

*****.*** Summary of issues raised in submissions**

Table *: Summary of issues**

Issue	Comment	Submitter
<p>Q1. Are the current requirements to declare fish and fish products in Standard 1.2.3 clear on what foods/ingredients must be captured by the declaration? If not, please explain the problems associated with declaring these foods and ingredients on food labels.</p>		
<p>Are the requirements clear?</p>	<p>No.</p>	<p>Allergy NZ, AFGC, ARFAID, NZMPI, Starship, Tas, Vic Depts, Woolworths.</p>
	<p>Yes, the problem is that the current requirements are quite clear.</p>	<p>A&AA</p>
<p>Problems with the term 'fish'</p>	<p>Industry are unclear as to whether shellfish ingredients require declaration, as 'shellfish' is not listed in Standard 1.2.3.</p>	<p>NZMPI</p>
	<p>Food manufacturers are unaware of the definition of 'fish'.</p>	<p>NZMPI</p>
	<p>The main impact of the inconsistency in the Code would appear to be in relation to molluscs, with lack of clarity as to the declaration of these. This could put those with allergy to mussels, squid or oysters (all popular in NZ) at some risk if it is interpreted by a manufacturer or food service operator that the Code does not require these to be declared.</p>	<p>Allergy NZ, ARFAID</p>
	<p>The problem is created by the separate listing of crustacea under paragraph (ii), which creates the understandable impression that paragraph (iv), fish, was intended to apply to finfish only and that molluscs or mollusc products need not be declared.</p>	<p>A&AA</p>
	<p>The terms 'fish' and 'seafood' as defined in the Code are not useful in the context of allergen declarations, being inconsistent as to the inclusion within their scope of finfish, crustaceans and/or molluscs</p>	<p>AFGC</p>

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	There is no way of knowing a mollusc is present. Consumers may assume the product is safe for them to eat, which can have dangerous and potentially fatal consequences	ARFAID, Starship
Defining 'fish', 'crustacea', and 'molluscs'.	Currently there is no definition in Standard 1.1.2 and 1.2.3 relating to finfish, crustacea and molluscs. The importance of accurate reflection of the code would benefit consumers with allergies as crustacea, mollusc and finfish are allergenically distinct to each other. This would also benefit smaller manufacturers and internationally manufacturers wanting to supply to Australia (Woolworths).	ASCIA, Woolworths
	The Code needs to articulate what species/groups of animals are captured. The Code should be specific on the following terms (NZMPI): <ul style="list-style-type: none">• Fish• Finfish• Shellfish• Crustacean• Mollusc	ARFAID, NZMPI, Starship
	A declaration of <i>fish</i> means <i>finfish</i> . The Code should be clear and unambiguous each and every time there is a requirement relating to a food or class of food.	Vic Depts
	FSANZ may also need to consider whether invertebrate ingredients will need to be declared if they are not captured by 'mollusc'. For example, jellyfish, sea tulips.	NZMPI
	There are three major groups of seafood: fish (vertebrates), molluscs and crustaceans. Each group is allergenically different.	Allergy NZ, ARFAID, ASCIA, Starship
	Advice to food-allergic individuals is that those allergic to one fish are usually allergic to most other fish, but not necessarily to shellfish (molluscs or crustaceans). Similarly, allergy to one crustacean (e.g. prawns) usually means that all crustaceans should be avoided, but they may be able to tolerate fish and/or molluscs (ANZ ref 14)	Allergy NZ
	Fish means a cold-blooded aquatic vertebrate or aquatic invertebrate including shellfish, but not including amphibians or reptiles. Therefore finfish, crustacea and molluscs are all required to be declared by Standard 1.2.3.	A&AA

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Changes to the Code to improve declaration requirements for fish, crustacea and molluscs.	<p>The problems with Standard 1.2.3 could be addressed by replacing the word <i>fish</i> with <i>finfish</i> under Standard 1.2.3 – 4 (1)(b) (iv) of the Code, or by taking the approach under Standard 1.4.1 – 2(2), which states:</p> <p><i>(2) In this Standard and Schedule 19, a reference to a particular food is to the food as described in Schedule 22.</i></p>	Vic Depts
	Having three distinct categories “Crustacea, Mollusc and Fish” with examples for each would be beneficial for giving adequate information to enable suppliers to categorise the correct allergenic group.	Starship, Woolworths
	<p>Amend the Code to be more consistent e.g. to list the three seafood groups separately for allergen declarations.</p> <p>This would help clear up inconsistencies in information and advice given to food allergic consumers and others, and might help in diagnosis, data collection etc (Allergy NZ).</p>	AFGC, Allergy NZ
	All requirements in the Code that use the broad definition of fish should be reviewed with a view to either expand or contract the terminology as appropriate. This would ensure clarity regarding precisely what food was subject to a requirement. The broad definition of <i>fish</i> could then be deleted from Standard 2.2.3 and replaced with an edited version of, or reference to, the definitions of foods and classes of foods in Schedule 22; i.e. <i>fish, molluscs and crustacea</i> .	Vic Depts
	The current EU regulation has addressed this issue in <i>Food Allergen labelling and Information Requirements under the EU food Information for Consumers Regulation No. 1169/2011: Technical Guide April 2015</i> .	Woolworths, Allergy NZ, ARFAID
	<p>The standard should require the labelling of finfish, crustacea and mollusc separately.</p> <p>There needs to be some mention of molluscs in Standard 1.2.3 (Tas).</p>	ASCIA, A&AA, Tas
	Modifications be made to Schedule 10 where certain conditions apply when using the term ‘fish’.	Tas
	The Code should require molluscs to be declared separately from finfish and crustaceans.	ARFAID
Consumer understanding of the term ‘fish’	Given that ‘crustacean’ is listed separately in relation to the allergen declaration requirements, it is more likely that consumers assume this also covers molluscs, and therefore ‘fish’ means fin fish only.	AFGC, Allergy NZ

