional comments were made as follows.</p> <ul style="list-style-type: none"> • AAA member survey showed that medical and health professionals were sources third behind allergy support organisations and the internet. 8% of CA members obtain information from their doctor or dietitian. • Dietitians provide written material, use of visual / physical food labels, advice on patient's own food labels, how to use online resources / apps, and contacts for further educational materials. A list of specific educational items was provided in submission documents [ADHB, DAA]. • In regards to the quality of the information available from medical and health professionals, it differs from one professional opinion to the next [ausEE, SFI, Vic]. As such, there is an opportunity for further training of these professionals on allergen labelling [AllergyNZ, SFI]. 	<p>AAA, ADHB, AllergyNZ, ausEE, Bega, CA, CGNZ, DAA, FTAA, SFI, Vic</p>
<p>From allergy support organisations</p>	<p>A number of submitters mentioned that allergy support organisations are an important source of information for individuals with food allergies.</p> <ul style="list-style-type: none"> • AAA and CA member surveys showed that most participants seek out information from their respective organisation in the first instance [AAA, CA]. • In respect to quality, AAA aims to always provide regular factual and up to date information on allergy related issues including food allergen labelling to consumers [AAA]. 	<p>AAA, AllergyNZ, ausEE, CA, UL</p>
<p>From government sources</p>	<p>A preferred source of information is from the FSANZ website, as well as Australian State government websites. One 'go to' inclusive resource would be most helpful for consumers for both information and reporting process.</p>	<p>ausEE</p>
<p>From non-health professional sources</p>	<p>These submitters mentioned that consumers use family or friends as a source of allergen labelling information, or online sources of the information. Online sources (including social media) are heavily used by consumers.</p> <ul style="list-style-type: none"> • AAA member survey showed that the internet is a secondary source of information behind allergy support organisations. 54% on CA members used the internet a source of information. • Self-diagnosed consumers (internet, social media or friendship groups) are less informed than medically diagnosed consumers [Bega]. CA stated that online sources of allergen labelling information are unreliable. 	<p>AAA, AllergyNZ, Bega, CA, FTAA</p>

Issue	Comment	Submitter(s)
<p>Industry allergen labelling practices</p> <p><i>Includes Q12: (Question for industry submitters) How do you make mandatory allergen declarations on your product labels? For example, listing source allergens in brackets after the ingredient they relate to within the statement of ingredients or including a 'contains' statement. Why did you choose the method you use?</i></p>		
<p>Declared in ingredient list only</p>	<p>These food manufacturers / retailers mentioned that they declare allergens in the ingredient list, and do not use a 'contains' statement.</p> <ul style="list-style-type: none"> Aldi also uses brackets and bolding in the ingredient list. KH mentioned that it reasons for this approach are that ingredient lists and allergens can be generated electronically, but bolding and 'contains' statements would need to be done manually. Duplicating information in 'contains' statements also doubles the possibility of an error. This is based upon industry best practice and historic customer enquiries [Aldi]. <p>FTAA and NZFGC (industry representative organisations) also advocated for this approach, and NZFGC said that this is the method most commonly used by its members.</p>	<p>Aldi, KH, FTAA, NZFGC</p>
<p>Declared in ingredient list and a 'contains' statement</p>	<p>These food manufacturers / retailers mentioned that they declare allergens in both the ingredient list and 'contains' statement. Bolding, capital sized font, and brackets are also used by some of these submitters for the ingredient list declarations [Bega, CAAP, GF, SHWA, UL]. Bega also standardises the use of 'from' or 'contains' prefixes with allergen declarations.</p> <ul style="list-style-type: none"> The reason stated for this approach was that this approach provides the clearest and most useful information possible [Bega, CAAP, SFI]. Both the ingredient statement and the 'contains' statement hold value, working together to provide consumers with clear and simple allergen information. The ingredient statement provides details, the 'contains' statement is a simple summary [SHWA]. SHWA sometimes does not include a 'contains' statement, if space does not permit and/or the product is a single ingredient. <p>FBIA (food importer representative organisation) indicated that ingredient list and 'contains' statement declarations are commonly used together on imported food labels.</p>	<p>Bega, CAAP, FBIA, GF, SFI, SHWA, UL, WW</p>

