

FOOD LABELLING AND POLICY REVIEW

PUBLIC CONSULTATION Sydney, the Grace Hotel 29 March 2010 – Session 2

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 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

Comments from attendees included:

- The Food and Grocery Council has made submissions over the years including to the Productivity Council. There is no over-arching food labelling policy. Could you comment on the potential long-term outcomes of this review? Will there be clear direction on the interaction between the Food Standards Code and the Trade Practices Act?
- In regard to definition of criteria for admissible evidence which will be considered by the review, what framework will be used?
- Is the timeline for this review and related policy still November this year and will the federal election have an impact on the delivery time?
- There is concern about life-threatening aspects and it is critical that the focus of the review is not just on packaged food labels but is also on food labelling within the food service sector. People in the food service sector have a responsibility to provide food-related information and there is still a long way to go.
- There is concern that in the Terms of Reference and issues paper that minimal reference is made to State and Territory food legislation and this leads to concern about consumer protection issues.
- Any false/misleading claims need to be dealt with under legislation, so we need to think about what must go on a package and what it means to follow it up under legislation.
- As a follow-on, there are differences in the States and the Commonwealth approaches. The Australian Competition and Consumer Commission (ACCC) may take a different view to the States. It is a concern of the Coeliac Association that there needs to be a degree of coordination between the two levels.

Emphasis has been placed on preventative medicine and cautionary principles. Has there been any risk analysis undertaken on whether labelling should be done or not done for things such as genetically modified (GM) food? A small amount of GM food may have a large impact over many years. How much has this been taken into consideration?

- In relation to health promotion and chronic disease, when does a 'little' become 'too much'? National Health and Medical Research Council (NHMRC) has issued a statement saying that people with Haemochromatosis should avoid iron fortified foods. There now is an increase of iron in foods which is detrimental to 1 in 300 people. As a result there are real issues with food labelling. The NHMRC statement is not well known and even GPs do not advise on the avoidance of iron fortified foods.
- This is in relation to compliance and Participatory Nutrition Improvement Project. There has been analysis done on Australian food supply in regard to nutrients. Papers have been published including a recent one on sodium. A concern is that these are not highlighted in the issues consultation paper and that this may lead to receipt of submissions covering issues that are already being addressed. Research has pointed out problems with compliance but no action has been taken. Government already sees this as very important as it funds research to monitor contents of nutrients. Will the review stand up to research scrutiny?
- In regard to the terms of reference, to what extent do you propose to integrate existing measures rather than re-invent the wheel? For example, with Country of Origin, what do 'made in' and 'produced in' really mean? Overseas have had some issues with this and there are guidance documents that may need to be promulgated.
- In regard to haemochromatosis, if a food is fortified this must be included on the label.

PART 2: FOOD LABELLING OVERVIEW

Comments from attendees included:

- There is an understanding that the review panel will make recommendations broadly on policy. Are there any thoughts on how policy recommendations will look?
- Regarding additional consumer research, how is label information being prioritised and what research is being done?

PART 3: KEY ROLES OF FOOD LABELLING

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

Comments from attendees included:

- What is the categorisation/definition of genetically modified foods? The majority of GM food escape labelling because of exemptions. When will health and safety concerns of GM foods be accepted rather than just being listed as consumer issues? There have been a range of articles including scientific reviewed papers on the toxic effects of GM food. What evidence will be considered admissible? The consultation paper refers to GM food based on corporate data and not on the peer reviewed articles.