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	A fish or shellfish declaration is not specific enough for a mollusc allergic person, as they don't know if the term fish is for a finfish, or is for a mollusc which is also covered in the fish definition in the shellfish term	ARFAID
Q2. Do food manufacturers understand that the allergen declaration requirement for fish and fish products includes finfish, crustacea and molluscs?		
Is there an understanding?	No.	AFGC, NZMPI, Woolworths
Details of the problems	Confusion exists as a result of 'crustacea' being listed in Standard 1.2.3, while 'mollusc' is not.	NZMPI
	Due to inadequate definitions in Standard 1.1.2 and 1.2.3 manufacturers do not understand that 'fish and fish products' includes finfish, crustacea and molluscs.	Woolworths
	Some Fish sauce labels had both fish and oyster declared as ingredients.	ARFAID, Starship
Q3. Is the term 'fish' being used to refer to molluscs and/or crustacea in a 'contains' statement (even if a mollusc or crustacean ingredient is specifically declared in the ingredient list)?		
Is this practice occurring?	Yes	AFGC, ARFAID, Starship, Woolworths
Data on use of the term 'fish'	The Department of Health and Human Services does record complaints related to allergens and does not have any complaints on record about the way that "fish" is declared on products.	Vic Depts
	'May Contain' fish/shellfish statements are another source of confusion and stress for consumers, as the specific finfish fish, crustacea or mollusc may not be able to be identified.	ARFAID
Industry feedback	Woolworths' internal policy uses the collective term fish to describe molluscs and crustacea in our 'contains' statement. The name of the specific fish or crustacean is declared in the ingredients list. Molluscs is declared specifically in the ingredient list as well.	Woolworths
Q4. Are manufacturers regularly declaring 'gluten containing cereals' in a 'contains' statement, with the specific cereal/s declared in the ingredient list? Is this information helpful for consumers with a cereal-specific allergy, or does it create difficulties for them in making correct food choices?		

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Are these types of declarations occurring?	Yes.	A&AA, ARFAID, Coeliac Aust, NZMPI, Starship, Vic Depts.
	No.	Woolworths
	Unsure. Is likely given AFGC guidance.	Allergy NZ
Details of the types of 'gluten containing cereals' declarations	An example was provided, where 'wheat dextrose' is in the ingredient list, and the label contains a statement that the products contains 'gluten'.	NZMPI
	The departments have seen products from large manufacturers which do declare the specific cereals in the ingredients list along with the words "contains gluten containing cereals" and then lists the cereals in addition to those already identified in the ingredients list.	Vic Depts
	The extent of this practice is unclear.	NZMPI
	Some manufacturers are declaring 'contains gluten' as well as 'may contain (traces of) gluten' sometimes following an allergy information statement.	NZMPI
	The 'may contains/contains' statements only generally makes reference to gluten, not 'gluten containing cereals'.	Woolworths
	Not all manufacturers make use of summary statements, as suggested by the AFGC guide, and in some cases a 'contains' statement is used in the absence of any declaration in the ingredient list.	Coeliac Aust
	Note that the use of the term cereal(s) does create some confusion. It is not defined by the Code. The standard should be amended as a matter of urgency to ensure that cereal products prepared from "cereals which contain gluten" are caught unambiguously by this provision.	A&AA
Usefulness of the declaration information	The use of the term 'gluten' on label information in addition to (not instead of) the specific name of the cereal can be helpful for people (third parties) preparing food for those with Coeliac Disease. Listing only the cereal name does not help in these situations.	NZMPI
	This information is unlikely to "create difficulties"; on the contrary it enables informed choice.	Vic Depts

