FOOD SURVEILLANCE
NEWS AUSTRALIA NEW ZEALAND

FOOD STANDARDS AUSTRALIA NEW ZEALAND
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INSIDE

FSANZ IMPLEMENTATION SUB COMMITTEE FOOD SAFETY WORKSHOP IN FREMANTLE

Food Standards Australia New Zealand continues to strengthen the coordinated approach to bi-national surveillance and monitoring with activities such as the Implementation Sub Committee food safety workshop held in Fremantle late last year.

Delegates to the Fremantle workshop included representatives from FSANZ, the NZ Food Safety Authority, Australian state and territory food authorities, the Australian Department of Health and Ageing and the Australian Quarantine and Inspection Service.

Planning for future bi-national surveillance and monitoring activities continues with future coordinated management of the surveys planning to interface with the surveillance activities of other groups and agencies not directly responsible for food.

Emerging issues in the domestic and international arenas were identified and discussed as areas for possible future investigation.

These included: antibiotics in seafood, dairy products and meat; salmonella in or related to eggs; mycotoxins and microbial and chemical contaminants in coffee and the recycling, storage and sanitising of water that may come into contact with food.

A significant national survey that was discussed at the workshop was the next (23rd) Australian Total Diet survey. For more information on ISC activities see http://www.health.gov.au/internet/wcms/publishing.nsf/content/foodsecretariat-isc.htm

NATIONAL CONSUMER GUARDIANS ISSUE NEW GUIDE TO ENSURE TRUTH IN FOOD LABELLING

BACKGROUND

The Australian and New Zealand consumer guardians have developed a food descriptors guide to help food businesses understand their food labelling responsibilities to consumers.

The Australian Competition and Consumer Commission (ACCC) and New Zealand Commerce Commission (NZCC) produced the Guide in conjunction with Food Standards Australia New Zealand, consumer groups and food industry to formalise what is acceptable and unacceptable food labelling under the requirements of national competition and consumer protection laws contained in the Trade Practices Act 1974.

Launching the Guide last November, ACCC Commissioner John Martin said it is the responsibility of every member of the $90 billion a year food sector to ensure they comply with consumer protection laws.

"The ACCC expects a greater level of trade practices law consideration to be reflected in advertising and labelling practices across the entire food and beverage industry sector. The new guideline is an important step in assisting the industry to adopt a proactive and informed approach to compliance," Mr Martin said.

"Those who fail to comply with the law risk action being taken against them by the ACCC, for breaches of the Trade Practices Act, or by State and Territory food law enforcement agencies for breaches of the Food Standards Code."

The Guide builds on collaborative action taken in April 2004 between the ACCC and FSANZ when they signed a memorandum of understanding to facilitate an agreement about how food labelling complaints would be addressed.

The Guide:

- explains why the *Trade Practices Act 1974* (the Act) and the ACCC are relevant to food and beverage labelling issues
- provides practical guidance on what manufacturers and suppliers should do to minimise the risk of breaching laws administered by the ACCC
- discusses specific food and beverage descriptors that may raise issues under the Act
- looks at remedies available for breaches of Part V of the Act

The Guide also includes examples of the industry-specific enforcement matters taken by the ACCC.

For example, in Australia in 2006 Uncle Tobys provided the ACCC with a court enforceable undertaking under s. 87B of the Act regarding its Roll-Ups products. The ACCC had raised concerns with Uncle Tobys that by representing that Roll-Ups were 'Made with 65% real fruit' or making representations that created an overall impression that Roll-Ups were made by converting fruit into a Roll-Up with minimal processing, it may have breached the Act. In the undertaking, Uncle Tobys agreed that in the future it will not misrepresent Roll-Ups as real fruit.

Across the Tasman the New Zealand Commerce Commission last year looked at New Zealand-made pies after tests of Big Ben pies, produced by New Zealand manufacturer Allied Foods, found that the average meat content of 24.1% was close to the 25% meat content claimed on packaging. The Commission has advised Allied Foods of its concern that one of the pies tested had a meat content of only 21.8%. Commerce Commission Director of Fair Trading Deborah Battell said that the content of meat pies was of concern to New Zealand consumers and should be of concern to manufacturers.

"Misleading claims about meat content can give pie makers a competitive advantage because some consumers will shop around, so it's important that claims about meat content are accurate," Ms Battell said.

For a full copy of the guide and more examples of enforcement cases see:
www.accc.gov.au/content/index.phtml/itemId/771468

SEAFOOD STILL AN EXCELLENT FOOD DESPITE ENVIRONMENTAL CONTAMINATION FEARS

How safe to eat is our seafood? For some years health authorities have recognised that there may be risks associated with eating some fish containing chemical contaminants.

Discoveries such as those last year in which Sydney Harbour fish and crustaceans were found to have low levels of dioxins periodically reignite the debate.

Despite consumer concerns about such discoveries, Food Standards Australia New Zealand's advice on fish safety remains the same as it was in March 2004 when we updated our advice on mercury in fish. We updated it again in March 2005 when we proposed a single new national food safety standar d for the primary production and processing of seafood.

