



AUSTRALIAN
**FOOD &
GROCERY**
COUNCIL

AFGC
Level 2, 2-4 Brisbane Ave
Barton ACT 2600
P 02 6273 1466
F 02 6273 1477
AFGC.ORG.AU

28 July 2016

Food Standards Australia New Zealand
Boeing House
55 Blackall Street
BARTON ACT 2600

Submitted via the FSANZ website

P1026 – Lupin as an Allergen [15-16]

The Australian Food and Grocery Council (AFGC) welcome the opportunity to make this submission in response to Food Standards Australia New Zealand (FSANZ) call for submissions on *Proposal P1026 – Lupin as an Allergen* ("the Proposal").

Overall Position

The AFGC **supports** Option 3 - *Prepare a draft variation so that a mandatory allergen declaration would be required on the label, or, where a label is not required, businesses would have to provide access to information about the presence of lupin in food being sold.*

The AFGC **does not support** the proposal for a 12-month transition period and requests consideration of 18 months' transition to allow adequate time for information to be collected and labels to be updated.

General Comments

AFGC Food Industry Guide to Allergen Management and Labelling

The AFGC note reference in the CFS to the *Food Industry Guide to Allergen Management and Labelling* (2007). This Guide is currently being updated by the AFGC and it is intended the reference will be made to the potential for lupin and lupin products to cause allergic reactions. If Option 3 is adopted, the Guide will subsequently be updated to reflect this requirement.



AFGC Product Information Form (PIF)

The Product Information Form (PIF) is an industry-agreed questionnaire intended to be used by companies to provide a wide variety of information about food products and ingredients in a single document that meets the information needs for legal and regulatory compliance¹.

The PIF is currently being updated and lupin will continue to be included in the list of allergens for which information is requested. The updated PIF will be accessible online later in 2016.

The updated PIF will provide the mechanism by which food manufacturers will be able to identify lupin and lupin foods in their supply chain. A survey conducted by the AFGC in 2013 (AFGC, 2013) indicated that there are a large number of PIFs in use by industry (Figure 1). PIFs are reviewed by businesses at varying frequencies as shown in Figure 2.

For this reason, the AFGC requests consideration is given to a longer transition phase of 18 months which will allow time for the launch of the updated PIF and for companies to source updated allergen information for lupins as ingredients and for the potential for lupin to be present due to cross contact.

Specific Comments

Consultation Regulation Impact Statement (RIS)(SD2)

The AFGC submission will address some of the questions for submitters provided in SD2 in this section.

Option 2 – Prepare an industry Code of Practice

The AFGC recommends that the current *Food Industry Guide to Allergen Management and Labelling (2007)* will be updated based on the outcomes of P1026. This could then fulfil the role of an industry Code of Practice.

What is the likelihood of industry wide participation in a voluntary code?

The AFGC does not have data related to the uptake of the *Food Industry Guide to Allergen Management and Labelling (2007)*. The Guide has been on the AFGC website since it was updated in 2007.

¹ <http://www.afgc.org.au/publications/product-identification-form-pif/>



An allergen labelling survey of packaged retail food was carried out by the AFGC Allergen Forum and the Allergen Bureau in 2009² to obtain information about how allergen and allergen-related information and claims were being declared on food labels based on the guidance in the *Food Industry Guide to Allergen Management and Labelling (2007)*. The labels on a sample of 340 packaged retail food products were reviewed and compared with the allergen labelling recommendations in the *Food Industry Guide to Allergen Management and Labelling (2007)* as well as the findings of an Allergen Labelling Survey conducted in 2005.

Overall, some attributes in the 2009 survey showed increasing adherence with the Guide, including the standard format for declaring allergens in the ingredient list, summary statement and precautionary labelling statement.

For example:

1. **All allergen information should be grouped together to be easily identified and not hidden amongst other labelling information.**

The results showed that food manufacturers are beginning to group the allergen information in a standard format with the summary statement directly below the ingredient list as recommended in the Guide.

2. **Allergens are declared in bold type each time they appear in the ingredient list.**

Ingredient lists which contained allergens in bold type increased from 24% to 26%.

3. **Declared as 'Contains xxx...' and appears directly below the ingredient list on a separate line in bold.**

The results show that placement of the allergen summary statements directly below the ingredient list has increased from 57% in 2005 to 78% in 2009 showing a trend towards the format recommended in the Guide.