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	<p>To prevent unnecessary avoidance of 'safe' products, those with Coeliac Disease rely on manufacturers identifying which ingredient/s is derived from wheat (or another gluten-containing grain). The ability of the consumer to interpret the use of a summary statement in this way does rely on their level of understanding of gluten related labelling. This is one of the more complicated aspects of labelling, and is open to misinterpretation, often resulting in over-restriction.</p>	Coeliac Aust
	<p>Coeliac consumers primarily search for the word 'gluten'. If 'gluten' is not listed as an ingredient, they will search for the specific names of gluten-containing cereals. So for the coeliac consumer the statements 'contains gluten containing cereals' or even the incorrect version 'contains gluten' is not an issue.</p>	Coeliac NZ
	<p>The gluten containing cereal needs to be identified. Whilst declaring that a product has 'gluten containing cereals' is useful for those with coeliac disease, it is not useful for someone with wheat allergy (or other cereal specific allergy).</p> <p>Products may no longer contain gluten as a result of processing (Tas).</p> <p>The wheat allergic person has to read all the ingredients to find if wheat is not present (ARFAID).</p>	ASCIA, ARFAID, Tas.
	<p>Supports the AFGC approach whereby the 'contains' statement draws the consumer attention to the presence of cereals, prompting the consumer to examine the ingredient list in detail for more specific information.</p>	A&AA
	<p>Using a 'gluten containing cereals' labelling only can result in an unnecessary avoidance and thus unnecessary food restriction of other cereals and foods the cereal-allergic person can tolerate.</p>	Starship
<p>Q5. Are there instances where food labels omit the mandatory declaration for 'cereals containing gluten' because the cereal ingredients happen to contain no detectable gluten?</p>		
Are there instances?	Yes.	NZMPI, ASCIA
	<p>No.</p> <p>AFGC commented that this practice would be non-compliant with Code requirements.</p>	AFGC, Coeliac Aust

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Evidence of the practice	MPI has had to advise manufacturers that the requirements of Standard 1.2.3 require a declaration of cereals containing gluten and their products, and that this mandatory declaration is not related to whether or not the gluten can be detected in the final product.	NZMPI
	There is anecdotal evidence via complaints that some manufacturers may be confused or unclear of the declaration requirements. There have been incidents where manufacturers have declared a gluten free statement on food products when the cereal or wheat is declared in the ingredients list or somewhere else on the same label.	Vic Depts
	We are aware of at least one instance where this has led to a misinterpretation of the ingredients, resulting in anaphylaxis in a child with a wheat allergy.	ASCIA
Alternative practices that are occurring	Woolworth's internal policy ensures that even if gluten is not detectable from the cereal ingredient, we list the cereal in the ingredient list. For example glucose from wheat. We do list gluten in voluntary allergen warning statement.	Woolworths
Impact of this type of labelling practice	This practice has the potential to mislead consumers or in some cases the consumer could misinterpret the information.	Vic Depts
	Some manufacturers add the AFGC statement 'cereals containing gluten' in a 'Contains' statement. They do not in all cases appear to understand that refined cereals may contain < 20 mg/kg gluten and therefore be suitable for people with coeliac disease and labelled gluten free.	Starship
Q6. Are there instances where manufacturers are declaring the presence of 'gluten' (not 'gluten-containing cereals') along with a declaration of the specific cereal elsewhere on the label? If so, then can you comment on why this labelling practice is occurring, and whether it is/is not useful information for consumers with a cereal allergy?		
Evidence provided by submitters	Provided examples of this practice for the following ingredients: wheat, oats, rolled oats, barley malt, wheat bran, barley flakes.	NZMPI
	The Department of Health and Human Services has seen the practice on food products.	Vic Depts
	Yes, manufactures are declaring gluten in the may contains/contains statements rather than gluten containing cereals.	AFGC, Woolworths, Coeliac Aust

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	We are aware that this is occurring particularly in the bakery industry. A label example was used in the Consumer survey ¹¹ (Label 1, p. 80).	Allergy NZ
	Yes, some manufacturers use variations in the wording to declare gluten in a 'Contains' statement, along with naming the specific cereal in the ingredient list. Examples were provided.	Starship
Reason for declaring 'gluten'	Manufacturers are interpreting the Code by declaring the gluten source in the ingredient declaration, and labelling the class of allergen gluten in the allergen warning statement.	Woolworths
	It is possible this is occurring because of manufacturers' efforts to meet the increased demand for 'gluten-free' products as a lifestyle choice rather than for safety purposes.	Allergy NZ, ASCIA
	The frequent use of the word 'gluten' rather than the actual listing of specific cereals which contain gluten indicates that manufacturers are also finding difficulty interpreting current gluten free/low legislation in Standard 1.2.7.	Coeliac NZ
	The word 'gluten' or 2 words 'Contains gluten' are shorter than 'cereals containing gluten', take up less space on a label, it is easier & quicker to read. In the 'Contains' list manufacturers use 'gluten' or 'gluten containing cereals' as the general term to avoid listing the specific cereals again.	ARFAID, Starship
	Gluten is the most common allergen being avoided by consumers and declaring the allergen, rather than the ingredient it comes from, makes it simplest for gluten-intolerant customers to identify.	AFGC
Usefulness of the information	Providing it is done consistently and clearly, it provides useful information for those with coeliac disease or gluten intolerance, and for those with allergies to cereals containing gluten.	Vic Depts
	Woolworths believes this is helpful to our customers as it provides clarity on the specific gluten source contained in the product, and draws their attention to look more closely into the ingredients listing	Woolworths
	Unclear how this practice of labelling affects consumers with allergies not related to gluten.	Vic Depts