The Australian Dietary Guidelines advise eating one or two fish meals per week for good health. Scientific evidence available to FSANZ suggests it remains safe for all population groups to eat two to three serves per week of most types of fish. FSANZ recommends limiting consumption of only a few types of fish – billfish (swordfish / broadbill and marlin), shark/flake, orange roughy and catfish. These are fish at the top of the food chain in which mercury will accumulate.

FSANZ advises that pregnant women, women planning pregnancy and young children continue to eat a variety of fish as part of a healthy diet but that they should limit their consumption of those species at the top of the food chain.

To keep abreast of the status of seafoods, food safety authorities regularly conduct surveys of contaminants in them, the most recent completed being a small one carried out by the Australian Capital Territory Health Protection Service.

ACT health inspectors visited 53 fishmongers and looked specifically for samples from fish at the top of the food chain such as marlin and swordfish. However, 48 of those outlets did not sell such fish, which they believed were not popular enough to carry, so the inspectors ended up with just six samples. They were concerned though to find elevated mercury levels in four of those. ACT Health intends to publish its findings soon.

New Zealand has had its own fishing Industry Agreed Implementation Standards (IAIS) for mercury in fish since 1995 but otherwise shares scientific advice on food standards with FSANZ. Since its Total Diet Survey held during 2003/04 it has provided a long list of different types of seafood, and the recommended intake per week, for pregnant women who wish to derive the benefits of seafood while limiting their exposure to methylmercury.

However, the NZ Food Safety Authority has for some time been concerned about the incidence of *Vibrio parahaemolyticus* infection, a bacterium in the same family as those that cause cholera that lives in brackish saltwater and causes gastrointestinal illness in humans. Most people become infected by eating raw or undercooked shellfish, particularly oysters.

The infection rate of 1.6/100,000 calculated by Thornton et al. (2002) for the total Auckland population is reasonably low compared to reported incidence levels for other pathogenic bacterial infections. However, the estimated incidence for the Pacific Island population of Auckland (15.3/100,000) is comparable to rates in Florida in the United States for people eating raw oysters, and also similar to that of the notifiable disease *yersiniosis* in New Zealand.

The occurrence of *V. parahaemolyticus* infection in New Zealand appears to be strongly linked to personal imports and consumption of seafood by Pacific Islanders. The increasing popularity of raw fish foods, such as sushi, may also make *V. parahaemolyticus* infection more common.

FSANZ SHARES KNOWLEDGE WITH INTERNATIONAL CHEMICAL LIAISON GROUP

FSANZ staff are involved in a newly formed International Food Chemical Safety Liaison Group that exchanges information on food surveillance and explores opportunities for international collaboration on emerging food chemical safety issues.

The Group consists of experts in the regulation and surveillance of food chemical safety from Health Canada, the United Kingdom's Food Standards Agency (UKFSA) and the United States Food and Drug Administration (USFDA) and FSANZ. Other agencies may become involved with the group in future.

The issues discussed by the Group at recent meetings include:

- perchlorates in water and some foods
- poly-brominated diphenyl ethers
- acrylamide in manufactured potato and bread products
- mercury in fish
- effect of food colourings on children's behaviour
- other surveillance activities

The Group meets quarterly, normally by teleconference, and on an ad hoc basis as required. A particular challenge has been to find a time to suit all participants – FSANZ staff took the teleconference from their homes up until midnight while the North Americans have had to be up very early in the morning.

The Group's last meeting was in London, England, in March 2007. Participants chose the venue to take advantage of the timely presence of key chemical safety experts for an International Workshop on Food Incidents Prevention and Horizon Scanning.

KEEPING UP TO DATE WITH FOOD RECALLS

Over the past few months Australian and New Zealand food manufacturers have notified their respective agencies of a number of food recalls due to problems with their foods, including:

IN AUSTRALIA:

Game Farm Enterprises recalled its 'Top of the Range ' brand free range eggs due to them being sold cracked and dirty with the possibility of an association with food borne illness and *Salmonella typhimurium* being detected in the eggs.

Cadbury Schweppes recalled one batch of its Solo the Sub 375ml cans (with a best before date of 02/01/08) because tests indicated the presence of an undeclared preservative (sulphur dioxide).

Manassen Foods Australia Pty Ltd recalled its 'Globus' dill cucumbers due to the possibility of glass fragments contaminating their 680g screw top glass jars.

Sydney Nut and Sweet Company recalled its rice crackers in a variety of packages due to undeclared allergens in the form of peanuts and sesame coating.

Wah Lien Trading Pty Ltd recalled Goldfish brand 'natural' and baking powders that contained sodium nitrite. Wah Lien told FSANZ its products were incorrectly labelled with the result that five people suffered the symptoms of nitrite poisoning and were admitted briefly to hospital before being discharged. FSANZ has observed that incorrect use of sodium nitrite can cause a condition called methaemoglobinaemia, a disorder of the blood that can be fatal.

IN NEW ZEALAND:

Turks Poultry Farm Ltd recalled its ready to eat smoked products - all smoked chicken nibbles, smoked drums, smoked breast and smoked whole birds - after discovering some may have been contaminated with *Listeria monocytogenes.*

Bramptins for UK Food recalled all 400g cans of Heinz Mulligatawny Soup and Heinz Oxtail Soup 400g after discovering that the contents of the cans included beef and that they were not cleared for import by NZ health authorities.

