

FOOD LABELLING AND POLICY REVIEW

PUBLIC CONSULTATION Sydney, the Grace Hotel 29 March 2010 – Session 1

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 and Associate Professor 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

Comments from attendees included:

- In the terms of reference there is talk about 'evidence-based' underlying the review. In Courts of Law there are Rules of Evidence. The scientific community look at evidence in a different way and consumers look at it in different ways. As an example, in the arguments around Climate Change, people only look at what they want to look at. What rules of evidence are required for this review and will they be set so that everyone knows what the rules are?
- There are likely to be gaps in evidence. Will there be support for ongoing research work to address these gaps?
- When you walk into supermarkets and shops there is a blatant disregard for Food Labelling Laws. There is also blatant disguising of medicines as food, which take advantage of the fact that labelling laws are not enforced. If enforcement is not done in a consistent way then it is all a lot of 'hot air'.
- There needs to be a balance with reducing the regulatory burden.
- The medicine industry largely complies with their requirements but this does not lead to minimising regulatory burden. It is impossible to make an effective system AND reduce regulatory burden.
- To be a medicine a product needs to go through very rigorous hoops. There are strict guidelines for manufacturing requirements, constant checks, and random reviews – much more than for food requirements. For a level playing field, one would expect that food carrying a medical claim e.g. reduces cholesterol, would need to go through the same level of control. Foods can carry these claims and do not have to do anything.
- With regard to the talk of evidence based, evidence is often contested and comes from providers. There is concern that evidence is not of high quality and therefore it is

difficult to make firm decisions. Where do you put the benefit of doubt? We need to look at cautionary principles in a public health safety context in accordance to food.

- My particular interest is in gamma irradiation following the paralysis of my cat. Someone mentioned walking into supermarkets where there is a blatant disregard for labelling requirements. Not once have I seen jars or spices labelled as having been 'gamma irradiated'. If products have been irradiated in bulk and then packed in small packages they are not required to be labelled. Similarly with genetically modified foods, if a small portion of the ingredients have been genetically modified, say corn, then because the product has been derived from that, it is not required to be labelled. There are 9 tropical fruits that can be irradiated yet I have never seen a sign near fresh produce that indicates that the fruit has been irradiated.
- I don't know that the World Health Organisation is particularly biased but there is now a view in Europe in relation to the industry influence on the WHO with regard to the Swine Flu Vaccine. The same applies to irradiation. There is a wealth of evidence that there can be adverse effects to a wide variety of species/diets but there is selective acceptance of the evidence.
- If a significant proportion of a population has an aversion to a particular technology, even if that aversion is seen as irrational, is there a need to have a warning on the product just because there is a body of people that do not want to interact with that technology?

PART 2: FOOD LABELLING OVERVIEW

Comments from attendees included:

- There have been numerous occasions to comment to FSANZ in relation to health claims and there is also a question in this review regarding evidence for health claims. What is the relationship/interaction between this review and FSANZ regarding health claims and will this mean a duplication of submissions?
- The seafood market deals with fishing, agriculture and importing. An issue that causes some concern is in relation to consumer information and the integrity of the information given. Particularly with the nutrient panel and ingredient list. As a consumer, how do they test to ensure it is correct information?

It takes time and money to provide these nutrient information panels but from an agricultural perspective you can come up with products which have fairly different nutritional information. As a result, how is an enforcement process going to work and will government say that the enforcement of nutritional panels is not their business?

PART 3: KEY ROLES OF FOOD LABELLING

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

Comments from attendees included:

- In our local government area they have introduced a policy whereby only organic eggs are to be distributed. They have received an overwhelming response from the residents.

- Carbon footprint should definitely be taken into account and be integrated on the label. If a food goes through a lot of processes then it is carbon expensive and this needs to be shown somewhere.
- In regard to food labelling the green, orange, red codes used within school canteens provide a better understanding of what to look for in general. If the label says that the product contains x number of grams potassium in the food, no one understands what the levels should be. With the general label (the traffic lights), people take more notice. Industry went and altered particular ingredients within their foods to change them from the red and orange categories to the green category. The changes were made to meet the minimum requirements.
- The traffic light labelling addresses health equity. Consumers get a quick snapshot and there is not a problem with manufacturers changing their ingredients to meet requirements. There is a communication gap between the intent and actual comprehension of information. It is difficult for consumers to differentiate between terms such as lite, low fat etc. How is the 'average Joe' supposed to understand?
- In relation to labelling terms such as lite, barn laid etc., there seems to be a lot of 'band wagoning' and this is part of the competition within the market place. If concerns are present regarding the comprehension of the labelling, maybe manufacturers should start leaving things off the labels. Is there room in legislation to prevent misleading 'band wagoning' of this nature? Something should not be used just because it sounds good or healthy, etc.
- Another misleading labelling point is with products such as vitamin water. This is not saying that Australian products do this but there are a lot of American products where what you think you are buying is water with added vitamins. These can carry a health message or claims, however most foods are not subject to regulation and it is not clear if vitamins are present or have been added.
- There is a lot of discussion on how to handle interactions between food regulation and food standards codes, with regard to terms such as organic, free range, etc.; how do these interact with the Trade Practices Act?
- There are distinctions made in the food standards codes but how do consumers comprehend these? Terms such as 'Best before' and 'Use by' – what does the consumer read from them? Similarly there are terms such as 'Product of Australia' and 'Made in Australia'. These are well defined in the codes but what does the consumer read into them?

