

FOOD LABELLING LAW AND POLICY REVIEW

PUBLIC CONSULTATION Stamford Plaza, Adelaide 23rd April 2010

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.

Committee member attendees: Dr Neal Blewett, Prof Simone Pettigrew, Dr Chris Reynolds, Nick Goddard and Prof Heather Yeatman.

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

PART 2: FOOD LABELLING OVERVIEW

Comments from attendees included:

- You could argue that each TOR listed are mutually exclusive in competition of each other. Which has the highest priority?
- What is meant by 'securing government objectives'?
- What evidence is there that can be used to inform food labelling?
- In relation to the labelling review and evidence based, what is the label communicating to the consumer? Is the label acting to change the behaviour of the consumer or provide information? What sort of thresholds is the government looking at for future type of labelling?
- In relation to consumers making informed choices, will the committee be considering standardisation? Consumers have been used to a numbering system, and some European companies have banned this approach. Consumers are noticing these numbers and using them to make decision and therefore businesses have stopped using numbers and are now using names.
- Evidence based information - You mentioned GM and how there are some disputes about whether GM is harmful or not. Surely that is up to the consumer to make that decision. Eg Oil – regarded to have no interest to the consumer. Will you be looking for the consumer to have absolute choice? Give them all information for them to make their own health and political choice? If it's controversial, why not insist all information to be on the label?

- It is very important what is on a label. Vision impaired people have difficulty with the print size however it is understood that it is difficult to meet everyone's demand. At the end of the day, you have to know what is on the label. I have personal experiences where there has been poor labelling on the product and have not been able to read the label ie fruit. There have been times where the fruit was returned because the fruit was from another country. Vision impaired people will not notice the information on the label until they take the product home and use a magnifying gadget. There have been times where I have also purchased meat and it had parsley in it but I thought it was mouldy. The label on fruit should be a 10 cent piece size. Still a long way to go.
- Protection of public health and safety – what is the difference between public health and safety versus promotion?
- Any changes to food labelling in Australia law will impact internationally. The committee needs to harmonise as much as possible and mutually recognise these impacts.
- There are also illiterate people out there and there should be consideration of use symbols where possible on labels. This could particularly be looked at for wine products.
- Consumers can't make informed decisions if not given the appropriate information. Food is very important to people and consumers should be considered first then businesses. Recently, I purchased a large pack of frozen food and it stated on the label that the product was packaged and made locally. I researched this product and this was actually false and 90% of the product was from China. I researched further and the reason given to me as to why the product was not from Australia was because the product was not available in Australia. This was again false. I would not have bought this product if the label said the product was made from China.

PART 3: KEY ROLES OF FOOD LABELLING

Concerns Driving Labelling / Health Safety / Health Promotion/ Consumer Information

Comments from attendees included:

- Is there consideration to look at technology for customers to use for further information about the product they're purchasing? I have concern with a number of warning labels on a product. My view is that the government's role is to make sure consumers are across this, and private sectors are responsible to give consumers information based on what they know. I can't imagine 19 or 20 year old noticing warning on alcohol and actually stopping binge drinking. Has the committee considered using websites? Labels are getting smaller but more information is required on labels so perhaps additional information can be available on a website. That may be a solution for manufactures and consumers who do in fact want to know what they are buying and where it comes from. Labels to be directed to websites so consumers can make that choice.
- Claims about nutrition and health – I have been conducting some research about products in the supermarket to children. There are unhealthy products that carry statements about nutrition content i.e milk based product which is essentially a chocolate confectionary item. Some current research with parents and children has shown that they purchase these products because of this type of statement – they confer creditability on claims. These statements prove consumers can not have absolute trust on labels due to businesses using the label for marketing purposes.

