

**Food Labelling and Policy Review
Public Consultation
Level 1, Duxton Hotel, Wellington
Wednesday, 25 March 2010, 1.00 pm**

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

Professor 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

Comments from attendees included:

- There is no mention in the Terms of Reference of consumers
- Consumers wanted to know whether there is palm oil in a product for ethical reasons.
- What do you mean by evidence-based?
- There are no New Zealanders on the panel. Why?
- In New Zealand, if we need to get information from FSANZ, Freedom of Information Act requires that we have an Australian address.
- Would like to have the priorities of the Terms of Reference established.
- Fair and competitive trade in the marker is the result of consumer pressure as much as anything else.

- Why has there been no meeting held in Auckland?
- Business is given top priority rather than consumers.
- It is hoped that the objectives of the Review will be adhered to.

PART 2: FOOD LABELLING OVERVIEW

Comments from attendees included:

- There is an interface in New Zealand with free trading legislation which governs advertising. How is that interface going to work? Will the Review encompass how effectively fair trading legislation operates?
- How could we address the issue of promoting foods that are healthier – traffic light labelling? Consumers are looking for simplicity in labelling, e.g. heart tick.
- Research has revealed that most consumers do not understand nutrition information labels. What, therefore, is the point of having it?
- Effective legislation does not exist with regard to standards relating to genetic engineering. Current labelling does not address ingredient information that effectively/comprehensively either confirms or denies genetic engineering.
- An effective compliance regime does not currently exist. Standards are limited to what can be measured. How can we establish an effective proportionate regime which can identify genetically modified elements that exist in food?
- A barcode or web-based system could provide all relevant information and avoid crowding labels.
- An important issue for New Zealand is the amount of imported goods as compared with Australia. Labels written in English are often not available.
- There have been 15 years of research and debate on the issue of health claims (i.e. nutrient and health claims standard under development) with very little progress having been made. This is a very poor reflection on the process.

- In the area of public health there are implications in food labelling on chronic disease. Where there is no evidence does not confirm that there are no issues.
- Does the information contained on a label lead to healthier eating behaviours? More evidence is required.
- In the current code relating to allergens, labelling requirements are very black and white. Industry and consumers are left to sort out issues with no support from regulators. There is a huge range of “may contain” statements which impede consumers making wise choices. “Free from” claims are not being monitored.
- Mention was made of a ‘vital’ system relating to additives that was under development in consultation with industry.
- Interface issues between NZFSA and NZMCC are important.
- More information is coming out about genetically modified foods and serious health implications. Consumers need information on what genetic modification is approved and what type of modification it is.
- Currently, available labels re genetically modified foods are not providing adequate information. The result of this could be the emergence of chronic illness amongst the very public that regulators are charged with protecting.
- The primary issue is to carry out safety assessments on foods that are brought onto the market. What policies are in place for the risk assessment process?
- In the case of genetically modified food, it is impossible to measure what is in it. Can a traceability system be put in place?
- If web-based information were to be introduced, this would deny access to information to a large percentage of the population, e.g. elderly.
- Include additives by numbers rather than text.
- There is a strong support for Country of Origin labelling requirement in New Zealand, particularly with respect to single ingredient foods.
- The way in which the regulation governing Country of Origin labelling is currently drafted in Australia is misleading. Where a food was processed or last manufactured becomes the primary claim. There is no requirement to have key ingredient claim or to be clear about its source.

- In the case of unpackaged foods, e.g. fruit and vegetables, there is clearly a need to ensure accuracy of labelling.
- There is a partial approach in Australia with respect to unpackaged products. Make it comprehensive. If this is not regulated in New Zealand, there is a need for clear guidelines to avoid conveying misleading information to consumers.
- We need more evidence with respect to effectiveness of statements on labels. Who commissioned the research? There is a need to be sure that the approach adopted is not harmful or misleading to consumers.
- There should be mandatory Country of Origin labelling in New Zealand. The current system is not working in Australia. How can it be made more effective?
- “Product of Australia” and “Made in Australia” claims are misleading. The principal ingredient of foods should be given greater attention. Need to improve consistency and interpretation.
- There may be potential for New Zealand manufacturers to be transforming products from offshore and exporting to Australia. From an economics point of view, you may need to give this matter some attention.
- The Ministry of Consumer Affairs is undertaking a workstream on developing a code of practice with regard to country of origin declarations of single ingredient foods. There is to be a public consultation process within the next few months. The panel was encouraged to engage with them on this process.
- Social networking sites are having influence on food industry practices. Change most often comes about through consumer lobbying.
- Re: “Made in Australia” and “Product of Australia” – Is it underpinned legally or is there a regulation governing this? New Zealand does not have this. Does “Product of Australia” mean 100% Australian content?
- Country of Origin labelling does not exist in New Zealand because the Government has opted out. New Zealand consumers passionately want it. If consumers want information, should this not be a priority requirement?
- There are tariff rules that govern trading arrangements.
- Country of Origin labelling has significant impact on the price of goods.

