

FOOD LABELLING AND POLICY REVIEW

PUBLIC CONSULTATION Perth Convention Centre 18th March 2010

Please note: The views expressed in this document are the consultation attendees and not necessarily those of the Food Labelling Review Committee. The Committee will not be legally responsible for any statement made in this document.

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Attendees at the public consultation included individual consumers and representatives from industry and government. The list of attendees is attached.

PART 1: CONTEXT

Consultation Paper / Format / Focus of Review / Matters for Review / Terms of Reference General and Specific / Tensions in the Terms of Review

Comments from attendees included:

- Priorities should be set at the outset. The main priority should be the consumer, followed by the primary producer, the secondary producer, with marketing and economics considerations last. All labelling should be for the purposes of consumers.
- Labelling is for the information and use of consumers in Australia and New Zealand, not for importers of products into overseas countries.
- Consumers are concerned about the drivers behind the review, suspecting that the government is seeking deregulation of food labelling in order to pander to manufacturers above consumers.

PART 2: FOOD LABELLING - OVERVIEW

Rules for Labelling

Comments from attendees included:

- In the financial services industry, a product disclosure statement must be provided to back up a product's claims. Food manufacturers should have the same responsibility with respect to labelling.
- All claims regarding efficacy should be removed and the information simply presented. There would be no claims to police, but manufacturers could not print anything unverifiable.
- This exercise is about food labelling and what can be said about health on labels. People like to know the health components of food. People can do their own research, but do they?
- We should simply remove the ability for manufacturers to make claims.

- If we had objective ways to measure up food, claims could be made. But you have to have objective evidence. Apart from vague claims, specific claims are fairly limited. No claim can be made about a food helping with a specific disease. If we are objective, and scientific criteria supports it, then a health claim may be allowed. For example, folate and Omega-3 have certain benefits. Population health is an important aspect.
- The reverse of this is a non-healthy product. Should fish products list mercury levels?
- This is not an issue in Australia for most species apart, with the exception of some reactions in pregnant women.
- Labels could be divided into two parts, 50% for consumer information and 50% for marketing information.
- This might be worth considering, but an issue for small packaging.
- Many labels on shelves do not comply with current regulations. We have to take a reverse stance from where we are. We don't want to spend more money enforcing labelling. We need to look at a minimum standard of label to identify a product.
- Companies should be able to claim anything as long as its not false or misleading. Extending current labelling to include additional items is unlikely to achieve anything.
- Imported goods and produced goods are not all inspected. A health inspector removing something from the shelf achieves nothing from a public health point of view. It is utter nonsense. Country of origin labelling has achieved nothing. We should not legislate that apples are from Australia. Let the marketer and consumer decide.
- We need to protect human health. There are potentially ethical concerns such as Genetically Modified (GM) avoidance or religious observances. The criteria for intervention should be public demand and what consumers want.
- A news poll survey showed 90% of consumers want all GM products labelled with their ingredients, for example corn syrup and canola oil.
- A label could indicate that a product includes known genetic material. Its not up to the government to enforce this. If you want Country of Original labelling, there is an unlimited chain of supply in a product.
- We all accept the ideology but there is nothing more important than what we ingest. If a manufacturer is happy to put an ingredient, such as egg in wine, the label should say so. If a product contains GM it should be labelled "GM".
- Manufacturers would not be able to say they didn't have it, it would cost a fortune to determine if a micron of GM is present. So flip it around and say it does or may have GM. Let the consumer drive the argument.
- In Europe they currently use the traffic light system and GM labelling, providing more information than we currently do.
- This is not a new subject, it was looked at a few years ago and no agreement was achieved.

- A well known pie company sells in Australia and NZ, knowing that some of their competitor's products do not meet requirements. But there is no one to enforce this. We are given a false sense of security if there is no enforcement.
- The Australian Quarantine and Inspection Service (AQIS) only randomly sample, but if they find a company not complying, it is a cost to that company and vigilance is increased on them. This is not what companies want.
- Asian imported foods is a good example of foods being labelled wrongly. Small quantities of foods could be exempted, because no one looks at them anyway.
- Food exported to Japan must be labelled – we should have the same regime here, complying with the importer's restrictions on it.
- Some European countries are more rigorous than here with respect to food labelling, others are not. Some countries don't have vitamin and nutritional labelling.
- We make labels to suit export, why can't they suit here, if a manufacturer is prepared to comply?
- Best standard is the standard to aim for. More information is better than none.
- There are so many jurisdictions that it is almost impossible to police things.

