

5 March 2010

Project Officer Proposal P1007
Food Standards Australia New Zealand
PO Box 10559
WELLINGTON 6036

FS 350-118-1007

Dear Sir/Madam

Proposal P1007 – Primary Production and Processing Requirements for Raw Milk Product – First Assessment Report

Thank you for the opportunity to comment on this proposal. The New Zealand Food Safety Authority (NZFSA) has the following comments to make.

P1007 in relation to the Food Treaty

NZFSA considers that the matters dealt with in standard 4.2.4 Primary Production and Processing Standard for Dairy Products are outside the scope of the *Agreement Between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System (the Food Treaty)*. New Zealand's existing legislation already manages these matters, by way of its regulatory framework for unpasteurised milk products which came into effect on 1 October 2009. This framework is made up of the Animal Products (Raw Milk Products Specifications) Notice 2009 (the Notice) which sets out on-farm and processing requirements to be met by those producers of unpasteurised milk products where pathogens may survive in the end products, and two new Food Standards, which broaden the range of unpasteurised products that can be imported into New Zealand to include those that have an acceptable safety level.

Proposal P1007 also deals with *Other requirements for milk and dairy products*, namely microbiological limits (Standard 1.6.1) and labelling matters (covered in Standard 1.2.3 and Clause 4 of Standard 1.2.4.) These matters are within the scope of the Food Treaty, and therefore microbiological limits and labelling requirements for all foods (including dairy products) sold in New Zealand are covered in the Australia New Zealand Food Standards Code (the Code).

Categorisation of products

NZFSA supports FSANZ's preferred option (Option 3): *To amend the current dairy processing requirements in the Code to allow for the production and import of raw milk products that meet the definition of Category 1 and 2 products into Australia.* This is in line with the framework introduced in New Zealand on 1 October 2009.

However, NZFSA notes one difference between the proposed Category 2 products in Australia and the equivalent grouping in New Zealand. The New Zealand framework allows production and importation of product where it can be demonstrated that they do not support the growth of pathogens to levels *in excess of food safety criteria*' (as defined in the Notice), which links to Standard 1.6.1 of the Code.

NZFSA notes that given the low microbiological limits prescribed in Standard 1.6.1, products permitted for sale under New Zealand's Animal Products (Raw Milk Products Specifications) Notice 2009 will not differ substantially from those classified as Category 2 cheeses in the Australian proposal for which 'no growth of pathogens' is permitted.

Risk assessments and labelling

The risk assessments in the document are thorough and appear to have addressed all important factors. However NZFSA has recognised elevated risks posed by raw milk products to more vulnerable population groups. These groups comprise pregnant women, children aged four years or less, adults aged 70 years and over, and individuals who are immunocompromised because of a medical condition or any treatments they are receiving. Therefore in communications messages to consumers, NZFSA has given advice that these groups of consumers should avoid all unpasteurised products, due to the potential risk of illness.

Current labelling requirements under the Code for raw milk products only require unpasteurised milk and liquid milk products to be labelled with an advisory statement to the effect that the product has not been pasteurised. In relation to cheese made from unpasteurised milk, the ingredient declaration should include a statement that the milk is unpasteurised. NZFSA is currently developing a Code of Practice: *Additional measures for raw milk products* to complement the Notice. At this time it is expected the Code of Practice will recommend that raw milk products sold or prepared for sale in New Zealand are labelled with a voluntary advisory statement to the effect that they are made with unpasteurised milk. This recommendation is to be reviewed following completion of P1007.

We note that the 1st assessment report for P1007 does not address specific labelling for raw milk products, and that this will be addressed in the 2nd assessment report. NZFSA has a preferred option for a Mandatory Advisory Statement to be introduced in the Code in the future

to the effect that products are labelled to state they are made with unpasteurised milk.¹ NZFSA is keen to work collaboratively with FSANZ in developing this amendment to the Code.

The next important area for NZFSA's implementation of the unpasteurised milk products regulatory framework will be the determining and communicating on the detail of how producers can demonstrate compliance with the new requirements for the manufacture of raw milk products. NZFSA looks forward to continued information sharing between NZFSA and FSANZ, as efforts to share scientific and implementation resources will provide a sound basis for our respective processes.

Thank you for the opportunity to comment on the Proposal P1007 Primary Production and Processing Requirements for Raw Milk Products (First Assessment Report). NZFSA looks forward to further progress on this standard and assisting where possible.

Yours sincerely

Jenny Reid
Deputy Director
Science

¹ (The term "unpasteurised milk" is preferred to "raw milk" following the consumer research carried out by NZFSA. The title of this research is *A four-part survey on awareness and understanding of raw milk products*, which can be found at the following link:

<http://www.nzfsa.govt.nz/consumers/higher-risk-specific-foods/raw-milk/raw-milk-products-survey.pdf>)