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	<p>It is not helpful to those with an allergy to a specific cereal.</p> <p>If the cereal is not identified in conjunction with the term 'gluten', then consumer is less likely to trust the label is accurate (Allergy NZ)</p> <p>Consumers with a cereal specific allergy still need to read the Ingredient list to see what the specific cereals are and if they are ones they can tolerate or need to avoid (Starship).</p>	Allergy NZ, ASCIA, Starship
	The intricacies of the terminology used ('gluten' and 'gluten-containing cereals') is lost on most consumers. Of more concern to Coeliac Australia is the use of a summary statement that refers to gluten or wheat, without any declaration of the source of the gluten in the ingredient list.	Coeliac Aust
	This is relatively simple for the coeliac consumer to understand, however is far from ideal. Further confusion is added when products list 'hidden gluten'; for example, 'thickeners', 'starch' or 'additives' and fail to include gluten or the specific cereal in the labelling.	Coeliac NZ
	No, a "Contains gluten" statement is not helpful for the cereal allergic consumer. There are variations in the wording and clarity when manufacturers declare gluten in the "Contains" statement, along with naming the specific cereal in the ingredient list. A cereal allergic person needs to have the specific cereal listed in both the ingredient list and in a 'Contains' statement	ARFAID, Starship
Use of 'gluten' but no specific cereal declared	The Departments have identified instances where an advisory statement is used to declare gluten and the label does not state the specific cereal when there are multiple cereals listed in the ingredients list.	Vic Depts
	We have anecdotal reports that the use of 'gluten' on the label creates significant frustrations for those who have a cereal-specific allergy such as to wheat or oats but can tolerate other cereals containing gluten.	Allergy NZ
	Specific cereals should be listed, not just for those with coeliac disease or cereal-specific allergies but for all consumers so they can make an informed choice when purchasing manufactured goods	ARFAID, Coeliac NZ
Changes to the Code	List gluten in brackets beside the one relevant cereal ingredient in the Contains label, or at the end of two or more gluten containing ingredients. Do not use the words 'cereals containing gluten' in the ingredient list or 'Contains' statement	ARFAID, Starship

Issue	Comment	Submitter
Q7. Are you aware of food products that declare the name of a cereal on their labels but also declare that they are 'gluten free'? Would such information be unclear to consumers with a cereal-specific allergy, and if so, how?		
Are there products?	Yes	AFGC, Coeliac Aust, NZMPI, Starship, Tas, Vic Depts
	No	Woolworths
Evidence of the labelling practice	Mentioned examples of where 'gluten-free' is declared on the label, but a wheat ingredient is also listed in the ingredient list. The ingredient had been determined by the manufacturer as containing no detectable gluten.	NZMPI
	Coeliac Australia is aware of a number of products that make a 'gluten-free' claim when a gluten-derived ingredient is present.	Coeliac Aust
	The Department of Health and Human Services has received complaints pertaining to the presence of oats in a product (usually porridge) which also claims to be gluten free. On other occasions, gluten free claims on products that declare a cereal such as wheat in the ingredients list to comply with the Code, have led to analysis which has revealed no detectable gluten.	Vic Depts
	The Department has been made aware of one product, in which the label states that the food contains wheat but is also gluten free. This information led to consumer confusion.	Tas
	Woolworths internal policy for Ownbrand products follows the current Code requirements and does not label gluten free on any products containing gluten containing cereals	Woolworths
	A number of gluten free products declare the name of one cereal on the label and 'gluten free', and they also contain other cereal(s). Mentioned a brand that has this labelling information on its products.	ARFAID
Impact of this type of labelling practice	<p>The presence of such information on product labels is confusing for some consumers.</p> <p>The consumer may be allergic to another cereal which is not named on the label, but is listed as an ingredient (ARFAID).</p> <p>This labelling often results in food regulators having to go to the expense of analysis (Vic Depts).</p>	ARFAID, NZMPI, Starship, Vic Depts.

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	Although confusing, the labelling is unlikely to present a health risk.	AFGC, Vic Depts
	The labelling with 'gluten free' does not help consumers allergic to rice, corn and other cereals that do not contain gluten.	Starship
	We would assume this would be confusing and the consumer unlikely to purchase without seeking further advice from the manufacturer.	Allergy NZ
	If a product stated it was 'gluten-free' (i.e. no detectable gluten) and also stated, 'contains wheat'. The coeliac consumer would not just be confused but would also question whether their use of 'gluten free' was a breach of the Fair Trade Act.	Coeliac NZ
	We are aware of products that display a 'gluten free' claim and also display a 'may contain statement' such as 'may contain traces of wheat'. A coeliac consumer would be confused, avoid the product and question whether the claim was genuine	Coeliac NZ
	This occurs with "glucose derived from wheat". Individuals with a wheat allergy are educated that this is safe to include in their diet.	ASCIA, Tas
	Consideration would need to be given on how to communicate the 'gluten free' message to wheat allergic consumers to reduce consumer confusion.	Tas
Q8. Do food manufacturers understand which tree nuts must be declared on food labels as a means of meeting the tree nut declaration requirements in Standard 1.2.3?		
Understanding of the term 'tree nuts' by manufacturers	It would appear that not all manufacturers are aware of the relevance of <i>Standard 1.4.2 – Maximum Residue Limits</i> when declaring the presence of tree nuts.	NZMPI
	Our complaints database system does not highlight this as being a systematic failure in the legislation	Vic Depts
	We are not able to confirm this although feel it is likely.	AFGC, Allergy NZ
	A&AA had not expected that manufacturers would have reason to think that only some specific tree nuts need to be declared and, that the clear intent of the standard could be ignored.	A&AA