These findings show that the recommendations in the *Food Industry Guide to Allergen Management and Labelling (2007)* are being adopted by Industry and therefore support the relevance of an industry code.

Would a voluntary code lead to greater confusion and more risk for consumers?

The AFGC is not able to comment on this question.

² Allergen Bureau Labelling Review Survey 2009 (copy provided with submission)

Would this approach be adequate to get coverage of unpackaged foods?

The AFGC intends to cover unpackaged foods in the update of the *Food Industry Guide to Allergen Management and Labelling* (2007).

Would a voluntary code provide an allergic/sensitive individual or carer with sufficient assurance?

The AFGC is not able to comment on this question.

How many, or what percentage of allergic reactions to lupin could be avoided under option 2?

The AFGC question how this would be monitored given the database monitoring reactions to lupins is no longer being maintained and there is no national register in Australia for recording allergic reactions to any food allergens.

While a national database on allergen-related anaphylaxis may be an appropriate measure, it is beyond the scope of this Proposal.

What are the costs associated with the implementation of an industry code of practice?

The costs of allergen labelling under a Code of Practice and under mandated regulation are very similar.

Option 3 – Prepare a draft variation

Are you aware of any lupin products that would be non-compliant with the proposed changes to the Code?

The AFGC is not aware of any products that would be non-compliant.

Do you expect to have any notification, education, permission, purchasing, record keeping, enforcement, publication and documentation, procedural, delay, labelling or any other costs associated with the proposed changes to the Food Standards Code?

The AFGC expects that there will be costs associated with record keeping and labelling under Option 3. Record keeping can be managed using the Product Information Form which already includes lupins in the list of allergens.

There may be costs associated with changes to labels if lupins are not currently being specifically labelled.

Would implementation of the Option 3 cost more than implementation of the Option 2? If yes, why?

Assuming that there is already a level of industry compliance with the *Food Industry Guide to Allergen Management and Labelling* (2007), the cost will be incurred where companies are not complying with the Guide and not labelling lupin.

Whether some level of education would be required to inform consumers that lupin is an allergen under this option?

Education of consumers will be required whichever option is taken forward. The option does not change the fact that lupin is an allergen.



How many or what percentage of allergic reactions to lupin could be avoided under Option 3

The AFGC is not able to comment on this question.

Any views in relation to unintended consequences in relation to Option 3

The AFGC is not aware of any likely unintended consequences in relation to Option 3. It will impose some costs and unintended consequences can always arise where a market intervention is made that changes cost structures. However, the AFGC does not envisage the quantum of unintended consequences could in this case exceed the safety benefit to a class of allergic consumer.

What search and avoidance costs are likely to be avoided as result of this option?

The AFGC is not able to comment on this question.

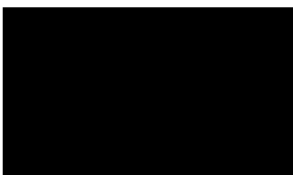
Conclusion

The AFGC does **supports** Option 3 and requests consideration of an 18 months' transition period to allow adequate time for information to be collected and labels to be updated.

The AFGC will update the *Food Industry Guide to Allergen Management and Labelling* (2007), to include lupin and also coverage for unpackaged foods. The AFGC Product Information Form is currently being updated to an online platform to be launched later in 2016. The PIF already includes lupins in the list of allergens and the new format should make the form more accessible for industry.

Thank you for the opportunity to provide this input to FSANZ. If you require any further information, please do not hesitate to contact me.