Animal Welfare

Comments from attendees included:

- In relation to animal welfare, 'Voiceless' produced a report in May 2007 called 'From Label to Liable'. This related to the lack of meaningful labelling around animal welfare areas with which the community is becoming increasingly concerned. Labels such as corn fed, barn raised, etc., do have not meaning in law. There is also a proliferation of voluntary accreditation schemes that have a range of differing standards. Issues have been raised with different departments; however it has become something of a 'hot/cold' potato with some areas saying it is a 'food' issue whilst others say it is an 'agricultural' issue.

- This is now an important occasion for potential leadership in this area. The European Union is leading the way with their animal labelling scheme. It is time for Australia to move in synch with the rest of the world. “Voiceless’ would be happy to assist in these discussions.
- With animal welfare, it would be quite suitable for the industry to be self regulating. To date, with voluntary codes however, there is some concern regarding the ability to deal with complaints – this has not been as good as it should be. There is definitely a place for voluntary codes, for example with allergen labelling.
- Regarding the possibility of a voluntary accreditation scheme, this is not an appropriate way to proceed. If an industry is responsible for defining standards, some may claim this is akin to having ‘a fox in charge of a hen house’. In the US there is litigation around claims such as ‘Animal Care Certified’. Some in the community feel that this is not a good welfare scheme. Voluntary accreditation should be undertaken with extreme caution.
- As a general point, animal welfare is a secondary issue and does not appear to be a health and safety concern. However, the quality of and potential human health effects through so called ‘health farms’ and incidence of bird flu, etc., results in a tenuous link between animal welfare and public health and safety.

Alcohol

Comments from attendees included:

- Alcohol fits within health safety and health promotion and therefore it seems logical to address the issue of its labelling within this review. If it is not addressed here, who will do it?

PART 4: FOOD LABELLING PRESENTATION

Readability / Comprehension / Information Format

Comments from attendees included:

- With infant formula there is a lack of regulatory clarity regarding nutrient function claims. Infant formula is a whole food and it is very important that consumers buying these products understand what they are giving their babies. Are comments, particularly on infant formula part of this review or given that there is already a review occurring on infant formula, is this a duplication?
- With regard to literacy issues, equity and readability, these could possibly be addressed with graphics. There is a massive amount of information wanted by consumers and perhaps supplementary pamphlets and websites are the places to address it. Graphics may help to address multi lingual issues.
- There are three levels of Government involved, also the issue of getting information out and how the population is going to interpret that information. Local councils and local MPs are very good at sending out newsletters. Information could be sent out as part of that process e.g. in the same way information is sent out relating to water rates and charges, etc. There could be standard leaflets to inform and educate on the use of symbols, etc., being used. These would need to be well distributed and this could be done using current mail out methods.

- Are there any obstacles in asking supermarkets, etc., to provide the information?

PART 5: ADMINISTERING AND ENFORCING FOOD LABELLING STANDARDS

Comments from attendees included:

- There are a number of categories where there are grey areas between food and therapeutic goods. Is food and drug administration out of the bounds of this review? For the sake of consumers, we should try to integrate it all.
- Regarding enforcement and animal welfare labelling, Section 52 of the Trade Practices Act is not sufficient to safeguard consumers. ACCC has a challenging task because of the absence of meaningful definitions, e.g., what is meant by 'naturally perfect', '100% natural'? Until there are proper legal standards and definitions it does not matter if ACCC has power.
- There was a case in the US around claims such as 'Happy Cows make great cheese' and 'Happy Cows come from California' where in fact most cows were raised in extreme conditions. There is a need to make enforcement possibilities more realistic through better definitions.
- In relation to enforcement, legislation is not always the way to go. With infant formula there is a voluntary agreement to restrict marketing policies. Because of MAIF (Marketing in Australia of Infant Formula agreement), the number of breeches has been reduced and there is a forum to exchange ideas and opinions. This is an example of self-regulation working.
- Paragraph 5.8 of the Issues Consultation Paper includes 'organic' as an example. It should be noted that organic does not just relate to food. In the review when decisions need to be made, there is a need to step back and look at other areas where terms may apply to other things apart from just food.
- While supporting self-regulation, in a highly fragmented industry it is very difficult to get all stakeholders into a self-regulated program.
- In regard to the use of industry codes, the allergen code was developed by industry to support consistent implementation and is an excellent example where industry worked with allergy organizations. However, when it came to regulation, it was not consistently implemented. Where there is 'industry will' to improve, things can work.
- Regarding allergies, it is not so much allergy reactions but anaphylactic reactions that cannot be ignored. This needs to be mandatory. Records from emergency departments need to be looked at to see which foods are the most common causes of anaphylactic reactions and these should be marked clearly on their labels.
- Self-regulation might have a place where industry is inspired to follow self-regulation and work within it. It might be more valid where industry has more to lose if they don't follow it, such as legal ramifications arising from anaphylactic shocks. Where there is possibility of a loss to industry (e.g., in sales) through showing something like GM content of foods, then industry are less likely to want to put it on a label.

GENERAL COMMENTS:

Participants made the following additional general comments:

- Do individual pieces of fruit need labels? If the box is labelled then that should be sufficient.
- Will copies of the presentation be made available?

Attachment

List of Attendees

First Name	Surname	Organisation
Laura	Altarac	Costco Wholesale Australia
Michael	Apollonov	NSWFSA
Alan	Barclay	Diabetes Australia; GI Foundation
Jacqui	Barrett	George Weston Foods
Leanne	Batcheldor	Kellogg (Aust) Pty Ltd
Grace	Bolger	Healthy Kids SCA
Ron	Burton	Freedom Nutritional Products Limited
Jan	Carey	Infant Nutrition Council
Kathy	Chapman	Cancer Council NSW
Tanya	Cummings	Independent campaigner
David	Cusack	Implementation Sub Committee
Eric	Davis	NSWFSA
Elizabeth	Dunford	The George Institute
Simona	Eltobaji	IGA Fresh
Penny	Eustace	Sanitarium Health Food Company
Alan	Fagerland	Woolworths Limited
Fiona	Fleming	George Weston Foods
Vicki	Flood	University of Wollongong
Jo	Gardner	Healthy Kids Association
Luke	Gibson	Nestle Oceania Ltd.
Norman	Grant	Seafood Importers Association of Australasia Inc
Kirsten	Grinter	Nestle
Fiona	Hargraves	Deakin University
Conny	Harris	
Fransiska	Hluschniow	Food and Nutrition Australia
Robyn	Hodge	Kellogg (Aust) Pty Ltd
Jasmine	Howard	
Nicola	Ingold	NSW Department of Health
John	Jones	Pagasa Asian Food Imports
John	Kaye	Greens NSW
Hope	Kearney	Sontari
Paul	Kelly	George Weston Foods
Laynie	Kelly	the Marketing Muscle
RUTH	KENDON	AUSTRALIAN SELF MEDICATION INDUSTRY
Samara	Kitchener	NSWFSA
Angie	Low	Nutricia Australia Pty Ltd
Anne-Marie	Mackintosh	National Heart Foundation of Australia
Franca	Marine	Australian Chronic Disease Prevention Alliance
Kerry	Martin	Robert Forbes & associates
Melanie	McPherson	Nutricia ANZ
Masa	Miyake	Nichirei Australia
Andrea	Mortensen	Omega-3 Centre
Liz	Munn	Nuts for Life
Julie	Newlands	Unilever Australasia
Maria	Pereira	
Anthony	Perriam	Perriam and Associates
Stephanie	Rajczyk	Nestle

Leisa	Ridges	Nestle Australia Ltd
Katrina	Sharman	Voiceless, the animal protection institute
Verna	Simson	Humane Society International
Kelly	Sowden	Abbott Australasia
Karen	Steadman	RACP
Stanley	Tang	Costco Wholesale Australia
Melissa	Toh	Nestle
Kathy	Usic	George Weston Foods
Emily	Walker	Meat and Livestock Australia
David	welch	SunRice
Lisa	Yates	Nuts for Life
Annette	Yiu	
Lira	Yoon	Wyeth Australia Pty Ltd