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	Yes, although not all declare the specific nut in the 'Contains' Statement as well, it is listed as 'tree nuts'	ARFAID, Starship
Defining what is a 'tree nut' for the purposes of Standard 1.2.3	The list in Standard 1.4.2 differs from to that presented in the April 2015 <i>European Union Food Allergen Labelling and Information Requirements Under the EU Food Information for Consumers Regulation No. 1169/2011: Technical Guidance</i> document.	NZMPI
	Standard 1.4.2 applies to Australia only, and understanding how it might be applicable to the declaration of allergens in the New Zealand setting is unclear.	NZMPI
	We believe the Code does not clearly define "tree nuts" which may potentially cause manufacturers to misinterpret the declaration requirements.	Vic Depts
	Coconut is listed in Standard 1.4.2 as a tree nut, however Standard 1.2.3 exempts coconut from tree nut declarations.	AFGC, Allergy NZ, NZMPI
	<p>There are other species of coconut that are edible. Based on the code, it is unclear if the below examples of coconut are considered tree nuts and therefore should be labelled.</p> <ul style="list-style-type: none"> • Coco de mar (<i>Lodoicea maldivica</i>) • Pijiguao (<i>Bactris gasipaes</i>) • Corozo corojó (<i>Bactris minor</i>) • Palmira (<i>Borassus flabellifer</i>) • Salaca (<i>Salacca edulis</i>) 	Woolworths
Issues with imported tree nut products	<p>Tree nuts consumed or used as food ingredients in other parts of the world should also be considered as they may be incorporated into food imported into Australia or New Zealand.</p> <p>Shea and illipe nut products were mentioned as examples (AFGC).</p>	Allergy NZ
<p>Q9. Which tree nuts are clinically significant for individuals with a tree nut allergy? Has there been any clinical evidence since 2010 to further clarify the types of tree nuts implicated in tree nut allergies in Australia and New Zealand?</p>		

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ASCIA listing	<p>ASCIA identifies tree nuts of concern as ‘almonds, Brazil nuts, cashews, hazelnut, macadamia nuts, pecans, pistachios and walnuts’.</p> <p>Auckland Hospital uses the above tree nuts for skin prick tests, as well as coconut (ARFAID, Starship).</p> <p>ASCIA Dietary Avoidance – tree nut allergy diet sheet lists a number of the other tree nuts, e.g. beer nuts, non-gai nuts, pecan/ mashua nuts (Starship).</p>	Allergy NZ, ASCIA, ARFAID, Starship
A&AA list	A&AA provide a tree nut allergen card on their website which is slightly different to the list in Schedule 22	AFGC
Chestnuts	The New Zealand Chestnut Council are of the view that chestnuts (Castanea species) are not in the potentially dangerous nut allergy category.	NZMPI
Apricot kernels	Apricot kernels may be used as a substitute as for almonds and due to cross-reactivity there is a possibility that a reaction may occur in people with nut allergies.	Woolworths
More evidence required	<p>There is limited data on the tree nuts most implicated in IgE mediated food allergy reactions in Australia and New Zealand.</p> <p>An understanding of Australian prevalence of tree nut allergy as well as the tree nuts more commonly associated with adverse reactions is needed (ASCIA ref 1)</p>	ASCIA, Starship
Testing limitations	There may be other tree nuts [besides the ASCIA listing] that people react to, but a commercial extract is not available to test it within NZ. A skin test can be done using a solution made from the fresh nut if available.	ARFAID, Starship
<p>Q10. Are manufacturers declaring the presence of tree nuts using the broader term ‘tree nuts’ in addition to the declaration of the specific tree nuts elsewhere on the label (e.g. a ‘contains tree nuts/nuts’ statement, with the specific nuts listed in the ingredient list)? Would such an arrangement on a food label assist or hinder tree nut-sensitive consumers in making a correct food choice?</p>		
Is the practice occurring?	Yes	AFGC, ASCIA, ARFAID, NZMPI, Starship, Woolworths.
	No	Coeliac Aust