- Understand that there is always going to be a difficulty between businesses, what they should do, versus consumer, what they want to know. Businesses can be held accountable legally and through their shareholders. Business can use labels to market and increase information but when the label is for government information, the label is too small. If every ingredient was listed enabling the consumer to make a choice many of the arguments will evaporate. Standardisation - if every product had every ingredient listed it would give power to the consumer - we know the business is there to make money and will always put their branding first.
- Review of the National Health Task Force recommendations – is the committee looking to review the evidence used? Many people would suggest that they came up with pre-determined recommendations. Secondly, when you are looking at evidence there is a push to use a precautionary approach.
- Very happy to hear about looking at technology to use to give information to consumer. In relation to including Wine with Alcohol and other food. In the Wine industry we include on the label what country the wine is from, full trace ability and we provide more regulatory information than other food products. Reason why we don't show nutrition information as it is a different product to other alcohol and foods. i.e each blend will require analysis and this will be difficult and time consuming. I don't believe there is evidence that consumer would buy different wine due to nutrition differences. Would like to see certainty in definitions behind "lite" and "organic" etc
- Aspects of labelling - seen a lot of changes on cigarettes. Have the panel considered changed behaviour of consumer has it reduced level of smoking? Does it really change or make behavioural differences.
- How do you tackle packaged loose fruit that is then mixed with other fruit at the retailer?
- If FSANZ has a precautionary approach then why is GM excluded from the precautionary approach?
- I cannot see consumers lining up to see what they are purchasing [if using secondary technology at the place of purchase]. I don't believe there is an issue with having a website, but the information we need to make a decision should be on the label.
- Would the panellist consider making environmental and animal welfare information mandatory? What aspects would you need to consider for this to happen?
- Through this process and the submissions you have received, how do you determine whether the submissions you have received from some consumers regarding the information they want to see on the label are the concern of the wider consumers?
- Label versus technology fixes – How is a parent with young children going to access this technology information without significant grief? There are suggestions to take a photo of the barcode using your mobile phone and this is going to disenfranchise the elderly, parents with limited time and those in lower socio-economic groups. There needs to be key information on the labels and maybe recipes can go on websites.

PART 4: FOOD LABELLING PRESENTATION

Readability / Comprehension / Information Format

Comments from attendees included:

- Whatever you end up with at the end, there is going to be a very large educational program required. The label is not going to be enough. Your comment about “the label is for marketing as well as health” - How will you differentiate for the consumer?
- Continuity between labelling and advertising - I am in the alcohol industry and we adhere to a particular code of practice. To what extent does the area of advertising control come on foods?
- With ACCC, NMI, Codes of practice guidelines etc is it realistic for the committee to believe there will be a unified approach? Especially when you have 3 to 5 agencies trying to control food.
- Further complication to defining “natural”, Codex are going to try and define “natural”. I have brought in Kellogg’s corn flakes crumbs product, there is a picture on the front and there is small font saying “no artificially colours or perspectives”. On the back of the packaging, there is the same picture and the information I am interested in, is the ingredient label but the font is too small and I can’t read with my glasses.
- Have you considered datasheets as a means of extra space for food labelling?
- Available spaces for all products are obviously different. Specifically looking at beer labels however, they are generally the same size. There is generally no marketing information on the label. Has the panel thought about using outside packaging for information to consumers instead of the actual product? eg, when you purchase beer, you can use the carton to display information instead of the actual label on the beer.
- I would like to draw your attention to a food label with a country of origin. It packaging states it’s from local land and is an imported product, what we need to know, is where it is imported from and % of how much.
- In the Wine industry at the moment, there is a lot dictated by the bar code you use on the product. Dam Murphy’s for example, has dictated that they want a 13 digit barcode. So in the wine industry, we are dealing with what might be a shipping container is in fact a consumer container.

PART 5: ADMINISTERING AND ENFORCING FOOD LABELLING STANDARDS

Comments from attendees included:

- One of the hardest things to do is get any form of definite answer or advice certainly if you ring FSANZ you get told to go back to what you originally read which is the reason you called them in the first place. Does the committee believe in the future that there will be in fact better information to the industry that it is firm in the boundaries there are to operate in?
- Is it on the table for the health department to come under federal control?

- One thing that could come out of this review is to give FSANZ the ability to give interpretative advice.
- We have tried to get labelling changes due to consumer complaints and have been rejected by FSANZ. They advised that it was an enforcement issue, secondly we had to provide evidence, thirdly even though we had consumers complaining, there was not enough and fourthly that this was not an issue in NZ. This clearly shows that there is inherent problem with the system.
- Animal welfare labelling issue – it would be fantastic to have definition that drives from the standard at a national level by DAFF.
- Breach of an offence with clear definitions is needed.
- GM food, FSANZ claims that there is no DNA in oil, but that is not in fact true. Potential allergens in GM need to be looked at. Why can't it be labelled if it has those ingredients?
- Consumers are not getting a choice because the labels on GM are not complete.
- If you find GM DNA or Protein it should be labelled. FSANZ have said once you have purified the product then you don't have to label the product with that ingredient. Modern techniques are finding GM in animal products but FSANZ have editorial in the food standards code. To determine if it is safe or not, we are currently unable to determine this. The techniques to be used to find GM in a product are very important. You can find GM DNA in oil and therefore it needs to be labelled.
- There should be a separation between those that set the rules for labelling and those that enforce it.