Sincerely



Advisor, Policy and Regulation





Figure 1: Number of PIFs

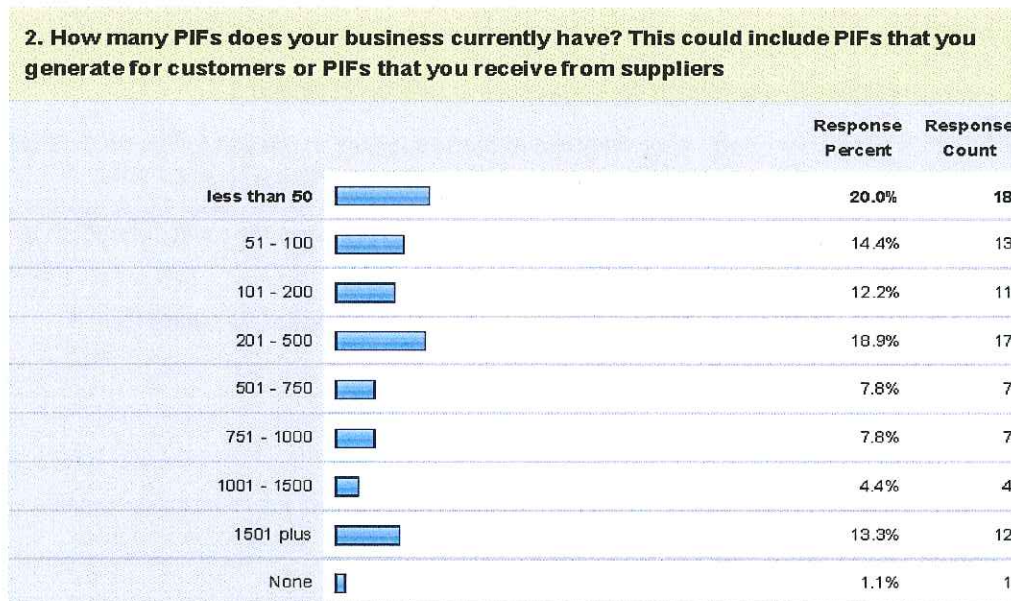
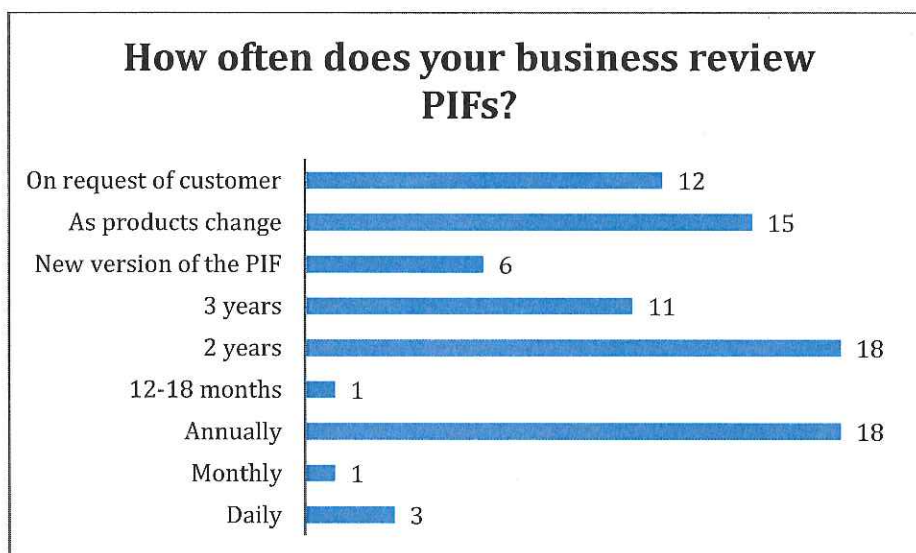


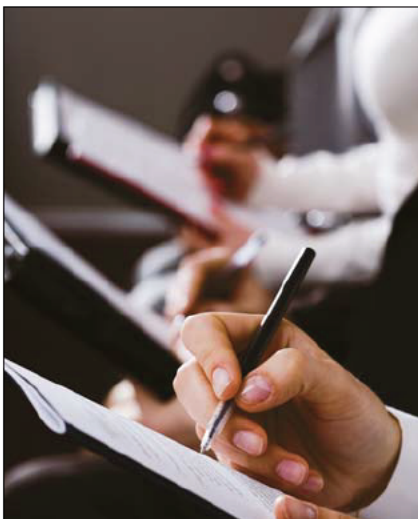
Figure 2: Review of PIFs





informing the food industry

Labelling Review Survey 2009





informing the food industry

Acknowledgements

This report was prepared by the Allergen Bureau Labelling Review Survey Project Group (Georgina Christensen, Jenni Cooper, Fiona Fleming, Kirsten Grinter). Thank you to the NSW Food Authority for allowing us the use of their conference room and for the student and food industry volunteers and their companies for allowing time to complete this work.