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Evidence of the labelling practice	Provided examples of 'contains tree nuts' on the label, with the specific tree nuts listed in the ingredient list.	NZMPI
	Woolworths policy is to identify the actual variety of tree nut within the ingredient listing and the may contains/ contains statement only refer to tree nuts. If other tree nuts are in the manufacturing facility and have the potential for cross contact, the may contain/may be present statement will state - other tree nuts.	Woolworths
Impact of the labelling practice	This type of labelling information could be helpful to allergic consumers and those preparing food for allergic consumers. Where consumers are avoiding all types of tree nuts the term 'tree nuts' is adequate (ARFAID).	ARFAID, NZMPI
	The information would be useful for consumers if there was a consistent protocol for declaring nuts (and consumers were educated about this) that required a generic "contains nuts" statement with specific nuts identified in the ingredients list. The information should be consistent with the AFGC Guide (A&AA, Tas).	Vic Depts, A&AA, ARFAID, Tas
	This labelling practice assists tree nut sensitive customers make correct food choices as these are commodity item, and there is a risk of potential cross contact from other tree nuts. The use of the broader term 'other tree nuts' is preferred to mitigate risk of allergic reactions.	Woolworths
	The arrangement described above is likely to be confusing for consumers particularly if there are some tree-nuts they can tolerate.	Allergy NZ
	Some individuals can be allergic to one tree nut but not others and therefore specific information is more useful.	ASCIA, ARFAID, Starship
	The usefulness of the information does however rely on the 'contains' statement being correct. There have been several instances where an allergen in the ingredient list has been missed in a 'contains' statement and foods are not recalled because the 'contains' statement is not required by law.	A&AA, Starship
	'Nuts' is also a confusing word as it is it is unclear if this means tree nuts or peanuts.	ARFAID, Starship

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Q11. Is the use of unfamiliar or unrecognisable terminology for allergen declarations common practice, and/or creating difficulties with the identification of allergens in foods?		
Is it common practice?	Yes	ASCIA, NZMPI, Vic Depts
	No	AFGC, ARFAID, Starship
Evidence of unfamiliar allergen terminology on food labels	<p>Feedback and complaints from consumers indicates that it can be difficult determining whether a food is suitable/not suitable for those with specific food allergies. Examples listed were ingredient listings that include ingredients such as:</p> <ul style="list-style-type: none"> • sodium caseinate • whey protein, WPI instead of 'whey protein isolate' • casein synonyms. 	NZMPI, Vic Depts,
	<p>One example of unfamiliar terminology is for egg. Lysozyme is used in the food industry to maintain product quality and to prevent spoilage; phosvitin is used for antibacterial and emulsifying properties; ovotransferrin is used as an antioxidant.</p>	ASCIA
	<p>Whey powder and sodium caseinate may be unfamiliar terminology for some consumers.</p>	ARFAID, Starship
Impact of unfamiliar allergen terminology	<p>Inappropriate labelling has been shown to be an issue for allergen-sensitive consumers, with a 2010 study showing that almost half (47%) of accidental allergen exposures were attributed to inappropriate labelling (Vic ref 2).</p>	Vic Depts

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	<p>Studies into consumer perceptions and understanding of allergen declarations reveal that food sensitive consumers in Australia and overseas were unable to identify common allergenic food ingredients (Vic ref 12), did not understand this type of labelling (Vic ref 7), and believed that words in some ingredient lists were too technical or hard to understand and this was a serious obstacle for managing an allergy (Vic ref 13).</p> <p>The hindrance of inappropriate labelling for food sensitive individuals is highlighted in a 2010 study, with almost half (47%) of accidental allergen exposures being attributed to inappropriate labelling (Vic ref 14), while a 2013 study of anaphylactic youth, discovered that almost half (43%) of the participants desired more information on food labelling (Vic ref 15).</p>	Vic Depts
	Woolworths experience has been that some manufacturers would benefit from further clarity in the Code guidance document. It would be useful within the guide to highlight ingredients which are often associated or contain an ingredient, as small manufacturers have issues identifying ingredients that are less obvious.	Woolworths
	It increases the likelihood that a food-allergic patient/consumer would miss an unfamiliar term (such as sodium caseinate, albumin or globulin) if used instead of the appropriate plain English declaration	Allergy NZ
	Allergen labelling in plain English is necessary to enable both self-management for individuals with food allergies and their families, and to minimise the risk of severe reactions in community settings.	Allergy NZ
	Consumers, particularly those with poorer English literacy skills, are less likely to recognise the presence of an allergen when unfamiliar terminology is used.	ASCIA, ARFAID
	Allergic consumers and their carers need clear and consistent information on food packaging and in labelling in order for them to make an informed choice about the suitability of a food product in their diet.	AFGC
Q12. Do 'contains' statements assist with identifying the presence of an allergen especially in the context of less familiar or less recognisable terminology being used in allergen declarations?		
Usefulness of 'contains' statements	The contains statement could be used to identify the presence of a class of allergen, while the specific allergenic ingredient could be listed in the ingredient list.	NZMPI