GENERAL COMMENTS:

Participants made the following general comments:

- Putting a submission can be tricky. We would like the ability to send an email to know our voice has been heard. So from here, where next? How many voices need to be heard until something is changed?
- There should be a separation between those that set the label and those that set the standard.
- Enforcement – when it comes to the real thing, I would like to know that we can go straight to the authorities concerned without being given the run around. Someone did mention about colouring coding, you could use green and gold for SA etc for the origin of a country.
- Evidence and scientific approach does not eliminate gaps that we are going to find in the future. Why don't we use the precautionary approach over the evident approach?
- A requirement for a cover sheet, does that mean previous submissions need to be re-submitted with a cover sheet?
- Could there be another forum for consumers only? Not businesses. We should have an input heard.

- I suggest that today's labelling is deceptive and is determined for the purposes of the manufactures. I have asked this question 3 times and my question has not been answered. I am not happy with this forum.
- Why are there two processes for submissions?
- Can the committee proactively ring those that have submitted a submission [in the first round of submissions] and personally ring to ask if there submission can go on the website?
- Is there a way that standards between the States and Australia be standardised?

List of Attendees

First Name	Surname	Organisation
Dianna	Alder	SA Health
Maria	Armstrong	RSPCA
Elaine	Attwood	Consumers Federation of Australia
Catherine	Barnett	Flavour SA, the Food Industry Association Inc.
Tony	Battaglione	Winemakers' Federation of Australia
Susan	Bell	Winemakers' Federation of Australia
Katie	Belobrajdic	
Jonathan	Breach	Constellation Wines Australia
Martin	Caloghiris	Coca-Cola Amatil
Judy	Carman	Institute of Health and Environmental Research
Dean	Casement	Beerenberg
Patricia	Chigwidden	
Georgina	Christensen	Allergen Bureau
Anna	Clements	SA Genetic Food Information Network
Anna	Clements	SA Genetic Food Information Network
John	Cornish	Primary Industries and Resources SA
Linda	Crutchett	Health Promotion Branch
Shannan	Davis	
Laurence	Dorgan	
Susan	Dunn	Central Northern Adelaide Health Service
Margaret	Easson	Friends of the Earth
Peter	Fryer	Nestle Nutrition
Marcjanna	Gacek	Bellis Fruit Bars
Jed	Goodfellow	RSPCA
Steve	Guy	Australian Wine and Brandy Corporation
Belinda	Hanson-Kenny	FOOD. Labelling and Safety Pty Ltd
Paul	Hidden	Patties Foods
Peter	Howe	University of South Australia
Melissa	Knoll	RSPCA SA
Michelle	Lensink	Legislative Council
Alison	Luscombe	Member of the public
Evangeline	Mantzioris	University of South Australia
Vicki	Mavrakis	Primary Industries and Resources SA
Joe	McCreanor	Adelaide Microbiology Service
Kaye	Mehta	Nutrition & Dietetics, Flinders University
Sue	Middleton	Pinnacle Management Systems
Butch	Moses	Pork Committee
Peter	Nichols	S.A. Genetic Food Information Network (SAGFIN)
Jenny	Paterson	Soil Association of SA Inc
Sharon	Perin	City of Marion
Malcolm	Peters	
Michelle	Pisoni	
David	Pisoni	Liberal Party
Michael	Playfair	
Andrew	Pointon	SARDI
Fay	Rohrlach	
Virginia	Poole	

Lesley	Poole	
Leanne	Rana	
Trevor	Ranford	Cherry Growers of Australia Inc
Anne	Sanders	Vegetarian and Vegan Society (VegSA) Inc
Sheree	Sellick	RSPCA
Julie	Simon	
Moira	Skewes	Bedford Industries
Richard	Smith	
Creina	Stockley	The Australian Wine Research Institute
Cecile	Storrie	Anhinga
Colin	Stuart	Bickford's (Australia) P/L
Bruce	Tasker	Tasker & Co
Pennie	Taylor	CSIRO
Bill	Taylor	Lion Nathan
Tuesday	Udell	Heart Foundation
Diana	Wain	Lyell McEwin Hospital
Katelyn	Wells	student
Michelle	Wells	DECS
Emily	White	SA Health
Natalia	Wilczynski	
Andrew	Wilsmore	Winemakers' Federation of Australia
Scott	Wilson	Aboriginal Drug & Alcohol Council (SA) Inc
Debbie	Wyber	Heart Foundation (SA Division)
Joana	Fuller	Animal Law Society