Abstract

In April 2009 a sample of 340 packaged retail food products were reviewed to obtain information about how allergens and allergen-related information and claims are currently being declared on food labels. This information was compared with the allergen labelling recommendations outlined in the **Australian Food and Grocery Council (AFGC) Food Industry Guide to Allergen Management and Labelling – 2007 Revised Edition** ('The Guide')^[1] as well as the findings from an **Allergen Labelling Survey** conducted by industry representatives in 2005^[2]. Some attributes in this survey show increasing adherence with the Guide, including the standard format for declaring allergens in the ingredient list, summary statement and precautionary labelling statement. There are further opportunities for manufacturers to move towards consistent labelling such as the increased use of the **Voluntary Incidental Trace Allergen Labelling (VITAL)** precautionary labelling statement. Recommendations for increased uptake of the Guide by manufacturers are proposed.



Introduction

An allergen labelling survey of packaged retail food product was carried out by the Australian Food and Grocery Council Allergen Forum in 2005 (2) to provide a benchmark of how allergens were being labelled on packaged retail foods in the Australian market. The survey also provided discussion points and information to assist in the compilation of the Australian Food and Grocery Council (AFGC) Food Industry Guide to Allergen Management and Labelling – 2007 Revised Edition ('The Guide') ⁽¹⁾. The Guide includes recommendations for food industry with regard to management of allergens during processing and specific recommendations for how to label directly added allergens and those present due to cross contact. Repeating the survey after the release of the Guide, to monitor industry implementation with regard to allergen labelling initiatives on packaged foods, was a recommendation of the 2005 survey.

This report details the 2009 survey and compares the findings to the data compiled in 2005, and to the recommendations in the Guide for:

- ➡ allergen claims;
- ➡ declaring allergens in the ingredient list;
- ➡ allergen summary statements; and
- ➡ precautionary labelling statements.

This information may assist in highlighting opportunities for the food industry to label products so that food allergens may be easily identified by sensitive consumers and their carers.

Food allergies can cause severe reactions and consumers must avoid foods to which they are allergic. Food manufacturers are required by the Australia New Zealand Food Standards Code ('the Code') ⁽³⁾ Standard 1.2.3 – Mandatory Warning and Advisory Statements and Declarations to declare certain allergens where they are present as an ingredient; an ingredient of a compound ingredient; a food additive or component of a food additive; a processing aid or component of a processing aid. The required allergens, listed in the Table to Clause 4 (Standard 1.2.3 of the Code), are gluten containing cereals, crustacea and their products, egg and egg products, fish and fish products, milk and milk products, tree nuts and sesame seeds and their products, peanuts and soybeans, and their products; added sulphites in concentrations of 10mg/kg or more. This information assists consumers in identifying foods to which they may be sensitive.

The Guide is freely available to the food industry and promotes the declaration of allergen information on food labels in a clear and consistent manner to enable food allergic consumers and their carers to easily identify foods which they can and cannot eat.

Methods

Shelf stable products were purchased in April 2009 in New South Wales, Australia from Coles Supermarket (Rhodes), ALDI Supermarket (North Strathfield) and Woolworths Supermarket (Newington). Refrigerated products were purchased in Victoria from Coles, ALDI and Woolworths Supermarkets (all in Chadstone).

Packaged retail foods were purchased across the following food categories:

- | | |
|------------------------------|--------------------------------|
| ☞ beverages; | ☞ fruit/vegetables/nuts/seeds; |
| ☞ biscuits; | ☞ gravies & stocks; |
| ☞ bread & baked goods; | ☞ infant food; |
| ☞ breakfast foods; | ☞ oils & spreads; |
| ☞ canned fish; | ☞ other spreads; |
| ☞ condiments; | ☞ pasta/rice/noodles; |
| ☞ confectionary & chocolate; | ☞ prepared meals; |
| ☞ cooking aids; | ☞ salad dressing; |
| ☞ dairy; | ☞ sauce; and |
| ☞ desserts; | ☞ snacks and soups. |

Where possible, products purchased were similar to those purchased for the 2005 survey. Bottled drinks such as water, cordial, soft drinks and alcohol were excluded from the survey. Representative products from each product category were purchased and included, where relevant, those products/brands with a major shelf presence, private-label products and brands with a minor shelf presence.

Each product was allocated a reference number and, over two days, a team of Allergen Bureau Committee Members, students and industry volunteers reviewed the labels and recorded information onto a standard form. The information was subsequently transcribed to a Microsoft Excel database. The information collected for each product included the name, size, manufacturer, label size and allergen claims. This data was collated and compared against key attributes in the Labelling section of the Guide to determine if key recommendations were being followed. These included allergen labelling in the ingredient list and, where present, the presentation of allergen summary statements and a precautionary labelling statement.