- Regarding evidence, what about cigarettes? These have been approved by regulators but have health concerns. There are tensions with corporate entities.
- In relation to traceability and accountability, in Japan it is possible to go into supermarkets and using your phone take a photograph of a label and this will come up with the name of the farm, farmer and the day the fruit was picked. This might be an area to investigate.
- Potassium labelling is an issue for patients with renal failure. There are 17000 people in Australia on low potassium diets and more than that with renal failure. The food industry has been removing sodium content in food and as a result increasing the potassium content in some food. It is difficult to get potassium information from food companies and the bar code idea may be a means to get information.
- Extended labelling on bar codes has been described on the Australian Food and Grocery Council website and in their submissions. Issues around food labelling, compliance and the law are fairly clear cut; with policy it is more nebulous. Food companies already promote general health messages. As a government policy, do you anticipate partnerships with industry? Do you see Public health companies, government and industry working together?
- As a dietician running a public practice I deal with consumers one-on-one and with groups. I run shopping tours to teach people about food labels. Most of the clients are middle class and well educated but they still struggle to determine if products should fall into categories of: use regularly, use occasionally or use rarely, from reading the labels. They also struggle with the % daily intake concept, though this is great for dieticians. There is a need for something simple/symbolic which will enable consumers to categorise food into for example: eat me every day, eat me sometimes (be cautious) or eat me rarely.
- There is an issue with restaurants and food service centres displaying labels to help sell foods. During a visit to a delicatessen, olives were being displayed with the label 'Salt Free Olives'. On questioning, it was found that the olives were not 'salt-free' but 'salt reduced'. This incorrect labelling could be injurious to others. Delicatessens have a lot of packaged foods which they unpackage to sell.
- Labelling needs to come back to what is in the package rather than whether it is low fat, low sugar etc. Rather than having space taken up with health claims, it should all be about what is actually in the food.
- There has been talk of traceability and knowing where things come from. For example, with GM food, it may be that you do not know what a cow has been given to eat because you deal directly with the dairy. More can be done to trace where things come from. When there are health scares for instance it is possible to trace back to where things are from. With organic food, there is traceability and this should be more available.
- Is there anyway, as a consumer, to trace back where food comes from and what has actually been used to make it? In the future will there be space for that information?

Alcohol

Comments from attendees included:

- It is noted that the US has included alcohol within their Bureau of Tobacco, Firearms, ALCOHOL and Explosives.
- A whole of government approach should be taken. If alcohol is excluded from food labelling then should it be removed from Australian Health Eating guidelines etc?

PART 4: FOOD LABELLING PRESENTATION

Readability / Comprehension / Information Format

Comments from attendees included:

- As discussed earlier, it would be impossible to put on warnings for all conditions, however, maybe the use of a symbol would be advantageous. There could be symbolic labelling for specific conditions.
- In many cases where there has been an acute allergic reaction to food the consumer didn't realise that the allergen was listed on the label – it had been lost amongst the verbiage on the label. This problem occurs over and over. It would be helpful to have a 'health information' panel similar to the nutrition panel and ingredient list. The health panel could contain the additives, GM information, warnings etc. If it was all in one panel it would be harder to miss the information.
- Some manufacturers have an allergy advice section. Their products state whether they contain allergens and they have precautionary statements. These precautionary statements are a huge issue. These are statements such as 'may contain.....: etc. The Australian Food and Grocery Council and the Allergen Bureau have done a lot of work in the development of VITAL (Voluntary Incidental Trace Allergen Labelling). This assists manufacturers on when they should put precautionary statements on their products. This information however is not disseminated through food manufacturers, smaller manufacturers do not know about the allergen bureau or VITAL. Consumers with allergies have limited food choices and therefore people take risks on foods with these precautionary statements. If there was more support for VITAL, there would be more support for when precautionary statements should be put on food label. Legislators should take a look at the VITAL tool.
- A move back to the 80's when there was a minimum font size and colour restrictions such as black ink on a white background would be supported. The new food code just says that information should be legible. Silver writing on a silver background is not legible.
- There is confusion regarding advertising and use of images. Images portrayed on products such as meat and eggs, etc., are clearly not what the daily situation is on farms. A recent example was with chicken advertisement which shows chickens smiling. Consumers say they buy products because they base their decision on advertising. Producers are deliberately misleading consumers because if the consumer knows the real situation they would not buy the product.
- The issues paper raises the issue of whether prohibition in labelling should be extended to advertising. With food legislation there is some power regarding

false/misleading information. Advertising is intrinsically intertwined with food labelling and we should ensure that labelling and advertising are not separated.