Emma-Jane's Fine Foods recalled its Rice bites foods in 100g packs because they contained an undeclared allergen in the form of a dairy product.

Halswell New World recalled a Chicken Cordon Bleu product for incorrect labelling. The food may have contained undeclared peanuts or sesame seeds that can cause allergic reactions in some people.

Mooloo Products Ltd recalled its two and five litre tubs of Mooloo Cookies and Cream Ice Cream because they may have contained glass fragments.

For a full list of recalls see:
http://www.foodstandards.gov.au/foodmatters/foodrecalls/index.cfm

VICTORIA AND NEW SOUTH WALES CONDUCT ASIAN FOOD SURVEYS

Australia's increasingly multicultural population has introduced the country to a great variety of previously unfamiliar foods.

The only problem is that many people will not be familiar with some of the foods and how to store and cook them safely. Consequently all states, particularly culturally diverse ones such as New South Wales and Victoria, continually monitor exotic foods and especially the more popular Asian ones.

New South Wales

The NSW Food Authority has begun an extensive survey to investigate the microbiological quality of sushi sold across the state.

The Authority selected 50 sushi businesses at random for the survey, which is designed to set food safety risk benchmarks for industry that can be used as a guide in any future evaluations.

Authority staff and environmental health officers from 24 councils in Sydney and regional NSW are participating in the survey. They will repeat the survey process three times over the next 18 months to ensure investigative rigour in the results.

The survey will:

- benchmark industry food safety risk for any future evaluation
- assist the Authority in preparing guidelines for sushi processing and handling in retail businesses

Victoria

In 2003 the Victorian Food Safety Unit researched sushi and other Asian style foods to see whether they were safe under the Food Safety Standards.

The Unit examined sushi and Asian meats. The Standards require all potentially hazardous food to be handled and displayed under temperature control - cold foods at 5°C or less and hot foods at 60°C or greater. The interpretation guidelines to the Standards, however, permit these foods to be out of temperature control for up to four hours. Any longer than that and the vendor would need scientific validation.

The Unit conducted research on sushi products - nigiri pieces and nori rolls - and Asian meats – Chinese style roast duck ('Peking Duck'), Chinese style chicken and Chinese style roast and barbequed pork. Unit officers tested nori rolls containing: egg omelette, smoked salmon with dill and cream cheese, raw salmon and cucumber and teriyaki chicken. The nigiri pieces consisted of: raw salmon, tuna, prawn and eel. The officers inoculated the samples with common food pathogens *Bacillus cereus, coagulase positive staphylococci, E. Coli* and *Listeria monocytogenes*. They chose these pathogens to simulate the effect of temperature abuse, poor handler hygiene and cross contamination from raw foods on the sushi.

Unit officers tested the Asian meats in a number of stages over 12 months.

In summary they:

- tested the cavities of the ducks for growth of staphylococcus during the drying process. They took temperature profiles of the ducks and chickens in restaurants to determine actual temperature fluctuations throughout particular processes
- inoculated the skins of the meats with *Bacillus spp., Salmonella spp., Campylobacter spp.* and *Staphylococcus aureus*, and recorded the level of growth (along with water activity) at regular time intervals.

The officers needed scientific validation on the safety of these products under alternative temperature control arrangements (within the temperature danger zone of 5°C – 60°C). They found that with a pH of 4.8 or less the sushi products, nigiri pieces and nori rolls, can be kept at 15°C or less for a period of up to eight or twelve hours, respectively. Subsequent research and microbiological testing of the Asian meats found that, if prepared and handled in specific ways, Chinese style duck and chicken can be left on display, at ambient temperatures, for up to 22 hours while the pork can be on display for up to seven hours

RESEARCH ALLOWS FOOD SAFETY PROGRAMS TO BE UPDATED

Additional modules for sushi products and the Asian meats have been incorporated into both the Victorian Department of Human Services Food Safety Program Templates - 'Foodsmart' and the 'Food Safety Program Template for Retail and Food Service Businesses'.

The sushi modules give proprietors who sell nori rolls and nigiri pieces the opportunity to display sushi products out of normal temperature control. But first proprietors must be able to prove the rice used in the nori rolls and nigiri pieces has a pH of 4.8 or less. To achieve this pH, a recommendation of 110mls of vinegar per one kilogram of rice is indicated in the module. Also, all ingredients used in sushi products must be sterile and have undergone minimal handling. Where the rice has a pH of 4.8 or less, proprietors are able to keep nigiri pieces at 15 degrees Celsius for up to eight hours and nori rolls for twelve.

The Asian meats modules give proprietors the opportunity to display the varying meats at ambient temperatures for extended periods of time. Particular criteria are set out in the modules which must be satisfied for this to occur.

Chinese style duck must be dipped in a mixture containing vinegar during preparation, and the chickens boiled in a mixture containing salt or soy sauce. There are no specific preparation requirements for the pork as the Food Safety Unit officers found traditional recipes were too varied for them to clarify any ingredients, or preparation processes, effective in giving protective properties.

During the drying process that the Chinese style ducks undergo prior to cooking, vendors must be able to prove that the ducks are hung for no longer than six hours. They must maintain an internal temperature of no more than 25°C during this time.