Results

The results of the survey are summarised in Table 1 (Appendix One). Figure 1 (Appendix One) shows the percentage breakdown of the products purchased from each category.

Discussion

Notes on comparison of the data

The products surveyed in 2005 and 2009 were generally different. Each survey aimed to gather products that were representative of those available for purchase by Australian consumers. Changes in the products available over the last four years meant that it was difficult to compare 'like for like' products between the two surveys. For example, the 2009 survey included a large range of private-label products. There has been a growth in private-label products during the past four years, with versions available in many product categories therefore these products made up a larger proportion of the surveyed products than in 2005. Additionally, the product range in food retailers is subject to rapid change and it was difficult to buy the same products as were in the previous survey. The 2005 survey included products purchased mainly from Coles Supermarkets. In 2009, products were purchased from Coles, Woolworths and ALDI stores. A similar range of branded products is available from both Coles and Woolworths, with private-label products that are specific to each supermarket chain.

Different surveyors were used for each survey and this may also contribute to variability, particularly for subjective questions such as whether or not the ingredient list used plain English terms when declaring allergens and also for assigning the category for a particular food. For example, powdered cheese sauce could be assigned to 'cooking aids', 'dairy' or 'sauce' category depending on which surveyor is categorizing the product. Figure 1 shows that there were a greater proportion of biscuits, cooking aids, dairy and prepared meals purchased in the 2009 survey and less sauce, pasta/rice/noodles and snacks.

Trends in Allergen labelling (compared to the Guide)

Labelling recommendations from the Guide which could be compared to data collected in the survey are listed in **bold** below. There are recommendations about which knowledge of the recipe is required and were unable to be checked against product labels - these have not been included in this paper. Where possible, the survey data from 2005 and 2009 has been compared to determine if the products surveyed are trending towards following the recommendations of the Guide.

1 General requirements

- ➡ **All allergen information should be grouped together to be easily identified and not hidden amongst other labelling information.**

The results show that food manufacturers are beginning to group the allergen information in a standard format with the summary statement directly below the ingredient list as recommended in the Guide.

There was an increase in the number of summary statements and precautionary labelling statements that were judged to be grouped together:

- ➡ The proportion of summary statements that were directly below the ingredient list has increased from 57% to 78%
- ➡ The number of summary statements that were above the ingredients list has decreased from 32% to 15%

➡ **Allergens must be declared using plain English terms and be consistent with the Code.**

The results show that the majority of labels were judged to have ingredients declared in plain English. The determination as to which terms are plain English will vary from person to person so food manufacturers must ensure that allergen-containing ingredients can be easily identified by consumers.

The percentage of products judged to be using plain English terminology has increased:

- ➡ from 86% to 93% on all labels
- ➡ from 96% to 97% on labels which have allergens declared in the ingredient list

➡ **The print size should be big enough to be easily read, preferably at a minimum 1.5mm with sans serif font and the font colour should contrast distinctly from the background. The use of lower or upper case will depend on the overall presentation of labelling information.**

The results show that food manufacturers are increasingly following the minimum font size recommendations in the Guide, including:

- ➡ 77% of ingredient lists for products in 2005 and 2009
- ➡ 80% in 2005 and 83% in 2009 for summary statements
- ➡ 78% in 2005 and 81% in 2009 for precautionary statements

There was a decrease in the labels which had print that was considered to be distinct, i.e., easy to read. For example, the proportion of ingredient lists which were judged to have distinct writing decreased from 96% in 2005 to 87% in 2009. This data suggests that allergen labelling information is becoming less distinct on packaging.

It is important for manufacturers to ensure that ingredient and allergen information can be clearly read by the consumer. This information should not be obscured by packaging folds, or be difficult to read due to small font size, or font which is not distinct from the background.

It should also be noted that whether or not print is distinct may be subjective between different surveyors.

2 Ingredient List

➡ **Allergens are declared in bold type each time they appear in the ingredient list.**

Ingredient lists which contained allergens in bold type increased from 24% to 26%.

➡ **Declare in bold the allergenic ingredient/component or qualify in bold the ingredient/component according to the allergenic foods listed in the Table to clause 4 of Standard 1.2.3 in the Code. Eg Parmesan cheese or Parmesan cheese (milk)**

This recommendation is to ensure that the allergenic ingredients are clear to sensitive consumers – for example, a milk sensitive consumer may recognise ‘milk’ or ‘cheese’ or ‘cream’ but may not recognise ‘casein’ or ‘whey powder’, which are derived from milk, as ingredients to avoid.

