

FOOD TECHNOLOGY ASSOCIATION OF AUSTRALIA

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SUBMISSION

18 August 2014

Attention: **Project Manager P1025**

Food Standards Australia New Zealand
Box 7186,
Canberra BC,
ACT, Australia
2610.

Re: Code Revision

FTA Australia has reviewed this [Proposal](#) and endorses the following comments of the Technical Sub Committee:

The Committee considered this Proposal on at several TSC meetings and the following comments and suggested amendments were tabled:

1. In considering this very large document, the Committee made general comments that:
 - (a). As this revision has taken about 5 years to get this stage, it is regarded as a great shame that a full revision of the Australian New Zealand Food Standards Code was not undertaken rather than just format to meet legal requirements with very few changes. A full review and revision could have been introduced to address many current ambiguities, missing information, inconsistencies, etc. Industry and all stakeholders should have been consulted and overall a more acceptable Food Standards Code may have been achieved.
 - (b). In the provision of the draft Code Revision, it is considered remiss to have not mentioned that many additional amendments were made to the version of the draft Code Revision documents issued earlier in 2014. The omission of this advice has led to confusion for those stakeholders who have reviewing the Code Revision for many months and were not aware of the changes and with only a short period to review the new version.
2. The following specific comments were suggested for amendment:
 - (i). Many definitions in Chapter 1, Part 1, Section 1.1.2-2 are inadequate and circular whereby a term is defined by use of the same term, i.e. the definition of “flavouring substance” includes the word “flavouring”.
 - (ia). It is suggested that all definitions be reviewed for accuracy and completeness and are true and ambiguous definitions, etc.

(ii). In conjunction with point (i) above, the definition for “permitted flavouring substance” is found under the letter “p”, which is unexpected as “permitted” is a descriptive term and this definition should be adjacent to “flavouring substance” and filed under the letter “f”.

(iii). Page 11: Re Clause (8) requires editing and simplification as the word “any” is confusing as “alimentary or respiratory passage” would be sufficient and appear to describe normal human anatomy. Possibly reword to read “swallowed or obstructing the alimentary or respiratory passages”.

(iv). Page 27: Re definition of ‘butter’ - the use of ‘principally’ requires replacement with a more definite non-vague and less difficult to interpret term, especially as this term is used twice in this definition and refers to two completely different situations .

(v). Pages 29 and 150: Re definition of ‘cream’ – the term ‘comparatively’ is too vague and defies objective interpretation.

(vi). Page 28: Re definition of ‘cream’ part (b) does not make sense as cream may also contain other substances such as Food Additives.

(viii). Page 314: Change “kola” to “cola” or “kola or cola” as there are very few if any beverages produced in Australia/New Zealand or imported that use the “kola” spelling. “Cola” is an accepted generic descriptor.

(xi). Pages 305, 310: The description of Food Additive 472f is not consistent with the current description and also as per Pages 376, 379.

(x). In Schedule 15 and possibly elsewhere, numbers such as “3 000” appear and should be written as “3,000” or “3000”. “3 000” could be interpreted as either a mistake or read as “3.000”, etc. I.e. remove the space between the digit and the following three zeroes.

(xi). In Section 1.3.3-2, the term “purpose” in relation to “technological purpose” should be clearly defined, as this term may be ambiguous unless given a clear and definite meaning.

(xii). In Section 1.2.5-2 and elsewhere: The terms “best-before” and “use-by” apply only to the “intact package”. These definitions provide guidance from the manufacturer/supplier to the sales outlet provider, provided storage conditions, etc are maintained. However once the consumer purchases the product, these dates are invalidated if storage conditions are not strictly maintained and especially once the package is opened. It is suggested that:

(a). FSANZ and/or other authorities use an education program to inform consumers of the associated health and safety problems that could arise if the consumers assume (incorrectly) that the use-by and best-before dates are still applicable after opening.

(b). Amend the Food Standards Code such that “use-by” and “best-before” dates are accompanied by a term such “when unopened” or “before opening” or something similar.

(c). Remove the ambiguity caused by the meaning of “use-by” and “best-before” dates and the legal uncertainty and remedies available to uninformed consumers who should be the main beneficiaries of this section of the Food Standards Code.



We would appreciate being maintained on the circulation list for any changes in this matter and to receiving notification of the next step concerning this [Proposal](#).

Yours sincerely,

Del Teesdale– President
Food Technology Association - Australia