The display area for the meats must not be conducive to moisture build up – such as in a small enclosed glass cabinet. Also, while on display the meats should not come into contact with any of the other meats on display. If vendors can demonstrate that all required criteria are being satisfied, the ducks and chickens can be left on display at ambient temperatures for twenty-two hours and the porks seven.

All other meats other than duck, chicken and pork – such as gizzards, tongue, squid - must be kept in temperature control at all times or the two/four hour rule will apply – that is, the product must be refrigerated after two hours out of temperature control or thrown out after four.

NEW NATIONAL FOOD HANDLING SURVEY UNDERWAY

Food Standards Australia New Zealand (FSANZ) has commissioned Campbell Research & Consulting (CR&C) to conduct a nationwide National Food Handling Survey during 2007 to assess food businesses' food handling knowledge and practices. The project is supported by State and Territory governments across Australia and is independent of any other studies that may be occurring.

The first National Food Handling Benchmark Survey was conducted in 2001, before the introduction of the national Food Safety Standards. The report of the benchmark survey can be found on the FSANZ web site. This new survey will measure the impact of the Standards on food handling knowledge and practices in 2007.

The project will be in two parts - a telephone survey and an on-site observational survey of all types of food businesses across Australia. FSANZ believes that it is critical to balance the self-reported food handling knowledge of food businesses with an objective expert assessment of actual food handling practices.

CAN YOU HELP?

FSANZ and the State and Territory governments are seeking local Government Areas (LGAs) throughout Australia to help with the on-site observational survey of food businesses. The telephone survey will not need the LGAs' help.

The observational survey is being conducted from February 2007 onwards. CR&C will be contacting randomly selected LGAs in the near future to invite you to participate in this survey. If your LGA has been selected we ask you to seriously consider being involved, though participation is entirely voluntary for both LGAs and food businesses.

If your LGA is selected, CR&C will be asking your Environmental Health Officer (EHO) to conduct a number of observational surveys in different types of food businesses in your LGA. The survey involves observation of food handling practices, and questions of food handlers.

Each EHO will receive training and materials to help them conduct the survey, including how to deal with any non-compliant practices that they might find. The number of observational surveys in your LGA will depend on the number of businesses in the area and may be up to 10 surveys. Each survey is expected to take approximately one hour.

At the end of the data collection, each participating LGA that completes five or more surveys will receive an individually tailored report from the survey. This report will enable you to identify specific food handling issues in your area, and enable you to compare findings between your area and national/state findings. Individual businesses will not be identified in the LGA reports and individual LGAs will not be identified in the final published report.

RESEARCH ON THE USE OF NUTRITION, HEALTH AND RELATED CLAIMS ON FOOD LABELS

BACKGROUND

Food Standards Australia New Zealand (FSANZ) has just published a report on how manufacturers present nutrition, health and related claims on their food labels.

Label monitoring surveys have been commissioned by FSANZ since 2002 to assess how food manufacturers manage key labelling requirements set out in the Australia New Zealand Food Standards Code (the Code). Since 2003, surveys have looked specifically at how food manufacturers' present nutrition, health and related claims on packaged food labels. Under the FSANZ Act, correct labelling is an important objective, ensuring consumers have adequate information on food labels to help them make informed choices.

FSANZ has now published a report by quality assurance agency AgriQuality Limited, which it commissioned to conduct a survey of labels collected in 2005 for nutrition, health and related claims. This survey assessed 1399 labels collected in Australia and New Zealand and specifically examined the proportion of labels carrying nutrition claims and health claims, the types of claims being made, and whether the claims were consistent with the labelling provisions that govern them. Health claims are currently prohibited by the Code, with an exemption for certain foods to carry a specific claim about the benefits of maternal consumption of folate to prevent neural tube defects in developing foetuses. The report presents the results from the assessment of labels collected in 2005 and compares them with results from the first label collection in 2003 (labels collected by Silliker Microtech Pty Ltd and assessed at a later date for nutrition, health and related claims by AgriQuality).

KEY FINDINGS

Using the Claims Classification Framework proposed in the Initial Assessment Report for Proposal P293 (Nutrition, Health and Related Claims), the survey found 42% of the 1399 labels collected carried nutrition claims or health claims. Of those labels that carried claims, most featured nutrition claims (96%), rather than health claims (25%). These findings were similar to those of 2003. [1]

Significantly, the majority (84%) of labels with claims met the requirements of their relevant labelling provisions. There do not appear to be any specific areas of concern that have emerged since 2003.

Of the 16% of labels that were inconsistent with labelling provisions, there were no emerging trends of concern. Fifty-three percent of inconsistent claims related to labelling provisions in the Code and, in particular, to the absence of the required % Recommended Dietary Intake (RDI) advice, as required under Standard 1.3.2. Thirty-eight of inconsistent claims related to the Code of Practice on Nutrient Claims in Food Labels and Advertisements (CoPoNC), which only applies in Australia, in particular the CoPoNC requirements for 'source of fibre/contains fibre' claims. Eight percent of inconsistent claims related to Australian and New Zealand fair trading legislation. Most of these claims were general claims about nutrition content or unsubstantiated claims about health benefits.