PART 3: KEY ROLES OF FOOD LABELLING

Comments from attendees included:

- Alcohol could be eliminated from food standards.
- Alcohol is a food. The body metabolises it just like a food. Particular requirements with respect to labelling include standard drinks and energy content. Alcohol should remain as a food. Otherwise, no labelling will be applicable.

PART 4: FOOD LABELLING PRESENTATION

Readability / Comprehension / Information Format

Comments from attendees included:

- There has been a lot of work done with respect to labelling of allergens by the Australian Food and Grocery Council. Some of that work might be worth considering. One of the issues was the placement of text. The ingredients list and the allergen declaration need to be separate.
- Pay attention to providing information that is consistent which consumers can readily understand.
- In the case of imported, irradiated mango, the labelling was so small that it was virtually illegible. Urge consistent, effective text size in labelling.
- Manufacturers look on a food label as a way of marketing their products whereas consumers are more interested in what is in the product. There are not just health and safety issues.
- New Zealand has a series of product safety standards under the Fair Trading Act. There are regulations that govern labels, e.g. font size, language, etc.
- Manufacturers use labels to appeal to consumers. Need to strike a balance with information that is important to consumers and how much can be fitted onto the label. Members of the Food and Grocery Council support messages which relate to health and safety. Text must be legible and accurate.

PART 5: ADMINISTERING AND ENFORCING FOOD LABELLING STANDARDS

Comments from attendees included:

- Members of the Food and Grocery Council go to great lengths to ensure that labelling is correct. They are often frustrated that other parties do not adhere to the same standards.
- There will be a number of issues that, politically, become fashionable. Requirements for labelling could blow out to more than is reasonable. Information can be made available on barcodes.
- Very interested to see evidence that supports the fact that information included on a label effects behavioural change in consumers.
- Many companies break the rules in their use of labels as a marketing tool. This is very prevalent in the horticulture industry. The growers represented are putting their own labels on produce because there is a push towards home branding within retail chains.
- Labelling of unpackaged foods, e.g. in restaurants and fast food chains, is very important. The Ministry should be enforcing rules in this respect. The provision of information requirements are not working well.
- Monitoring and regulation of food which does not require labelling was identified as a major risk to consumers. Work commenced to draft a new Food Bill was never completed. The work of NZFSA and territorial authorities to develop food control plans needs to be reviewed again before Parliament. The process has been dragging on way too long.
- Re boundary issues. There is an additional boundary issue in the health arena for both food allergies and food poisoning. Enforcement of food labelling in an allergen context – it is purely voluntary for consumers to report reactions. Thus, many cases of reaction do not get reported and, accordingly, are not followed up. Therefore, what appears on a label often is not an accurate reflection of the facts.

GENERAL COMMENTS

Participants made the following additional general comments:

- Frustrated that labelling changes are not happening.

- Food labelling issues should always be a high priority consideration. Work on these issues should be ongoing, not just when they become contentious.
- Labels containing breaches often appear. It is important for the credibility of food standards themselves that other standards are not created that are not enforced. If enforcement is not evident, the issues become those pertaining to what industry can get away with. The position of authorities becomes untenable and their credibility is threatened.
- Currently there is no authority to whom a draft label can be taken for assessment. If there were such an authority, this would add strength to the process.
- Public Health – various definitions are at the crux of the issue. Needs to be clearer and more specific. Food standards are a very inefficient way of implementing public health measures.
- From a marketing point of view, a large amount of food from small businesses does not comply. Large manufacturers try very hard to comply and are often the ones in the firing line.
- To what extent should the food regulatory system be used to maintain broader health objectives? What degree of importance should be applied to health promotion as opposed to food safety?
- How does the strategic direction of the Ministerial Council relate to the issue of health promotion?
- Even when there are mandated changes to reflect consumer interests, there is still no even playing field. Industry initiatives always seem to take precedence.
- How do we know that this review process will not drag on indefinitely?
- Self-regulation for food labelling is a horrifying suggestion. Food labelling is far too important for this. What is on a label can be life-threatening. To have credibility it must be underpinned by Government, not simply by food manufacturers self-regulating. Food manufacturers want labels that promote their products and do not necessarily want to tell consumers what is in their products. There are clear potential conflicts of interest between what is on a label and what manufacturers want on a label. Consumers need to be able to trust labels and will not trust labelling that is self-regulating.

