

**Food Labelling Review
Public Consultation
Conference Room, Level 10, Copthorne Millenium Hotel, Christchurch
Friday, 26 March 2010, 9.00 am**

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

Dr Chris Reynolds

Professo Simone Pettigrew

Associate Professor Heather Yeatman

Mr Nick Goddard

Attendees at the public consultation included individual consumers and representatives from industry and government and non-government organisations. 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

- Concerns were raised in relation to the focus in the ToR to minimising regulatory burden
- It was noted that the Review covers an enormous scope.
- Are Trade Measurement Law (TML) issues part of the scope? TML mandate provision of weight labelling in certain ways, e.g. meat in price per kg, cheese in unit price. Is it your intention to look at packaged products such as meat and fish?
- Some TML areas impinge on labelling. The responsibility for TML will shortly be transferred from State and Territory responsibility to the Commonwealth in Australia.
- One participant strongly supported Choice's submission.
- What research exists in this area? How many people in the population actually use labels?

- Consumers are looking for labelling to be clear, simple, and enforceable without extreme force.
- Industry is already audited each year, mostly by supermarkets. There is an existing drive to provide safe food, regardless of labelling.
- USA consumers are more informed on the potential risks from alcohol. It is important that the public are informed of risk potential. USA uses different approaches to Australia. The legal age for drinking is 21, drinks that have more than 0.05% alcohol must be labelled, and. It would be good to display posters on the risks of alcohol anywhere where alcohol is available so that the information is there and available to inform consumers.
- The first step is getting information on the pack e.g., small warnings. Once small warnings are on labels, the case can be made to increase them, as was done for on tobacco labels. Once small warnings are on the labels that breaks the resistance and we can go to the next step. The justification could also be based on the number diagnosed with foetal alcohol syndrome.
- Australia already provides information on responsible drink of alcohol. The volume of alcohol per bottle needs to be included as well as the number of standard drinks. Putting further information on the bottle would have international trade implications and such information is sometimes misused.
- We need to try to avoid having multiple country labelling requirements.
- The inclusion of the number of standard drinks in a bottle is already a requirement in the FSC. However there is no specific direction re how it should be presented. A number of different schemes are being used.
- We would support labelling of standard drinks and information about size of a standard drink (100ml). We would like information on the size of bottle, the number of drinks and size of those drinks on the label.
- Alcohol is a drug and should be treated as a drug.
- We have had very similar problems with cigarettes. However alcohol is often consumed with a meal just like food is eaten in combination, e.g. jam with toast.
- The WHO has developed international laws for tobacco. We should have a similar international standard for alcohol.

- Any regulation put in place has to be designed around the cost /benefit analysis of what it can deliver. Food Labelling is not the answer for everything. There are other systems and agencies that have the more skills and experience to deal with the health issues. A number of agencies are working together and work is already being done.
- In New Zealand the sale of alcohol is governed by the Liquor Act which includes a number of important provisions. Additional measurements could be included in this legislation.
- We need to consider the cost / benefit and health implications of alcohol consumption, and labelling.
- We need to consider the net social benefit. Criteria could be established that could be applied under a food/medicine/drug regime.
- Alcohol should only remain regulated under the Food Standards Code if it is effectively monitored and there is compliance.
- The way the number of standard drinks is presented on labels is a consideration. It is helpful to show both the number of standard drinks and the volume of one standard drink for the particular product.
- Alcohol is the only food with an age restriction.
- New Zealand Law Commission is due to publish an interim report on alcohol.
- To the topic of health promotion with health claims. Manufacturers would like to market products using health claims.
- If health promotion is allowed, industry should also be allowed to make health claims.
- Health promotion ties in with health claims. There must be consistency in the messages. Claims should be able to be substantiated with evidence to support them.
- If you are promoting health benefits, the food / ingredient should be naturally occurring rather than synthetic.
- With respect to Country of Origin labelling, an NZFSA consumer forum pushed for this to be mandatory but little progress has been made.
- There is a huge industry cost associated with Country of Origin labelling as, for example, fruit sources vary according to seasonality. Also, there is

significant potential for fraud as it is impossible to run tests to verify the origin of foods.