FSANZ intends to use the results of this survey to contribute to the development of an appropriate food standard for nutrition, health and related claims, a major area of work falling under Proposal P293. The results also provide FSANZ with comprehensive benchmark data on the use of nutrition, health and related claims on packaged food labels prior to the introduction of the Standard.

WHY IS FSANZ CONDUCTING ONGOING LABEL MONITORING SURVEYS?

FSANZ needs to know how food manufacturers are interpreting the Code. Following an extensive review of the Australian Food Standards Code and New Zealand regulations, a joint Australia New Zealand Food Standards Code (the Code) was gazetted in December 2000 with a two year transition period to December 2002.

FSANZ began a pilot label monitoring survey in mid 2002 to assess how manufacturers were implementing the new food labelling regulations in the Code.

From this and ongoing surveys, FSANZ can determine the effectiveness of current labelling regulatory measures and use the data to make better informed decisions about labelling regulations in future.

WHAT WAS SURVEYED?

The survey assessed 1399 labels on packaged food products collected in Australia and New Zealand during 2005. The foods represented 14 food categories (approximately 2% of the product lines available) and were sampled from a range of outlets including supermarkets and small retailers. The food categories were:

- Dairy products
- Edible oils and emulsions
- Ice cream and edible ices
- Fruit and vegetables
- Confectionery
- Cereal and cereal products
- Bread and bakery products
- Meat and meat products
- Fish and fish products
- Egg and egg products
- Sugar, honey and related products
- Food intended for particular dietary uses
- Non-alcoholic beverages
- Mixed foods (e.g. sauces, dressings, desserts)

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1 While the Classification Framework proposed in the more recent Draft Assessment Report for Proposal P293 differs from that set out in the Initial Assessment Report, with the approach taken for endorsements being one significant change, amongst others, the original Classification Framework was retained in this survey for ease of comparison with 2003 results.

FIGURE 1. NUMBER OF LABELS COLLECTED WITHIN EACH FOOD CATEGORY IN AUSTRALIA AND NEW ZEALAND

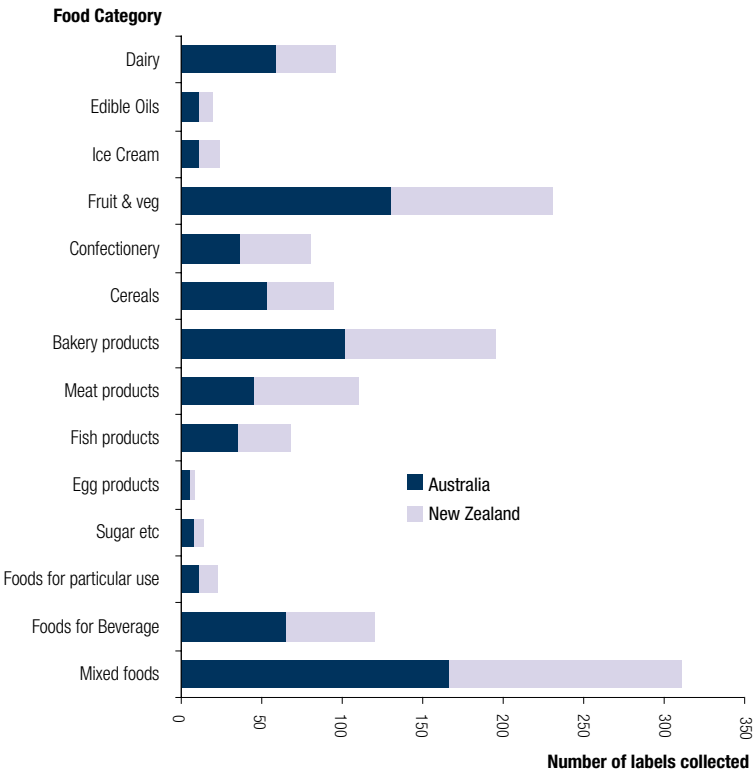
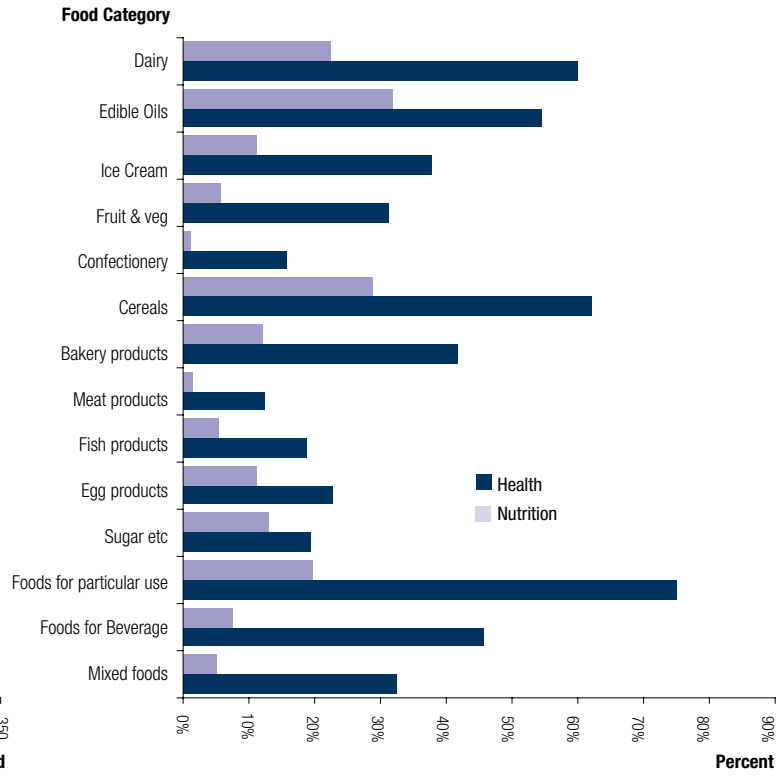