This attribute was not measured directly but the use of plain English terms in allergen-containing ingredient lists was 97% in the 2009 survey showing that this is being addressed adequately by the majority of food manufacturers surveyed.

3 Allergen Summary Statement

- ➞ **Declared as ‘Contains xxx...’ and appears directly below the ingredient list on a separate line in bold.**

The results show that placement of the allergen summary statements directly below the ingredient list has increased from 57% in 2005 to 78% in 2009 showing a trend towards the format recommended in the Guide. Where a summary statement was present in the 2009 survey, it always used the word ‘contains’. It should be noted that in the *Alternative Labelling Recommendations* of the Guide, the wording ‘ingredients contain’ is also included.

- ➞ 80% of summary statements adhered to this recommendation and used either ‘Contains’ or ‘Contains:’
- ➞ The remaining summary statements used ‘This product contains’ or ‘ingredients contain’

Some labels had several contains statements below the ingredient list. For example: ‘Contains Gluten’ and then on the line directly below ‘Contains Soy’. The preferred format is to have one allergen summary statement with all allergens listed in one sentence.

It was noted that some ‘contains’ statements were used in conjunction with substances not listed in table to clause 4 for Standard 1.2.3 of the Code – eg honey, lupins, seed pits, minimum cocoa solids, minimum milk fat.

Two labels in the 2009 survey had an allergen summary statement declaring the absence of allergens (ie: ‘Contains no known allergens’ and ‘No allergens present’).

- ➞ **Uses the same font size as the ingredient list information, or at a minimum print size of 1.5mm.**

The results show conflicting trends in the adherence to this recommendation:

- ➞ The incidence of equal font size for the summary statement and ingredient list has decreased from 81% in 2005 to 72% in 2009
- ➞ However, where a summary statement was used, the results show that the adherence to the recommendation to use a minimum font size of 1.5mm increased from 80% to 83%
- ➞ The labels where the summary statement font size was greater than the ingredient list, increased from 15% to 19%. There were several examples noted in the 2009 survey where summary statements font height was double that seen in the ingredient list
- ➞ The labels where the summary statement font size was less than the ingredient list increased from 4% to 9%

- ➞ **If the product contains tree nuts either the specific name of the tree nut can be declared or the general term ‘tree nuts’ can be used in the summary statement. The term ‘nuts’ should not be used at anytime.**

The results show that in 2005 where the summary statement included nuts, 50% of the statements used the term ‘nuts’ instead of the term ‘tree nuts’ recommended by the Guide. In 2009, 75% of labels with nuts listed in the summary statement used the term ‘tree nuts’ which shows a trend towards this recommendation.

4 Precautionary [Labelling] statement

- ➔ The precautionary [labelling] statement ['May be present'] is used in conjunction with VITAL and ONLY when the cross contact allergen is at action level 2 on the VITAL action level grid.

The VITAL system was launched in June 2007 after the 2005 survey and two years prior to the 2009 survey. The use of VITAL cannot be directly inferred from reading the label so this attribute was not measured.

- ➔ The precautionary statement is declared as 'May be present: xxx', where 'xxx' lists each of the cross contact allergens present at VITAL Action Level 2.

Nearly half of all labels reviewed across both surveys had precautionary statements – 48% in 2005 and 47% in 2009. The VITAL system was launched in 2007 so neither VITAL nor the 'May be present' precautionary statement were used in 2005. The 'May contain traces of...' precautionary labelling statement was the most commonly used in both 2005 (35%) and 2009 (38%). In 2009, 11 products used the 'May be present' precautionary labelling statement which is equivalent to 7% of all products with precautionary labelling statements and makes this statement the sixth most commonly used precautionary labelling statement in the 2009 survey.

- ➔ This statement ['May be present'] is placed below the summary statement on a separate line in bold.

The results show that where a precautionary statement was used, it was either below, next to or at the end of the ingredient list 93% of the time in 2005 and 96% of the time in 2009. Where the 'May be present' statement was used in 2009, it was below the summary statement 82% of the time as per the format recommended in the Guide. Where a precautionary statement was used 43% of precautionary statements in 2005 were in bold compared with 58% in 2009.