- A counter view: We are not talking about self-regulation *per se* but Best Practice self regulation. This distinction must be made. It is the best solution and can be implemented trans-Tasman.
- There are examples of successful self-regulation in New Zealand, e.g. New Zealand Juice and Beverage Association, which is totally funded by its members. This information should be widely published as it has mitigated investigations by the Commerce Commission.
- In response to the question what could be removed from current labelling, the following was suggested:
 - Nutrition panel
 - Advertising
 - % alcohol or standard drinks – don't need both.

**PUBLIC CONSULTATION MEETING
WELLINGTON ATTENDEES**

Donnell	Alexander	Network PR
Geoff	Allen	New Zealand Food Safety Authority
Jackie	Bedford	Newsroom
Jeff	Blackburn	Blackburn Croft and Co
Claire	Bleakley	GE Free NZ in food and environment
Diane	Bourn	Food Standards Australia New Zealand
Margaret	Brooker	NZFSA
Rhodi	Bulloch	Heart Foundation of NZ
Rachel	Campbell	Heinz Watties
Leigh	Catley	Horticulture New Zealand
Nicola	Chilcott	Agencies for Nutrition Action
Thomas	Chin	Distilled Spirits Association of NZ
Matthew	Conway	Meat Industry Association
Jo	Cowley	DFAT
Tracey	Cridge	Food Standards Australia New Zealand
Shankar	Cumarasamy	Food Standards Australia New Zealand
Beverly	Cumming	Goodman Fielder Ltd
Cherry	Downing	Sanitarium
James	Fick	Egg Producers Federation of New Zealand
Janet	Goodman	NZFSA
Roger	Hall	Fonterra Co-operative Group Ltd
Vicki	Hamilton	Mars
Sally	Hasell	Hasell Consulting Ltd
Phillippa	Hawthorne	New Zealand Food Safety Authority
Barry	Hellberg	NZ Retailers Association
Melissa	Hodd	Foodstuffs (NZ) Ltd
Carla	Hutchinson	New Zealand Food Safety Authority
Kylie	Jonasson	Aust. Department of Health and Ageing (observer)
Penny	Jorgensen	Allergy New Zealand
Lisa	Katzer	Food Standards Australia New Zealand
Sue	Kedgley	Green Party of Aotearoa New Zealand
Jenny	King	Sanitarium
Felicity	Lawlor	NZFSA
Alastair	Macfarlane	NZ Seafood Industry Council
Libby	Manley	Consumer New Zealand
Kristen	Maynard	ALAC
Cathy	McArdle	McFoodies Ltd
Celia	Murphy	Quigley and Watts Ltd
Donald	Nelson	Lion Nathan
Christy	Parker	Women's Health Action Trust
Rosie	Pears	Ministry of Health
Jan	Pearson	Cancer Society of New Zealand

**PUBLIC CONSULTATION MEETING
WELLINGTON ATTENDEES**

Sue	Pollard	New Zealand Nutrition Foundation
Katherine	Rich	NZ Food and Grocery Council
Melinda	Sando	
Dianne	Schumacher	Fonterra
Vicky	Scott	Consumer
Howard	Staverley	New Zealand Food Safety Authority
Cindy	Steele	King Salmon
Dean	Stockwell	Food Standards Australia New Zealand
Amanda	Tritt	Food Standards Australia New Zealand
Sharon	Wagener	NZ Food Safety Authority
Meriel	Watts	Green Party of Aoteroa new Zealand
John	White	FOE (Fight the Obesity Epidemic)
Rebecca	Whiting	
Glen	Wiggs	Foundation for Advertising Research
Anne	Wilson	Goodman Fielder Ltd
Valerie	Wong	George Weston Foods (NZ) Ltd - Baking Division
Amber	Yates	Vitaco Health (NZ) Limited
Dianne	Yates	FSANZ Board
Catherine	Gay	Food Labelling Review Secretariat:
Belinda	Royds	Food Labelling Review Secretariat:
Cathy	Corbett	Meeting coordinator
Robyn	Hutchison	Note Taker