FIGURE 2. PROPORTION OF LABELS† WITHIN EACH FOOD CATEGORY THAT FEATURED NUTRITION OR HEALTH CLAIMS



The survey looked at samples from as many different manufacturers as possible. It did not consider the market share of brands because the aim was to sample a wide range of label styles.

WHAT LABELLING PROVISIONS WERE THE CLAIMS ASSESSED AGAINST?

The labelling provisions against which the claims were assessed included those in the Code(Standard 1.2.8 – Nutrition Information Requirements, Standard 1.3.2 – Vitamins and Minerals, Part 2.9 Standards for Special Purpose Foods, Standard 1.1A.2 – Transitional Standard on Health Claims), the Code of Practice on Nutrient Claims in Food Labels and in Advertisements (CoPoNC) (Australian products only), the New Zealand *Dietary Supplements Regulations* (NZDSR) (New Zealand products only) and the fair trading legislation in both Australia and New Zealand.

WHAT IS THE PROPOSED CLAIMS CLASSIFICATION FRAMEWORK?

Under P293, FSANZ proposes to classify claims in a framework that distinguishes between two broad categories: general level claims and high level claims. Claims are classified according to how a manufacturer expresses the potential health benefits of a food through nutrition, health and related claims on food labels.

One of the aims of the survey was to look at the types of claims being made on packaged food products and how they may be classified according to future regulatory requirements as defined in the Initial Assessment Report to Proposal P293 (Nutrition, Health and Related Claims).

When the Classification Framework is ultimately accepted as part of the Standard for Nutrition, Health and Related Claims, it may differ in some detail from that proposed in either the Initial or Draft Assessment Reports. FSANZ has yet to finalise the framework so the original classification framework from the Initial Assessment Report was retained for ease of comparison with 2003 results.

WHAT DID THE SURVEY FIND?

Key results include:

Assessment of claims against the proposed framework

Of the 1399 labels collected in 2005 in Australia and New Zealand, 42% carried nutrition claims or health claims. Of the labels that carried claims, most featured nutrition claims (96%), rather than health claims (25%). The proportion of labels that carried nutrition claims was slightly higher in Australia (44%) than in New Zealand (36%). Health claims featured on a similar proportion of labels collected in both countries (~11%).

Health function claims featured on 6% of all labels collected in 2005. The National Heart Foundation Tick symbol appeared on 5% of all labels, which was classified as an implied function claim under the Classification Framework proposed in the Initial Assessment Report to Proposal P293.

Assessment of claims against current labelling provisions

Of the 583 labels that featured claims, the majority (84%) were consistent with the requirements of the labelling provisions used for this survey. A total of 132 claims on 90 labels were inconsistent with the labelling provisions. This represents 16% of labels with claims. Within this group, there do not appear to be any specific areas of concern. Of these claims, the majority (65%) came from labels collected in Australia, many of which related to CoPoNC, which applies in Australia only, and is a voluntary guideline (i.e. cannot be enforced).

Overall, 53% of inconsistent claims related to labelling provisions in the Food Standards Code. A large proportion of these (30 claims) related to the absence of the required % Recommended Dietary Intake (RDI) advice, required under Standard 1.3.2 for vitamin and mineral content claims.

A small proportion of claims (16 claims) were inconsistent with the requirements of the Transitional Standard 1.1A.2 for Health Claims, in that they referred to a disease, physiological condition or related to a prophylactic claim, or used the word 'health' in association with the name of the food.

There were seven references to a serious disease/condition that were inconsistent with the labelling provisions. The following are examples of the exact wording on four of these claims:

- 'Low lactose. May help those who are lactose intolerant.'
- 'Glenn Singleton who suffers from Coeliac disease and Piers Christiansen with a dairy intolerance have turned to [Company Name] for dietary advice.'
- 'Latest research shows that being active, eating well and keeping your weight down will reduce the risk of cancer.'

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- 'Low GI carbohydrate foods helping control blood sugar levels. Has been tested by the International Diabetes Association.'

There were eight inconsistent prophylactic claims. The following are examples of the exact wording on two of these claims:

- 'Apples are also loaded with a substance called pectin, a soluble fibre that aids digestion and may also help to reduce cancer and heart disease.'
- 'Chewing [this brand of gum] helps protect your teeth against decay.'

One label used the word 'health' in a manner that was inconsistent with the provisions of Transitional Standard 1.1A.2.