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	The departments believe that 'contains' statements do assist with identifying the presence of an allergen. However, if the Code is amended to clarify how allergens should be declared, this could remove the confusion and need for "contains" statements.	Vic Depts
	Yes, the 'contains' statements assist with identifying the presence of an allergen, especially in the instance of a less familiar terminology being used in the allergen declaration.	ARFAID, Starship, Tas, Woolworths
	For those with Coeliac Disease, 'contains' statements do not always make food choices easier.	Coeliac Aust
	'Contains' statements can assist with identifying the presence of an allergen.	AFGC, ASCIA
	The question assumes there is a uniform approach to 'contains' statements, which is not the case.	A&AA
	For a cereal allergic person the most accurate, obvious and helpful way of labelling and thus identifying a cereal ingredient is to have the cereal specifically named in the ingredient list and in a 'Contains' statement.	ARFAID
'Contains' statements are voluntary	Currently there is no guarantee that the manufacturer has followed the AFGC guidelines (or used VITAL) in determining the 'contains' statement itself.	Allergy NZ, Coeliac Aust, Tas
	We are aware that allergen [contains] statements are sometime confusing in not matching what is declared on the ingredients list – e.g. that sodium caseinate may be in the ingredients list but milk declared in the 'contains' statement.	Allergy NZ
	Standardised communication of allergen content in food is currently lacking as only a voluntary system is in place. The voluntary situation results in inconsistent labelling and consumer confusion.	ASCIA, Tas
Mandating 'contains' statements	FSANZ should consider including 'contains' statements in the Code. The mandated approach should be based on the AFGC and VITAL guidance documents (A&AA, Tas).	A&AA, ARFAID, Coeliac Aust, Starship, Tas, Vic Depts,
	Clear instruction through the standard with regards to 'contains' and 'may contain' statements are required to provide meaningful information to the consumer.	ASCIA

Issue	Comment	Submitter
General terminology issues		
Why clear allergen declaration terminology is important	<p>Clear naming does not just help allergen sensitive consumers make correct choices, but it is also needed to inform anyone who may purchase food or prepare food (for allergic consumers) in the home, at restaurants, for catering and any situations where food is provided or sold.</p> <p>Allergy NZ also mentioned that the understanding and use of allergen information has not been collected for this group.</p>	NZMPI, Allergy NZ
	<p>Allergen labelling requirements should be concise and not open to interpretation, businesses and consumers should not have to rely on guidance about how to make or read allergen declarations, and consumer education should accompany any change to labelling requirements.</p>	Vic Depts
	<p>Noted that the FSANZ W3 Review concluded that the regulation of plain English for allergen declarations 'may not pose undue difficulties for manufacturers to implement</p>	Allergy NZ
	<p>There continues to be some confusion amongst manufacturers (in relation to labelling requirements) and consumers (in relation to label interpretation).</p>	Coeliac Aust
Evidence of consumer difficulties with unfamiliar allergen terminology	<p>The 2009 Survey on Allergen Labelling (ANZ ref 11) identified that 'overall.....around four in ten respondents expressed difficulty in obtaining information about which foods and ingredients to avoid....many of the reasons for this difficulty came back to the labelling information, with reports of absent, unclear or inconsistent information, or that was lacking in sufficient detail to make a more assured decision'.</p>	Allergy NZ
Voluntary requirement for using plain English to declare allergens	<p>The use of plain English for allergen declarations is still voluntary, regardless of industry guidelines, and is not monitored. This leads to inconsistencies, a loss of trust, and reduced ability by consumers to make informed choices (ANZ ref 7).</p>	Allergy NZ
	<p>In the absence of clear guidance, inconsistencies have developed which in part have been addressed by industry guidance provided by both the AFGC and the Allergen Bureau.</p>	AFGC
Use of the words 'cereals containing gluten' in Standard 1.2.3		

Issue	Comment	Submitter
Interactions with Standard 1.2.7	<p>Technically, 'contains gluten' statements fall under the definition of a nutrition content claim. Standard 1.2.7 states that it does not apply to declarations required by the Code. However the requirement to declare 'cereals containing gluten' does not explicitly include 'gluten' itself.</p> <p>We recommend that the Code clarifies the declaration of gluten for the purposes of meeting Standard 1.2.3 requirements. A solution could be to amend Standard 1.2.3 by including 'gluten or' before 'cereals containing gluten'</p>	NZMPI
'Contains gluten', when no gluten containing cereals are present	MPI has been informed that many manufacturers are voluntarily adding the statement 'contains gluten' on their food label when the product does not include gluten contain cereals as an ingredient. Precautionary statements are the industry norm in this situation.	NZMPI
Improve 'gluten-containing cereals'	Standard 1.2.3 needs to provide clarity on the requirements for gluten/ gluten containing cereals and ingredients derived from gluten, and the required wording needs more clarity.	AFGC, Woolworths
	The Department suggests removing the words 'cereals containing gluten' in Standard 1.2.3-4 (1) (b) (i) and replacing it with wording such as 'cereals, including wheat, rye, barely, oats or spelt or a hybridised strain of one of those cereals'. This would be more in line with Schedule 10 and the intent of Standard 1.2.3 that specific cereal names are declared on the food	Tas
	The AFGC Guide recommends that the gluten source (grain source) is qualified in the ingredient list at all times.	AFGC
	We recommend that the statement "gluten containing cereals" not be used on labels.	Starship
Interpretation of 'cereals containing gluten'	It is not a mandatory requirement to use the words /declare "cereals containing gluten". What is mandatory is the declaration of specifically "wheat, rye, barley, oats and spelt and their hybridised strains".	Starship
Precautionary allergen statements		
Precautionary allergen statements cause consumer confusion	Many allergen-sensitive consumers report that they are confused by current precautionary allergen statements on food products. The broad use of these statements, irrespective of true risk, may reduce consumer confidence in the information (Vic ref 1)	Vic Depts