- Some export countries require the statement “Product of New Zealand” to be applied to labels, however Australia may not accept these products due to different definitions / terminology. There is considerable variation in packaging requirements between countries.
- It would be preferable to have to produce only one package containing consistent information. Agencies should align their terminology. The FSC does not take into account international requirements.
- All relevant consumer information cannot be included on food packaging. Much of the information required is meaningless to most purchasers.
- The cost of labelling, relative to production of goods is quite small. “May contain imported goods” is potentially misleading information and adds no value.
- Industry should do smaller runs of labels to address the necessary variations.
- Consumers have a choice. They can be heard and industry will respond to their needs. It is possible that too many consumer desires will be required for labelling. The rules around health and safety are very clear.
- There is industry nervousness around compliance and how it is administered.
- People do want to know the origin of products they purchase. This information, if not on a label, should be available to consumers somewhere.

PART 3: KEY ROLES OF FOOD LABELLING

Alcohol

Comments from attendees included:

[Note: many comments about alcohol labelling are included in the section above]

- Alcohol is different to food but perhaps not different enough to support the application of different regulations. Considerations such as health, social and economic outcomes apply equally to medicines and food regimes.
- Alcohol is a drug. Excess intake can lead to health problems. If it is categorised as a food, then supplements should also be so categorised.

There is plenty of evidence to support the treatment of alcohol as separate from food. Why does it have special privileges?

PART 4: FOOD LABELLING PRESENTATION

Readability / Comprehension / Information Format

Comments from attendees included:

- Re additive numbers v. text – numbers plus a traffic light system is a simple solution. Colour coding could be considered.
- Colours may conflict with known symbols.
- Include energy and recommended daily intake.
- A uniform system that is supported by the food industry would be the ideal. Traffic lights not considered the best solution.
- If Recommended Daily Intake (RDI) is included, customers need to be assisted to understand this.
- Assistance should be provided to make use of the existing information rather than re-writing it.
- One uniform system is required. Programmes should be Government-endorsed rather than, for example, the Heart Foundation.
- Labelling should focus on providing enough information to enable an informed choice to be made.
- Ticks are confusing. A simple traffic light system would do the same thing.
- Standardise the information provided.
- Informed consumers will read labels.
- Why not provide education to assist consumers with reading labels. Simplified labelling will not help unless it is supported by an education process.
- Need stronger controls with respect to front-of-pack marketing.
- Traffic lights in various subject areas would be best. Most consumers are not familiar with numbers and the different ingredients of food.

- I am an advocate for education, however, it is very expensive and Government is unlikely to support it to any great extent. In different areas, you could have traffic lights or reference to websites for more detailed information. Symbols are clear and straight forward for the average consumer.
- Why not have industry standards rather than labelling controls? Breakfast cereals, for instance, could be manufactured to certain standards within a healthy range. This would put all industry players on an even footing.
- There will always be points of difference because manufacturers are seeking a competitive edge. Manufacturers respond quickly to consumer trends.
- “Gluten free” stickers influence purchasing choices.
- Nutrition labelling was implemented when the code was changed. Evidence to the contrary supports the claim that labelling has had little or no influence on improving public health.
- Provide simple, easy to understand information for consumers.
- Make detailed information available to consumers who require it.
- Surprised at high levels of compliance revealed by a survey as it was not my experience. Methodology may be a problem in terms of measuring legibility standards.
- Ensure that trade marks are not misleading. Certain trade mark protections enable manufacturers to have sole use and yet not conflict with any law.
- Some Companies use misleading Company and Product names to try to market their product as healthy.
- There is a need to distinguish between a trade mark and a registered company name.

