

## 9 TECHNICAL AND BACKGROUND NOTES

Since the Australia New Zealand Food Standards Council of Ministers (ANZFSC) agreed on 24 November 2000 to adopt the new Code, ANZFA has had various strategies in place to assist the food industry implement the changes necessary to bring their food products into compliance with the new Code. ANZFA was given joint responsibility with the jurisdictions in the States, Territories and New Zealand to undertake this task. The notes below are provided by ANZFA to offer some context against which the stakeholder findings are reported.

### 9.1. What ANZFA has done to inform stakeholders

At the end of the review period (September – December 2000), ANZFA held seminars in major centres in Australia and in New Zealand on the outcomes of the review of food standards. Small business forums were also convened to inform this sector about proposed requirements in the new Code as they had been hard to engage in the consultation process for the review of food regulatory measures.

Following the decision of the ANZFSC in November 2000, detailed information on the new Code was placed on the ANZFA website and other material distributed through the ANZFA News and Food Standards News. ANZFA continues to issue public reminders about the need for food businesses to ensure compliance of their products.

ANZFA established a Standards Advisory Unit and introduced a free industry help line in early 2001, aimed at addressing questions from jurisdictions and food businesses, in particular for small businesses. Later in 2001, ANZFA staff also developed a training package to instruct local environmental health officers and businesses on the requirements of the new Code. Information seminars were held in major metropolitan centres in Australia and New Zealand, providing details of the new regulatory measures and the steps that needed to be undertaken by food businesses to meet the requirements for food products set out in the new Code.

By August 2001 ANZFA had provided 11 user guides on the website and a number of fact sheets on major new regulatory measures to help food businesses interpret the new Code. Three additional user guides were provided on September 2001, November 2001 and March 2002. These documents are available free from the ANZFA website. The majority of these user guides were available in draft form on the website by March 2001 and once finalised no further changes have been made to the documents.

In October 2001, ANZFA made a Nutrition Panel Calculator (NPC) available for use by the food industry. The NPC is a website-based calculator developed by ANZFA to assist small manufacturers in particular to produce Nutrition Information Panels for use on food labels so they could meet new labelling requirements for packed foods. Unfortunately, due to technical problems, the NPC has not always been available for use on the website. Nevertheless, the NPC has been available for the overwhelming majority of time since its launch.

## 9.2. Transitional arrangements

ANZFA is preparing for completion of the transition period for food regulations, such that arrangements are in place to allow the new Code to replace the old Food Standards Code and the New Zealand *Food Regulations 1984* as the only code in force. ANZFA has developed two proposals to deal with the issue of these transitional arrangements: P252 Transitional arrangements and P248 Stock-in-trade, both of which are currently at the final assessment stage. All interested parties have been given the chance to comment on these proposals through the ANZFA public consultation process. A final decision has not yet been made by ANZFSC on these issues. In the meantime, the New Zealand Ministry of Health is assessing comments submitted on a consultation document in relation to the repeal of the New Zealand Food Regulations.

## 9.3. Timing of labelling decisions

The national Food Safety Standards are part of the new Code were agreed in July 2000 and did not have the same implementation dates as the rest of the new Code. From 24 Feb 2001 they could be implemented in each State and Territory, but this process is not yet completed.

The GM Standard also had different dates – it came into force on 7 December 2001 and had a 12 month stock-in-trade provision at the end of which, all labels are to be compliant with the GM labelling provisions.

The majority of the new Code was adopted in November 2000 and became a legal code in December 2000 with a 2 year transition date. The only exception being the Food Additive Standard that had been adopted at an earlier date. Virtually all the labelling provisions were included in the December 2000 gazette of the Code (including the requirement to list saturated fat in the NIP and % labelling). The main difference for these two requirements compared to many of the other labelling requirements was that they were introduced by ANZFA late in the consultation phase for the review of the Code but prior to Nov 2000. The food industry therefore had less opportunity to make submissions on these proposals.

Additional changes introduced after December 2000 that may have resulted in a need for manufacturers to change labels for a limited number of foods were: the introduction of standards for icon foods in August 2001, which did not contain new labelling provisions but could have resulted in a name or formulation change for some products; a change in declaration of dietary fibre in the NIP in September 2001; and changes in the carbohydrate calculation for the NIP, where an additional calculation method was permitted from Sept 2001 – CHO by direct analysis (previously CHO was calculated by difference ie. 100% minus all other nutrients; now either method can be used). Following this decision the Nutrition Panel Calculator was launched – ANZFA had been unable to do this before this decision as the calculator uses a direct analysis method for CHO.

### Issues currently under review

ANZFA has stated clearly that when the review of nutrient claims, health claims and country of origin labelling are completed, if changes are made to the new Code, there will be a separate (additional) transition period for these specific labelling changes.

## 9.5. Issue of 'may contain' statements for allergens

The new Code is 'silent' on the use of 'may contain' statements. A joint position paper on the issue is being developed by ANZFA in conjunction with the Australian Competition and Consumer Commission (ACCC) and the New Zealand Commerce commission (NZCC). It is intended that this position paper be placed on ANZFA's website when finalised.

The Australian Food and Grocery Council (AFGC) have also recognised the need to address this issues. They have developed an industry Code of Practice (COP) for Allergen Management and Labelling, to be finalised in July 2002 for use by food businesses. The labelling section of the COP acknowledges that the use of 'may contain' statements are not useful to allergy sufferers and recommends that such statements be used only as a last resort where contamination is documented, uncontrollable, sporadic and potentially hazardous. The COP focuses on reducing the risks associated with unintentional contamination of a food with an allergen through the implementation of effective cleaning procedures and good manufacturing processes (GMP).

## 10 FEEDBACK FROM RESEARCH PARTICIPANTS

It is worth noting that research participants from all stakeholder sectors generally found their involvement in the research a positive experience and that was useful and informative. Many discussion groups and interviews ended with profuse thanks from participants for the opportunity to learn from and share others experiences, as well as the opportunity to put their views and experiences forward.

For those who had major concerns and problems with implementing the new Code, their participation provided an opportunity to voice their concerns and feel heard. The very fact that ANZFA was undertaking this research, and its apparent interest in learning about the diversity of issues and its openness to receiving valid criticism was well received. Many commented that there was 'some hope' if ANZFA were prepared to seek their views in this regard. Most had an appreciation of the complex range of issues and vested interests with which ANZFA was confronted.

*“and they’re [ANZFA] consulting ... they’re really trying to get a good idea of what everybody wants and then trying to make us all happy”.*