PART 5: ADMINISTERING AND ENFORCING FOOD LABELLING STANDARDS

Comments from attendees included:

- A suggestion for a way to set a principle or criteria to do with GM food or foods derived from genetic modification sources would be to follow the same restrictions as apply to pharmaceuticals. With pharmaceuticals there is a long process of testing before being allowed into the consumer arena. GM food literature is divided regarding the long term good and bad effects. Because of serious consequential potential that is there, the products should not be on the market without people being aware. GM food needs an easily identifiable icon to indicate that a product has GM content or is derived from GM ingredients. There needs to be a system which allows people full knowledge and choice regarding this disputed area. There is potential for long-term effects. There are also jurisdiction issues. The Office of the Gene Regulator has a fairly liberal approach to the commercialisation of canola products and there needs to be more cooperation from government bodies to look at the high risks.
- Many years ago it was possible for products (home brew) to be sold to consumers as long as they didn't cross State boundaries. Therapeutic Goods Administration has enhanced powers with compliance and enforcement. Is it possible for there to be a national body which could have power over products that cross state boundaries?
- Under constitutional power, weights and measures will finally come back to the Commonwealth in July this year. There are a lot of parallels with the issue of food labelling. Could there be a federal takeover of food labelling and also things such as food acts etc?
- In America things are all approved by the FDA (Food and Drug Administration).
- Enforcement within the food service sector is a huge problem. Allergies and anaphylactic shocks are huge problems. There is an increase in peanut and tree nut allergies. Eating out is an issue. While there is legislation, information is not well communicated. There will always be a level of risk and there is much to do on the parts of the allergic consumer and the food service industry to provide information. Legislators do not understand how food allergy should be managed in the food service industry. We need to look at what has been done in all states regarding educating.
- On the issue of enforcement and currency of labels, when the NIP (Nutrition Information Panel) was introduced there was a 2 year period of grace for new labels to appear. Even if there was a change to the composition of a product, they were still allowed to use the old labels within that 2 year period. Currency of labels is an issue.
- Is there a role for Standards Australia to help with a solution? Standards Australia has published the 'organic' standard and recently approved an 'olive oil' standard.
- On the issue of self regulation, there have been good meetings with the Australian Food and Grocery Council regarding Barcodes. If it is completely voluntary then it is not effective and not traceable. There is sometimes tension between business views and consumer rights and these can be over stated. There have been studies which have shown this will not result in increased costs. Norway had no price increases. Safeway in the UK was able to phase in changes with no impact on price. It is better

if business sees their role as informing customers and the regulatory burden is separated.

- Regarding allergen enforcement and compliance, there is a lot of inconsistency across jurisdictions. When there is a product recall or when breaches occur, it would be good to have national uniformity.
- In relation to restaurants and food outlets, knowing what allergens are in food, there have been many times when people have had a bad reaction to food in a restaurant. In many cases they had been reassured that an allergen was not in a food when it actually was. If an outlet was made to close, even temporarily when this occurs, that would be a strong incentive for them to comply.
- Organic is a standard which has been developed over 50 years and has gone through Standards Australia and been audited. It has an international standard and a whole process behind it. It should be separated from things such as 'free-range'. There is a need to get support from government agencies, to have it recognized as the groundwork has been done and it is a strong standard. With 'free-range' there is no clear definition and this causes a lack of clarity for the consumer. Separate the organic standard from others, acknowledge it is a process. We are very glad that we didn't go with the Americans and get entwined with the FDA. This is an example of how to self regulate and still get government support.
- There is confusion because of the lack of regulation. Because there is so much consumer demand for more ethical products relating to animal welfare, this provides a huge incentive for manufacturers to 'cash in' with misleading claims.
- Another enforcement issue is from the point of view of the lack of tolerance limits. These were removed in 2000. There is no way to ascertain if a label is an actual reflection of what is in a food. For example, it may say it contains 30 mg of an ingredient but there is nothing to say if this is plus or minus 10%.
- Regarding public education. There are written labels plus there are also a lot of media messages being provided through wireless, TV etc. Is there any suggestion that providing information could be part condition of licences?