Eight percent of inconsistent claims (11 claims) related to Australian and New Zealand fair trading legislation. The majority of these claims were general claims about nutrition content or unsubstantiated claims about health benefits.

Thirty-eight percent of inconsistent claims related to CoPoNC, which applies in Australia only. Of the fifty-one claims on labels found to be inconsistent, 41 were for incorrect fibre claims (39 of these claims were found to be inconsistent with CoPoNC requirements for 'source of fibre/ contains fibre' claims. To meet this requirement, CoPoNC stipulates that a food must contain not less than 1.5 g of fibre per serving of the food), six for inconsistent cholesterol claims, three for inconsistent 'X% fat free' claims and one for an inconsistent low energy claim.

Labels collected in Australia were assessed against a greater number of provisions than those in New Zealand, with the extra requirements of the Australian only CoPoNC appearing to be the primary reason for the higher number of inconsistent label claims for labels collected in Australia. A total of 244 labels collected in Australia were identified as having 369 claims to be assessed against CoPoNC. These were found to be consistent with the CoPoNC requirements in the majority of cases (86%).

Comparison of claims on labels collected in the 2003 and 2005 surveys

The same proportion of labels collected in 2003 and 2005 featured health and nutrition claims. Slightly more labels with claims collected in 2003 featured nutrition claims (99%) compared with those collected in 2005 (96%). The same proportion of labels with claims featured health claims in 2003 and 2005. The proportion of labels that featured both health and nutrition claims was slightly greater in 2003 than in 2005.

When assessing labels collected in 2003 and 2005 by individual food categories, the category 'food intended for particular dietary use' had the highest proportion of labels with nutrition claims (96% and 83% respectively). In most food categories, the proportion of labels with nutrition claims was similar in 2005 to the proportion of labels with nutrition claims in 2003. In contrast, for most food categories the proportion of labels with health claims was different in 2005 to the proportion of labels with health claims in 2003. With health claims, the category 'food intended for particular dietary use' featured the highest proportion of labels in 2003 (52%), whereas in the 2005 label assessment, the category 'edible oils and emulsions' had the highest proportion of labels with health claims (35%).

TABLE 1: COMPARISON OF LABELS COLLECTED IN 2003 AND 2005

	2003 label survey	2005 label survey
Number of labels sampled	1262	1399
Labels with claims	542	583
Labels with Nutrition claims only	405	435
Labels with Health claims only	6	24
Labels with both Health and Nutrition claims	131	124

The majority of claims assessed in both surveys met the requirements of the labelling provisions. This indicates that there are no specific areas of concern that have emerged since the first label collection in 2003.

The greatest proportion of CoPoNC claims that were assessed in 2003 related to fat content. In contrast, in 2005 the largest proportion of claims assessed against the CoPoNC provisions related to fibre content. Of particular note, 'source of fibre' claims on food labels appear to have increased in 2005 compared to 2003, specifically in the 'bread', 'cereals', 'fruit and vegetable' and 'mixed foods' categories.

Other marked differences include an increased number of claims relating to cholesterol and a decreased number of claims relating to salt in the 2005 survey compared to the 2003 survey. The number of labels featuring other claim types was similar between the two surveys.

WHAT WILL HAPPEN NOW?

FSANZ intends to use the results of the survey to help in the development of a new standard for nutrition, health and related claims, falling under Proposal P293. The survey results have provided critical information for the preparation of the Preliminary Final Assessment Report for Proposal P293. In particular, the results indicate the number and type of nutrition and health claims made in 2005 and the range of products carrying claims. They provide information about the types of claims, the food categories carrying those claims, and where inconsistency with current labelling provisions appears to be highest, indicating that more regulation around those types of claims may be necessary.

The results will also provide FSANZ with comprehensive benchmark data on the use of nutrition, health and related claims on packaged food labels prior to the introduction of the Standard.

This survey, assessing nutrition, health and related claims on labels, is only one component of a larger ongoing label monitoring survey, which assesses some 13 key mandatory labelling elements (such as date marking, ingredient declarations, storage instructions, nutrition information panels, etc.) for consistency against current labelling provisions. FSANZ expects to release a report on the assessment of 2005 labels against the other key mandatory labelling elements in mid 2007.

Meanwhile, work has proceeded on the 2006 label monitoring survey. Similar reports on the 13 mandatory labelling elements and nutrition, health and related claims on the labels already collected in that survey will be prepared during 2007 and will be published later in the year. The label monitoring survey will not continue during 2007, instead FSANZ will collate the wealth of information already gathered. The survey will recommence in 2008.

These ongoing food label monitoring surveys are not being conducted for enforcement purposes. Although the Australian Government is responsible for compliance and enforcement for imported foods, compliance and enforcement are generally the responsibility of the Australian States and Territories and of New Zealand. FSANZ, in parallel with many jurisdictions and food industry organisations, is considering the best ways to assist manufacturers to obtain and utilise helpful information on labelling requirements.

Copies of the executive summary and full report are now available on the FSANZ website at http://www.foodstandards.gov.au/monitoringandstandardssurveillance/monitoringandevaluat1584.cfm. For further information please contact Janis Baines by phone (02 6271 2234) or email janis.baines@foodstandards.gov.au.