PART 3: KEY ROLES OF FOOD LABELLING

Concerns / Health Safety / Health Promotion

Comments from attendees included:

- Consumers need to consider health and safety factors such as pesticide or peanuts in a product.
- Promotion of health should be about long term detrimental effects.
- The policy reviewers should talk to people about making healthy food choices and to get information about food labels.
- To have items labelled is important so people can make healthy choices to affect their long term health, reduce cardiovascular disease, diabetes, etc.
- The information is there but people need to be taught how to extract it.
- If people were eating healthy food, they wouldn't need Nutritional Information Panels (NIP) on labels. No one takes notice of the detail on labels.
- Yes they do, people need to make decisions regarding their own food and health.
- NIP panels were put on labels for health promotion reasons. They are one of the things dealing with long term health conditions.

- There is no evidence of the potential long term impact of using GM, that is why it should be labelled. There might not be any health affects but there is no labelling. In the United States GM is not labelled.
- Organic doesn't mean it hasn't got pesticides in it.
- Some organic products do include pesticides. There might need to be an agreed definition for organic.
- We know the effects of pesticides and it is never represented on labels. Because they are excluded as having safe levels.
- Where there is GM food with no testing, where would that fit? We have included it in consumer information. Its not a public health issue? There is no evidence of that.
- A review of food standards and labelling two years ago exempted organisations such as Meals on Wheels because it would be assessed separately. We have different labelling requirements as meals are prepared for individuals. Changes to this would cause cost increases and difficulty for organisations who prepare such meals.
- Meals on wheels are produced in commercial kitchens. They are minimally labelled but it is known that one manufacturer includes nutritional powders in these meals. When asked they couldn't say what was put in the powders or why the desserts were iridescent green or orange. They should be included in the review because of the included additives in the food.
- Meals on Wheels should provide the information to the consumer on request. If they don't have it they are not fulfilling their own obligations. The same arguments apply in a restaurant.
- Freezing products extends the shelf life of a product and the use by date should be altered accordingly. If the product sat around for 12 days before freezing, that would further affect the use by date.
- The system for traceability in Europe means that highly processed GM ingredients can be identified and recalled rapidly if necessary, such as with illegal or experimental crops. In Australia no action has been taken in this regard. There is no way of tracing GM products once it has left the farm. Canola is ubiquitous, it doesn't need to be labelled yet contains higher herbicides and pesticides. It can contaminate other products.
- GM rice has caused concern with allergic reactions to mice. Australia took no action on this whereas as Japan and other countries did.
- Traceability is required for all foods, what we don't have is a trace of GM affected food. In some cases GM uses less herbicides as it was developed to make them resistant to disease.
- It is proven there is increased pesticide use in the four major GM crops.
- There is no technical answer to this from a Department of Agriculture point of view. There is an understanding that there is less of a weed problem with GM crops, less of a requirement for chemicals in canola crops.

- It has been argued that some crops require less but these crops are developed to produce their own pesticides.
- This argument is getting away from labelling. The label is not on a product to control pesticide levels. The food standards code is comprehensive and broken down into limits. Everything in the code is risk assessed as safe and unsafe. We are not here to debate GM.

Consumer information

Comments from attendees included:

- Where does advertising stop and information start? These definitions are not well controlled or being adhered to.
- Referring to the consultation paper item 3.16 "... However, caution needs to be exercised in order that the development and application of these and other innovative technologies are not unduly inhibited". This reads as supporting technology, not standing in the way of GM. It should be removed. There is an assumption that people will be educated into supporting GM. It is about protecting industry. The subtext is that we not label GM and nano food. It appears as though the committee has made up its mind.

Alcohol

Comments from attendees included:

- If alcohol was a food, it should include colouring, flavour, fish and egg products.
- Allergens and additives are currently listed in wine, so is fish. This is relevant to a vegetarian.
- It should be treated as a food. Alcohol is a food according to the food code.
- A label should provide the energy content and an NIP. If it's a food, it should have the same requirements as other foods. It must contain information about the amount of alcohol and number of standard drinks.
- A NIP might give the perception that there is nutritional content in alcohol. There is an assumption that red wine has positive health attributes, however there are social problems resulting from alcohol which don't come from other foods.