GENERAL COMMENTS:

Participants made the following additional general comments:

- Claims such as 'fat-free', GI (glycemic index), low etc., could be taken off labels and people just learn how to read the label. Unless there is an audit system that can back up the statements they should be taken off.
- Regarding the list of additives that are shown on labels, there are a lot listed that never cause an adverse effect. This results in clutter and is useless to consumers. This information could go on a website.
- The term cholesterol free could be removed. When people see it they think the product is low fat but this term is being used on products which are still high fat. It needs to be terminology that consumers will understand. There is no problem with the term 'natural' if it is clear what it actually means.

Attachment

List of Attendees

First Name	Surname	Organisation
Maria	Andonopoulos	Go Grains Health & Nutrition
Geoffrey	Annison	Australian Food and Grocery Council
Charlie	Beasley	Woolworths Limited
Jasroop	Bhandal	
Peter	Boyden	
Ken	Buckle	UNSW
Edward	Byers	Consultant
Karin	Calford	Haemochromatosis Society of Australia
Margaret	Cole	
Liane	Colwell	
Stephen	Cook	Stephen Cook Consulting
Stephen	Crittenden	Australian Broadcasting Corporation
Eric	Davis	NSWFSA
Magriet	Deetlefs	Nutricia Advanced Medical Nutrition
Michael	Depalo	Campbell Arnotts
Jane	Dibbs	
Geoff	Drewer	Sanitarium
Melanie	Dulfer-Hyams	Humane Society International
Charlotte	Duncan	The Food Group Australia
Evan	Eggins	Kidney Health Australia
Mark	Felan	Eco Agri International
Greg	Gambrill	Sanitarium
Caroline	Gray	
Heather	Greenfield	
Trish	Griffiths	Go Grains Health & Nutrition Ltd
Claire	Gunning	Standards Australia
Graeme	Haley	Engel Hellyer & Partners
Emma	Hopkins	Cerebos
Clare	Hughes	CHOICE
Laura	Kelly	Greenpeace Australia Pacific
Samara	Kitchener	NSWFSA
Anita	Ladau	
Mike	Leask	Australian Retailers Association
Robert	Loblay	RPAH Allergy Unit
Jenny	Mack	
Diane	Mann	Planet Ark
Leslie	McCawley	Parliament of NSW
Catherine	McVitty	Woolworths
Tony and Liina	Meiusi	Private citizens
Jim	Moshovelis	Coca-Cola South Pacific
Sweta	Nair	Boehringer Ingelheim Pty Limited
Heather	Palmer	Australian Egg Corporation Limited
Jade	Petit	Goodman Fielder
Anna	Pohl	Boehringer Ingelheim Pty Limited
Bill	Porter	
Sue	Radd	Nutrition and Wellbeing Clinic
Suzanne	Robinson	Heart Foundation NZ
Charles	Rue	

Catherine	Ryan	John Hunter Hospital
Maria	Said	Anaphylaxis Australia Inc
Shannon	Samuel	Freedom Foods
Catherine	Saxelby	Foodwatch
Vijai	Singhal	Hindu Council of Australia
Penny	Small	Nestle
Jeroen	van Kernebeek	Animals Australia
Gerard	van Rijswijk	NARGA
Patricia	Verhoeven	Cerebos Australia Ltd
Barbara	Waugh	
Peter	Williams	University of Wollongong
Melissa	Singer	
Catriona	Macmillan	Organic Federation of Australia
Lisa	Kollaras	University of Western Sydney
Beverley	Maunsell	
Angela	Radich	
Leah	Moulden	
Stephanie	Cook	
Russel	French	
Lisa	Killaras	
Cheryl	Tola	
Melissa	Singer	SMH