Issue	Comment	Submitter(s)
Declared in a 'contains' statement only	<p>These food manufacturers / retailers mentioned that they declare allergens in the 'contains' statement, with no declaration made specifically in the ingredient list.</p> <p>CANZ provided the following reasons for declaring in the ingredient list only.</p> <ul style="list-style-type: none"> • Some ingredient declarations are lengthy, whereas a separate statement provides a single point of reference. Listing the same allergen multiple times lengthens an ingredient list. • Should raw material sources change, there is an increased cost to change the ingredient list declarations (as the same allergen can appear multiple times). <p>CMA (complementary medicines representative organisation) and Lion mentioned that alcoholic beverages and complementary medicines do not have to provide ingredient lists, and so the 'contains' statement is the preferred location for declaring allergens.</p>	CANZ, CMA, Lion
Comments on how certain allergens are labelled	For tree nuts, applies the list of nuts in Schedule 22 or those identified by Health Canada as being of concern.	AB
	In the ingredient [list and 'contains'] statements we qualify the gluten source (grain source) in the ingredient list at all times e.g. 'oat'. For products containing tree nuts we qualify the specific tree nut allergen at all times e.g. 'almond'.	SHWA
Comments on the consumer behaviour evidence base		
Lack of consumer behaviour evidence	These two submitters commented that the volume of published material relating to consumer behaviour towards allergen labelling is very small. This problem restricted their ability to provide informed comments to FSANZ on consumer behaviour.	Bega, AllergyNZ
Conducting original research	<p>These submitters suggested that FSANZ and/or the food industry undertakes some consumer research (or at least consult) on:</p> <ul style="list-style-type: none"> • Terms that could be prescribed to describe food allergens to ensure that most consumers understand them, for example 'milk' versus 'dairy' etc. [QH]. • the current (non-mandatory) labelling practices of the food industry [AFGC]. 	AFGC, QH

Comments about regulatory impacts

Issue	Comment	Submitter(s)	Response
Quantified costs associated with introducing PEAL requirements	<p>These food manufacturer submitters provided estimates of the costs that would be incurred by their business if PEAL was introduced into the Code as follows.</p> <ul style="list-style-type: none"> Potential cost to the LDD business is estimated to be ~\$1.5 million just in change-over of labels [Lion]. Based on our number of SKU's the proposed change will cost over \$10,000,000 to update labels. Excludes administration costs, printer costs, IT support, staff training and inventory planning [SFI]. 	Lion, SFI	See Supporting Document 4 and Section 7.2.1 of the main report.
Transition period	<p>A number of submitters commented that a transition period would be required to implement any introduction of PEAL into the Code [AFGC, Ceres, DTS, FTAA, SFI, UL, Vic]. Several of these submitters mention that a minimum of 2-3 years was required for this transition period [DTS, Lion, NZFGC, SHWA, UL]. The reasons for a transition period were provided as follows.</p> <ul style="list-style-type: none"> Industry guidance documents may need to be updated [AFGC, UL]. Suppliers will need to provide additional detail to food manufacturers [AFGC, UL]. There will be flow on effects for PAL, even though it is out-of-scope [AFGC]. Food manufacturers are still absorbing costs associated with changes to country of origin information (Australian sales only) [Ceres, FTAA, NZFGC]. New labels would also need to be ordered [Lion, SFI, UL]. Manufacturers and consumers will need to be educated on the changes before they are introduced [NZFGC]. 	AFGC, Ceres, DTS, FTAA, Lion, NZFGC, SFI, SHWA, UL, Vic	FSANZ notes that the proposed amendments will affect a broad range of foods, including long-shelf-life products. As such, FSANZ is proposing a 24 month transitional period and a 12 month stock-in-trade period. See Section 8.1 and Attachments A and B of the main report for details of these arrangements.
Fish / Crustacea / Mollusc impacts	The AFGC PIF form currently lists fish, not molluscs, so organisations would need to undergo a review of all ingredients to clarify whether fish includes molluscs or not.	UL	FSANZ is proposing that the term 'fish' is to be used when declaring the presence of fish as an allergen. See Section 5.4.1 of the main report.
	There will be a cost associated with declaring fish using the term 'finfish' [ADHB, NZFGC]. NZFGC mentioned that this was estimated to be \$20,000 NZD for one particular manufacturer. However ADHB argued that the labelling of 'finfish' would increase potential sales markets as the consumer can easily see the type of fish present.	ADHB, NZFGC	
	There will be a trade advantage to have molluscs specifically declared as that will enable fish allergic (mollusc tolerant) consumers in overseas markets to identify that the product is safe for them to eat and purchase. This may help increase potential buyer markets and product sales [ADHB, NZFGC]. NZFGC also mentioned that the impact for imports would be minimal, as many overseas countries require greater specificity for fish / crustacea / molluscs.	ADHB, NZFGC	