PART 4: FOOD LABELLING PRESENTATION

Readability

Comments from attendees included:

- There are font size standards for warnings only.
- Can well known symbols be used to replace words? People would then need to be educated about the meaning of the symbols.

- Too much space is given to the NIP. Ingredients should be listed in percentages so the consumer can divide the weight of the product to determine that. The highest proportion should be listed first.
- Colourings need to be quoted on all foods but aren't listed.
- Flavourings aren't listed because they are trade secrets. This information would assist with allergies, Attention Deficiency Hyperactivity Disorder (ADHD), etc. There are 12,000 flavourings around and a consumer should be able to insist on them being listed. Food additives have to be labelled. Monosodium Glutamate (MSG) is listed.
- We don't ingest shampoo, yet it lists the ingredients.
- A well known pie manufacturer lists the flavours, e.g. MSG but specific flavours are not listed. Flavours are purchased which contain a range of components including salt, pepper and soy.
- Flavourings below 1% content don't need to be listed.
- Scientific versus generic names for ingredients needs to be considered.
- People consider health issues as they grow older, becoming more interested in labels as their health issues change.
- We need to be aware of the amount of information consumers can assimilate. Some people cannot understand percentages. Things such as people's ability to read, colour blindness, contrast of colours need to be considered.
- Labelling on shelves alone would mean that the information is not taken home from the point of purchase.

Comprehension

Comments from attendees included:

- Just because something is not listed on the packet doesn't mean its not present.
- Free range chickens are being fed with GM Soya meal imported from India and elsewhere. The image of free range gives the impression it's a healthy product. Consumers want to be told what chickens are fed on the label of the product. No one checks on these free range claims.
- Misleading statements are made about products by companies. Messages on packing is insidious.

Format

Comments from attendees included:

- Many of these issues are covered by Fair Trading and there are very few inquiries where people believe they have been misled.
- Many restaurants use pre-purchased sauces in their cooking or reassemble pre-packaged goods. They could not provide consumers with the ingredients of the meal.

- A well known pie manufacturer analyses food for 8 key allergens and would provide information to consumers on request. Restaurants should do the same.

Enforcement

Comments from attendees included:

- The burden of proof is on the person producing the label. There is more control if you make people take responsibility.
- The onus is on food businesses to provide information if they are asked. Many businesses cater specifically for people with allergies as a marketing strategy. There are few complaints where consumers haven't been provided with information.
- Environmental health officers use food surveillance programs to assess compliance, assessing the business and making an assessment.
- Regarding federal and state levels of enforcement, one set of rules would make it easy for manufacturers.
- Some states will prioritise consumers. States with high manufacturing rates might support that industry. There is no consistent position amongst the states.
- NSW has a greater list of prosecutions for offences, other states don't prosecute as much.
- If the rules are understood and business complies there should not be a problem. Centralised enforcement in practice will be difficult. Sometimes it comes back to the officer on the ground. The government could never afford to provide such compliance. Would the money not be better spent assisting industry to comply?

FINAL COMMENTS

Participants made the following general comments:

- An education program should accompany any changes. There could be information in the media on what to look for, such as the NIP.
- There needs to be a decision on nutritional labelling. Many manufacturers have already gone to front of label, which is very expensive and will impact on cost to consumers. These costs cannot be funded out of profit. Leadership is needed from government.
- In Europe changes have been introduced gradually so it isn't too cumbersome.
- Some consumers are happy to pay more for information, choosing not to buy generic products which contain little information.
- Big business is well resourced and well funded. However, this could be an impost on small companies.

Arrow	Walter	Risksense Services
Barclay	Stan	City of Perth
Carman	Philip	Consumer
Carman	Alison	Consumer
Carolan	Olga	Consumer
Elson	Merilyn	Mrs Mac's Pty Ltd
Freeman	Sharonna	Heart Foundation
Howard Zilko	Helen	Consumer
Loftus	Belinda	Department of Health WA
McColl	Amelia	Dept of Agriculture and Food WA
Mitchell	Helen	Public Health Advocacy Institute of WA
Nicholson	Claire	Consumer
Parker	David	Aged and Community Services WA
Rainsford	Carole	PC Nutrition
Reid	Karen	Brownes Foods
Sales	Louise	Gene Ethics
Sauzier	Megan	WA School Canteen Association Inc
Stockdale	Susan	Diabetes WA
Yong	Mei	Director Turban Chopsticks
Watt	Peter	Dept of Agriculture and Food WA
Walsh	Sharna	Department of Health WA