PART 5: ADMINISTERING AND ENFORCING FOOD LABELLING STANDARDS

Comments from attendees included:

- There are rules in New Zealand governing the genetic engineering of food which are not being enforced, e.g. in the case of a chicken producer that claimed that the chicken was free of genetically modification organisms (GMOs), when it had been fed GM feed. A very light penalty eventuated.
- There is a push across Australasia to establish zero tolerance to GMO.
- FSANZ has not been effective in administering food licencing with GM. The labelling rule is soft but is not being enforced. If standards are not enforced, they become irrelevant for industry.
- Enforcement is sadly lacking. For example, Woolworths/Coles ensure their “Home Brand” products are compliant and they are, therefore, self-regulating.
- Much effort is made on the part of most manufacturers to comply. If enforcement is not there, industry struggles to compete.
- NZFSA will take action in respect of compliance complaints. A new Food Bill is currently being developed which includes requirement for food manufacturers to demonstrate their compliance efforts. If misleading information is evident, complaints will escalate to the Commerce Commission.
- Are we labelling for consumers or for industry?
- “Organic” requires clear definition.
- An “organic” standard exists but there is no legislation in existence around it. This matter requires close examination.
- It is imperative that compliance/enforcement boundaries are monitored correctly. Ensure that there are not conflicts between the followers of rules and those who enforce them. A “one stop shop” is required for all these functions.
- We cannot and should not rely exclusively on complaints to ensure compliance as, generally, consumers in New Zealand do not complain.

- There needs to be some level of publicly-funded monitoring of regulations. We need to move beyond a situation with enforcement where there are court battles. There is provision in Australian law which allows for enforcement penalties which avoid court proceedings.
- “Trade measurement” has moved to the Commonwealth. There is a dedicated resource map for labelling. The Prime Minister is attempting to get more federal involvement in health issues.
- Consumers do not want regulation for the sake of it. Very dissatisfied with the way the voluntary advertising code of practice works.
- In the case of “free range” claim eggs, we now have tests that can help. Radio isotopes can be used to confirm the diet of chickens. There are also indicators for Country of Origin claims.
- Primarily, labelling is to inform consumers about the product. Simplification of food labelling is required.
- Can we use technology to inform consumers, e.g. websites, perhaps include a compulsory link on the label?

• GENERAL COMMENTS

Participants made the following additional general comments:

- In response to the question: What can be removed from food labelling:
 - Portion/serving size in the NIP – is not fully understood and varies. Requires standardisation for various food categories, i.e. beverages, cereals, etc.
 - Percentage daily intake
 - Duplicated information (eg 2 columns of a NIP for a 100ml serve on a 100ml pack).
- We trust that the solutions will be based upon the results of good independent research. An evidence-based report requires access to good quality and reliable research.
- Would like to see results of such research published.

**PUBLIC CONSULTATION MEETING
CHRISTCHURCH ATTENDEES**

Carol	Bartle	Te Puawaitanga ki Otautahi Trust
Margaret	Brooker	NZFSA
Stefan	Browning	Soil & Health Association of NZ
Alona	Clark	Foodstuffs South Island
Tracey	Cridge	FSANZ
Paulette	Elliott	Independent Fisheries Ltd
Margaret	Harrington	Nestle New Zealand Limited
Phillippa	Hawthorne	New Zealand Food Safety Authority
Nicola	Hockley	Goodman Fielder Ltd
Ian	Jarratt	Queensland Consumers Association
Angelina	Mattheiss	University of Canterbury
Janne	Pascoe	Community and Public Health
Susan	Procter	Young Parents Breastfeeding Group Whangai U "Matua Puhou"
Howard	Staverley	New Zealand Food Safety Authority
Rebecca	Todd	The Press
Jack	van der Sanden	Barker Fruit Processors Ltd

Secretariat: Catherine Gay
Belinda Royds
Note Taker: Robyn Hutchison