Comments made in addition to the 1st CFS questions

Issue	Comment	Submitter(s)	Response
Implementation Issues			
Education on the proposed changes	<p>It was commented that education and guidance need to accompany the introduction of PEAL into the Code. This education would be for both industry and consumers so they are aware of the changes required for allergen labelling. Additional comments on this education were as follows.</p> <ul style="list-style-type: none"> • Advice will be required on the application of PEAL in supporting documentation for food ingredients moving within the supply chain [AB]. • Guidance will be required on ingredients/name changes for nut and fish / mollusc declarations [CMA, DAA, Lion, NZFGC, Vic]. • FSANZ, local regulators and councils should provide this education [DTS]. • A communication strategy should be developed for the introduction of PEAL [Vic]. • Further guidelines should be provided to assist the food industry should PEAL terms be prescribed [ausEE, NZMPI]. 	AB, AllergyNZ, ausEE, CMA, DAA, DTS, Lion, NZFGC, NZMPI, Vic	FSANZ is intending to develop communication materials and education messages related to the introduction of the new allergen labelling requirements. See Section 8.2 of the main report.
Labels need to be audited after PEAL is introduced	It is critical that there is an audit process supporting the changes to food labelling for food allergens to ensure there is no inconsistency in PEAL wording.	NAS	Monitoring and auditing of the food supply is outside of FSANZ's legislative responsibility. Australian State and Territory and New Zealand governments are responsible for these activities.
Declaring allergens on foods not required to bear a label	Some foods are exempt from displaying an ingredient list e.g. beer and spirits. In these instances allergen/gluten information must be displayed in connection with the food or provided to the purchaser on request. Recommends that consideration is given as to how proposed PEAL requirements can be applied to food packages exempt from labelling.	AAA, AFGC	FSANZ has given consideration to how PEAL applies to foods not required to bear a label. See Section 5.8 of the main report.

Issue	Comment	Submitter(s)	Response
Drafting issues			
Characterising ingredient standards	AAA requested FSANZ consider if voluntary ‘contains’ statements are characterising ingredients or components and therefore subject to Standard 1.2.10, and the label be required to declare the proportion of the ingredients or components present. A&AA suggests that ‘contains’ statements be added to the list of exemptions under subsection 1.2.10—3(3).	AAA	FSANZ is of the view that the new declaration requirements being proposed are separate to Standard 1.2.10 and will not prevent the requirements of that Standard being met (e.g. displaying the percentage of an ingredient in the statement of ingredients).
Declaration requirements for milk			
Milk – non-bovine sources	<p>The term milk is currently defined as ‘the mammary secretion of milking animals’, which may be broader than necessary in the context of allergen labelling, as it encompasses milk from mammals other than cattle. The lack of clarity in the definition of milk creates confusion for milk allergic consumers and consideration may need to be given as to how this can be addressed.</p> <p>NAS also commented that declaration of the (animal) source of the milk should be required.</p>	AAA, AFGC, NAS	The original intent for milk declarations was for it to apply to milk from mammals other than cattle. Previous safety assessments of FSANZ (Proposal P161) identified that all types of milk produce the same allergic reaction. FSANZ is therefore not proposing to further clarify the requirement to declare milk, and proposes the use of the term ‘milk’ for declaring this allergen.
Milk – plant alternatives	<p>The use of the term “milk” to describe milk alternatives (e.g. those derived from coconut, tree nuts, rice, oats or soy) is a source of confusion for those with allergies and their carers.</p> <p>AAA also mentioned that if a plant based product is manufactured and called milk, it should contain milk as an ingredient.</p>	AAA, AFGC, QH	FSANZ is of the view that educating food allergic individuals is the most appropriate strategy for clarifying any confusion with allergens and plant-based beverages. The changes being introduced by Proposal P1044 will also make the presence of the allergens in these foods clearer.