KEEPING A WATCH ON FRESH FRUIT AND VEGETABLE SAFETY

Australia's state food surveillance and enforcement agencies were busier than usual checking the safety of fresh fruit and vegetables in the lead up to the Christmas holidays.

They assumed a higher state of readiness following both local and overseas reports of contaminants in fresh cut vegetables and fruit that caused serious health problems and, in the United States, three deaths. In the U.S. 199 people fell ill, 102 needed hospital care with 31 developing the notifiable disease haemolytic uraemic syndrome, and three died after eating baby spinach contaminated with *E. coli* 0157:H7.

As a consequence the NSW Food Authority reviewed fresh-cut vegetables sold in the state.

The review looked at 119 samples of packaged and loose leaf green vegetables, including lettuce, baby spinach, rocket and water cress. Each sample was tested by the Institute of Clinical Pathology and Medical Research Division of Analytical Laboratories for faecal coliforms, *E. coli, Salmonella, Listeria monocytogenes* and *verocytotoxic E. coli*. The institute assessed the sample results using Food Standards Australia New Zealand's *Guidelines for Determining the Microbiological Quality of Ready-to-eat Foods*.

Overall the review found the results to be very good. *Salmonella, L. monocytogenes*, and *verocytotoxic E. coli* were not detected in any sample, though faecal coliforms were detected in three samples, all at 4 cfu/gm, just above the limit of detection. One of these samples (a loose leaf mixed salad leaf product) also contained E. coli at 4 cfu/gm. When compared to the FSANZ guidelines, 99% (118) samples were of a satisfactory quality. The sample containing 4 cfu/gm of E. coli was the only one with a marginal quality.

In NSW, fresh-cut vegetable producers have to be licensed by the Food Authority and have strict food safety programs in place. Advice was also given to consumers to keep fresh-cut vegetables refrigerated and wash them before use.

These results will feed into the Primary Production and Processing Standard for Plant and Plant products.

Recent monitoring of paw paws and rockmelons

In Western Australia the Department of Heath had to warn people to take care when handling or consuming paw paw after a number of cases of salmonella food poisoning were linked to the fruit. These cases followed an October outbreak of salmonellosis in Queensland and NSW caused by rockmelons. Queensland, which produces about half of the nation's rockmelons, suffered 100 cases and NSW about 50.

Due to their relatively large size, melons are frequently sold pre-cut and wrapped. The process of cutting can transfer microorganisms from the fruit skin to the cut surface and increase the potential for pathogens to survive and proliferate.

Salmonella can grow when transferred onto cut melon surfaces and stored at ambient temperature (23°C). All equipment used in preparing cut melons must be sanitised and cut melons should be stored at refrigeration temperatures. As early as 1991, the USFDA was recommending that food retailers wash all melons before cutting, remove the skin, maintain the temperature of the cut melons at <7°C after cutting and limit retail display to no more than four hours.

The NSW Food Authority identified fresh cut fruit (usually consumed raw) as a high risk plant product. It produced a fact sheet outlining how consumers can minimise the risk of salmonella in rockmelons and paws paws at its web site: www.foodauthority.nsw.gov.au.

Fruit and vegetable juices, lettuces and sprouts also need monitoring for safety

Victoria

In Victoria a microbiological survey found that increasingly popular freshly squeezed fruit and vegetable juices are safe – provided they are prepared and handled properly.

The State's Health Department conducted the survey to improve knowledge and understanding of the microbiological risk of freshly squeezed fruit and vegetable juices.

Environmental Health Officers from 20 councils across Victoria collected 291 juice samples and analysed them for Salmonella spp. E. coli, Listeria monocytogenes and coagulase positive staphylococci. The officers also sampled

pH levels. Overall, the microbiological quality of the juice samples submitted was good, with only one sample being assessed as potentially hazardous.

South Australia

In South Australia the Department of Health's Food Section contracted the Institute of Medical and Veterinary Science to test samples of lettuce, sprouts and strawberries for faecal coliforms, E. coli, E. coli 0157, Salmonella, Listeria and Listeria monocytogenes.

While results for the strawberries have yet to be assessed, those for lettuces (24 batches of green coral, red oak and green oak varieties, all hydroponically grown) were encouraging with the most probable number (MPN) of faecal coliforms and E. coli being less than three organisms per gram while the Institute's scientists were unable to find any of the other infectious agents, in that they were not detected in 25gm.

The results for sprouts (13 batches of snow peas and seeds, alfalfa sprouts and seeds, mung bean sprouts and seeds selected from stock held by producers and retailers) were almost as encouraging, save that five batches of samples of alfalfa and mung beans showed evidence of faecal coliforms at MPNs greater than 110 organisms per millilitre while snow peas had E. coli MPNs at 1.5 organisms per gram.

ACT

Meanwhile guidelines promoting healthy fruit and vegetables were introduced in the ACT last December by Katy Gallagher, ACT Minister for Health, when she launched two children's picture books in the territory's Bookstart for Babies library bags.

The new books, I Eat Fruit and I Eat Vegetables promote healthy eating of fruit and vegetables and the Territory Government will distribute them in some 4,500 library bags throughout 2007. The books provide bright and colourful images of a range of fruit and vegetables as a way of introducing these foods to children early in their development.

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