



Queensland Health

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Regulation
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11 December 2020

Standards Management Officer
Food Standards Australia New Zealand
PO Box 5423
Kingston ACT 2604

Dear Sir / Madam

Submission – Application A1193 - Irradiation as a phytosanitary measure for all fresh fruit and vegetables: Call for submissions

Thank you for the opportunity to provide a submission on the Call for Submissions paper for Application A1193.

This submission provides comment on the proposed changes to the *Australia New Zealand Food Standards Code* (the Code). The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government should notification be made by the FSANZ Board to the Australia and New Zealand Ministerial Forum on Food Regulation.

Application A1193 has been prepared to consider permission to permit expansion of the voluntary application of irradiation as a phytosanitary measure (i.e. pest disinfestation) currently in place for 26 fruits and vegetables to all types of fresh fruit and vegetables within Standard 1.5.3 of the Australia New Zealand Food Standards Code (the Code).

Summary

Queensland recommends clarification of terminology within Application A1193 to permit expansion of the voluntary application of irradiation as a phytosanitary measure (i.e. pest disinfestation) currently in place for 26 fruits and vegetables to all types of fresh fruit and vegetables within Standard 1.5.3 of the Australia New Zealand Food Standards Code (the Code). The Application appears to lack a definition, or reference to same, of the term *fresh* as it applies to fruits and vegetables. Queensland seeks inclusion of such definition, or reference to same, in Application A1193.

Please find below additional information and evidence below in relation to this summary. Queensland requests FSANZ respond to the issues and concerns raised in this submission with

respect to expansion of permission for voluntary application of irradiation as a phytosanitary measure to all types of fresh fruit and vegetables within Standard 1.5.3 of the Code.

Submission regarding A1193:

The term fresh is applied extensively throughout Application 1193, acting as a technical classification criterion defining the core attribute of the foods (fruit and vegetables) subject to the permission (irradiation) sought by the Applicant. However, references to definitions in the Application relate only to which specific fruits and vegetables are subject to the permission, rather than what criteria delineates “fresh.” This could lead to confusion regarding what intrinsic or extrinsic physicochemical attributes of the specific fruits and vegetables define *fresh*.

For example, modified-, or controlled-atmosphere storage can preserve some fruits and vegetables for periods up to ca. one year from time of harvest and packing. Products may also be coated with antimicrobial compounds and/or waxes, or crust-frozen for preservation purposes.

The lack of a clear definition of fresh in the context of criteria for physicochemical properties of the fruits and vegetables subject to permission for irradiation for phytosanitary purposes may lead to confusion and inconsistency amongst consumers and/or industry regarding the properties defining the specific permission. Are fungicide-treated, waxed, and/or long-term preserved fruits and/or vegetables considered “fresh” for the purposes of permission to irradiate for phytosanitary purposes? The need for definition of fresh in this context is illustrated by development and application of same by food agencies such as the New Zealand Ministry for Primary Industries (MPI) and United States Food and Drug Administration (USFDA) (see below).

The Macquarie dictionary defines ‘fresh’ as retaining the original properties unimpaired: not deteriorated; not canned or frozen; not preserved by pickling, salting, drying, etc. The term ‘fresh’ is used in different contexts and can refer to the nature of a food, its age or taste. The term may even be used as part of a brand name. When used as a such, the term should not be used to give an impression that the product is ‘fresh’ when it is not.

Application A1193 section 2.1 states:

- “Throughout the document, terms such as all fresh produce/commodities or all fruits and vegetables shall be understood to have the meaning as defined in section 2.1”,

The respective section 2.1 states:

- “The variation requested is to replace the list of 26 fruits and vegetables in the table in (Code, sic.) Division 2, section 1.5.3-3, sub-section 2, with ‘fresh fruits and vegetables’. Included in the scope of the application are all those fresh fruits and vegetables presently described within Schedule 22 of the Food Standards Code plus any other fresh commodity generally understood to be a fruit or vegetable, including crops grown overseas. Excluded from the application are dried pulses, legumes, nuts and seeds.”

While this definition delineates the fresh fruit and vegetables for which the Applicant is seeking approval to irradiate, it does not define the core qualifying *technical classification* of such commodities, i.e. fresh.

Criteria defining permissible application the term *fresh* can apply to claims and/or the technical status of a food. Examples of definitions of the term fresh are provide below, noting some are principally associated with labelling and claims (ACCC, USFDA) rather than technical criteria (e.g. NZ MPI).

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New Zealand MPI

[New Zealand MPI Ministry for Primary Industries Standard: 152.02: Importation and Clearance of Fresh Fruit and Vegetables into New Zealand 19 November 2020](#)

"Fresh fruit and vegetables: All unprocessed fruits, vegetables and herbs imported for human consumption."

Australian Competition and Consumer Commission (ACCC)

[Food and beverage industry: Food descriptors guideline to the Trade Practices Act 2006](#)

"'Fresh' generally refers to food that is put on sale at the earliest possible time and close to the state it would be in at the time of 'picking', 'catching', producing etc. The term fresh generally implies that food has not been frozen or preserved. Some foods stay fresh longer than others and so it is not appropriate to give guidance on all foods. Generally, consumers may understand that a 'fresh' food has not been canned, cured, dehydrated, frozen, processed or preserved."

US Food and Drug Administration

[United States Code of Federal Regulations Title 21—Food and Drugs Chapter I—Food and Drug Administration, Department of Health and Human Services, Subchapter B – Food for Human consumption](#), Subpart F - Specific Requirements for Descriptive Claims That Are Neither Nutrient Content Claims nor Health Claims, Sec. 101.95, "Fresh," "freshly frozen," "fresh frozen," "frozen fresh.":

- "(a) The term 'fresh,' when used on the label or in labeling of a food in a manner that suggests or implies that the food is unprocessed, means that the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation, except as provided in paragraph (c) of this section.
- (b) The terms 'fresh frozen' and 'frozen fresh,' when used on the label or in labeling of a food, mean that the food was quickly frozen while still fresh (i.e., the food had been recently harvested when frozen). Blanching of the food before freezing will not preclude use of the term 'fresh frozen' to describe the food. 'Quickly frozen' means frozen by a freezing system such as blast-freezing (sub-zero Fahrenheit temperature with fast moving air directed at the food) that ensures the food is frozen, even to the center of the food, quickly and that virtually no deterioration has taken place.
- (c) Provisions and restrictions. (1) The following do not preclude the food from use of the term 'fresh:'
- (i) The addition of approved waxes or coatings;
 - (ii) The post-harvest use of approved pesticides;
 - (iii) The application of a mild chlorine wash or mild acid wash on produce; or
 - (iv) The treatment of raw foods with ionizing radiation not to exceed the maximum dose of 1 kiloGray in accordance with § 179.26 of this chapter.
- (2) A food meeting the definition in paragraph (a) of this section that is refrigerated is not precluded from use of 'fresh' as provided by this section."

A1193 currently lacks a technical definition of *fresh* to define the status of the proposed fruits and vegetables for which the Applicant seeks permission to irradiate for phytosanitary purpose. Therefore, Queensland believes clarification of the term *fresh* via technical definition within A1193 is needed.

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Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Branch, Department of Health on ([REDACTED])
[REDACTED]

Food Safety Standards and Regulation
Health Protection Branch
Department of Health
Queensland Government

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