Issue	Comment	Submitter(s)	Response
Formatting requirements for allergen declarations			
Bolding of allergen declarations	<p>These submitters requested that FSANZ reconsiders excluding formatting issues from Proposal P1044. In particular, it was mentioned that allergen declarations should be bolded in the ingredient list [AB, AFGC, ASCIA, ausEE, Bega, TRC, UL], and that the entire 'contains' statements be bolded [AFGC, Bega].</p> <p>AB and AFGC recommended that formatting be based on the AFGC Guide and <i>Allergen Bureau VITAL® Best Practice Labelling Guide for Australia and New Zealand</i>. This includes the use of brackets around the a source allergen name in the ingredient list (e.g. whey (milk)).</p>	AB, AFGC, ASCIA, ausEE, Bega, TRC, UL	FSANZ has reconsidered this issue, and has changed the scope to including formatting issues. See Sections 1.3 and 5.2.2, and Attachments A and B of the main report for further details.
Size of allergen declarations	FBIA and ausEE mentioned that consideration should be given to the size and legibility of allergen declarations.	ausEE, FBIA	See Section 5.2.2 of the main report
Colour	Different colours should be used for allergen declarations.	ausEE, TRC	See Section 5.2.2 of the main report.
Out-of-scope			
Generic labelling requirements (that are not specific to allergens)	<p>I believe the allergen standard [a new one] should include:</p> <ul style="list-style-type: none"> a) What type of language (e.g. English) that the label must be completed in. b) The requirement for imported goods to display any appropriate labelling warnings. c) Appropriate labelling materials to be used on products as some labels are subject to deteriorating when subject to moisture. 	TRC	Issues a) and b) are already regulated by the Code under Standard 1.2.1. Issue c) is not within the scope of Proposal P1044, as this project is considering information requirements for food labels, and not the use of label materials.
	The allergen declaration requirements should apply to anyone selling food, including those in the food service and not just food manufacturers.	AAA, PrvtB	Standard 1.2.1 of the Code already requires food service businesses to declare allergens for their foods (paragraph 1.2.3—9(7)(b)).
	The allergenic possibilities in GM foods are unknown. Requests all foods with GM ingredients are labelled as such.	PrvtA	Foods produced by gene technology are already regulated by the Code under Standard 1.5.2, which includes labelling requirements.

Issue	Comment	Submitter(s)	Response
Precautionary Allergen Labelling (PAL)	<p>These submitters made comments regarding mandatory requirements for PAL, or requested that FSANZ reconsider its exclusion of PAL from the scope of P1044. Specific comments on PAL were made as follows.</p> <ul style="list-style-type: none"> The use of plain English terms should apply to PAL [AB, AFGC, SFI]. Consumers find it very difficult to determine why a product does have or does not have precautionary allergen labelling, and therefore if it is safe to purchase or not [AAA]. There is much confusion for consumers as terminology currently being used in these statements varies, as does the preceding text for the statement (i.e. 'may contains...' versus 'may contain traces of...' etc.) [AAA, ausEE, NAS, Vic]. The VITAL process should be mandated for the use of PAL statements [ausEE, DAA]. PAL needs to be used in a standardised and consistent manner [AAA, ausEE, CA, QH, Vic]. <p>NSWFA also commented that a stakeholder workshop should be convened to address PAL.</p>	AAA, AB, AFGC, ASCIA, ausEE, CA, DAA, NAS, NSWFA, NZMPI, QH, SFI, Vic	PAL is not within the scope of Proposal P1044 (Section 1.3 of the main report). FSANZ is aware of the stakeholder interest in this subject, and so will continue to work with stakeholders to address issues relating to PAL outside of Proposal P1044.
	CANZ and SHWA mentioned that they often use terms such as 'tree nuts', 'cereals containing gluten' or 'gluten' in PAL. This is because of variability that can occur in manufacturing facilities of ingredient suppliers over time.	CANZ, SHWA	