Issue	Comment	Submitter
	Most Australian research [on unfamiliar terminology] is related to precautionary allergen labelling. In a survey of types of PAL used in 1355 products found in an Australian supermarket six types of Precautionary Allergen Labelling warnings were used. The recommended “May be present” statement was only used in 12.7% of the foods surveyed (ASCIA ref 2). This inconsistency has resulted in confusion amongst consumers.	ASCIA
Efficacy of precautionary allergen statements	A 2011 study revealed that most products containing precautionary statements (including for tree nuts) in the Australian market contained no detectable levels of allergen irrespective of whether the allergen in question was listed in a precautionary statement (Vic ref 5)	Vic Depts
	People with food sensitivities are increasingly ignoring advisory statements on food labels (Vic refs 7-10).	Vic Depts
	Allergens which would appear in a VITAL ‘may be present’ statement need not be declared on demand in that situation where the allergen is present as a contaminant	A&AA
	There is a wide range of terminology and format used, and inconsistency in the wording of precautionary allergen labelling statements.	ARFAID, Starship
Precautionary allergen statements need to be regulated	Precautionary allergen statements need to be considered alongside “contains” statements for mandating in the Code. The Code is silent on precautionary allergen statements, such as ‘may contain nuts’.	Vic Depts, Coeliac Aust, Starship, Tas
	Food manufacturers should: <ul style="list-style-type: none"> • retain precautionary labelling for tree nuts, when tree nuts are included as an ingredient, or there is a potential risk of cross-contamination by tree nuts; • specify the types of tree nut/s in the ingredient list; and • specify the types of tree nuts which may be included due to cross-contamination 	Vic Depts
	Clear instruction through the standard with regards to ‘contains’ and ‘may contain’ statements are required to provide meaningful information to the consumer.	ASCIA
Changes to the Code to improve allergen declaration terminology		

Issue	Comment	Submitter
Actions that need to be taken to improve the overall terminology for allergen declarations	Whatever manufacturers are required to put on a label must be user friendly.	NZMPI
	FSANZ should conduct a survey of allergic consumers to find out more about their understanding and consumption practices.	Vic Depts
	While Standard 1.2.3 mandates what needs to be declared, it does not mandate how. This is something that should be reviewed. The current situation is not ideal and can lead to difficulty in convincing a food company that a product recall is required.	Vic Depts
	Both plain English allergen labelling, and whether or not a separate allergen declaration should be required, need to be regulated in order to ensure consistency, increase safety and therefore trust by food-allergic consumers in the food industry.	Allergy NZ
	The AFGC and VITAL allergen labelling [voluntary] guidelines need to be mandated. These guidelines not only provide allergen labelling in a clear and comprehensive manner, but also provide critical information about allergen contaminants	A&AA
Regulatory impact	Any proposed variation to change the Food Standards Code (the Code), such as a change to food labelling requirements, would need to be accompanied by a detailed impact analysis that considers risk management options. A transition period should also be included to reduce the impact on the food industry.	Vic Depts
Prioritising changes to the Code	If changes are proposed to the allergen labelling requirements in the Code, FSANZ should consider giving priority to those that are currently causing the greatest concern for allergic consumers.	Vic Depts
Communicating changes to the Code	Any proposed changes to allergen labelling in the Code should be supported by a communication strategy targeted at both consumers and medical professionals.	Vic Depts
Sulphites		
The need to use clearer terminology for sulphite declarations	Sulphite labelling is also an area that requires further clarity. Woolworths supports the move to call out 'sulphites' in lieu of just calling out the sulphite number. For Example Preservative (220) would be declared as Preservative (220 (Sulphite)).	Woolworths
Format of allergen declarations		

Issue	Comment	Submitter
Emboldening	The bolding of ingredients in the listing that contain allergen sources would assist customers in making informed food choices. Currently the Code is not clear if the intention is for ingredients containing allergen sources should be bolded. We believe that Code should include clear formatting requirements for allergen labelling.	Woolworths
	Coeliac NZ are supportive of the EU FIC which applied from December 2014. Not only has the regulation set a minimum font size for information on labels to make it easier for consumers to read, but allergen containing ingredients have to be emphasised in the ingredients list.	Coeliac NZ
	The lack of bolding of allergens in the ingredient list makes identifying allergens difficult. 'Contains' statements should be in bold.	ARFAID, Starship
General allergen labelling issues		
Inadequacy of information on demand	There is inadequacy in Standard 1.2.3, where foods for sale are not required to be labelled, and the consumer must request the information from the vendor.	A&AA