- ➔ The allergen cross contact statement text must be declared using the same font size as the ingredient list information or at the minimum print size of 1.5mm.

Similarly to the recommendation for the font size of summary statements, the results for precautionary statements show conflicting trends in the adherence to this recommendation:

- ➔ The incidence of equal font size for the precautionary statement and ingredient list has decreased slightly from 76% in 2005 to 75% in 2009
- ➔ However, where a precautionary statement was used, the results show that the adherence to the recommendation to use a minimum font size of 1.5mm increased from 78% to 81%
- ➔ The labels where the precautionary labelling statement font size was greater than the ingredient list stayed constant at 17%
- ➔ The labels where the precautionary labelling statement font size was less than the ingredient list increased from 4% to 9%
- ➔ The results show that the recommendation to have an equal font size for the ingredient list and precautionary labelling statement was not being followed

Conclusion

The survey shows mixed results with some attributes showing nil or small increases in adherence to the labelling recommendations of the Guide and some attributes trending away from the Guide. The Guide was published in 2007 so manufacturers have had only a relatively short time to respond to the recommendations given the long packaging cycle time for most products. This survey highlights opportunities for the Australian food industry and potentially for the New Zealand food industry to move toward a more consistent method of declaring allergens on their labels. (NB. The allergen labelling survey was conducted on Australian retail products only.)

The majority of labels grouped the ingredient list, summary statement and precautionary labelling statement together as recommended in the Guide. The minimum font size recommendations were increasingly met with over 80% of labels adhering to this recommendation. The declaration of tree nuts in the summary statement also increased in line with the recommendations of the Guide. There was evidence that VITAL was being used on some products with the VITAL precautionary labelling statement being used on 7% of labels with precautionary labelling statements.

Attributes which did not show a trend towards the recommendations of the Guide include using bold type for allergens in the ingredient list which only slightly increased. Also, the 'May contain traces of...' precautionary labelling statement increased in usage instead of using the 'May be present' statement which is to be used in conjunction with VITAL as recommended in the Guide.

This survey has raised some opportunities for the food industry to assist in moving toward consistent labelling of allergens. It would be interesting to find out if the trend towards the recommendations of the Guide is due to increased awareness of the Guide or whether some market leaders are following the recommendations of the Guide and other manufacturers are copying the market leaders rather than referring directly to the Guide. Another explanation could be that some food manufacturers only implement some of the recommendations of the Guide due to the influence of their company labelling policies or private research that they have carried out with their consumers about preferred declaration of allergen information. Food manufacturers could be surveyed to see if they are aware of the Guide and to what extent they use the Guide to influence labelling decisions. This information would assist in understanding how the food industry could move towards more consistent allergen labelling for their consumers.

There is potential for the Guide to be submitted as part of the Australian Standards process to facilitate industry implementation of the Guide, and to increase its visibility and profile within the food industry.

The use of plain English terms in the ingredient list was considered acceptable on the majority of labels. It may be useful for the food industry to have a list of terms which are commonly considered to be plain English to assist them when writing ingredient lists.

The word 'contains' was always used in an allergen summary statement. However, the 'contains' statement was used for other non-allergenic substances and for the purposes of meeting regulatory requirements for declaring minimum cocoa solids and milk fats. On an ice-cream label it was noted that the ingredient list contained milk and egg ingredients and at the end of the ingredient list, there was a 'contains 10% milk fat' statement. It is possible that an egg-allergic consumer may confuse the 'contains' statement for an allergen summary statement and fail to notice the presence of egg in the product which could lead to an adverse reaction. There

is an opportunity for the food industry to look further at this issue and provide recommendations as to how to meet regulatory and other requirements for labelling in a manner which ensures clear, consistent labelling for consumers.

The number of allergen claims has nearly halved between the 2005 and 2009 surveys. Gluten-free and wheat-free claims accounted for the majority of claims seen during the survey. The Code states that gluten-free claims can only be used where they meet the criteria of 'nil detected'. As analytical testing methods evolve it becomes increasingly difficult for manufacturers to meet the criteria of 'nil detected' and this in turn means that the claim may be used less and decrease choice for those who require a gluten-free diet. This survey highlights a decrease in allergen claims which should be further investigated.

The comparison of the ingredient list font height to both the summary statement and the precautionary labelling statement showed conflicting trends. There was a trend away from the recommendation for equal font height. Further to this, there was an increase in the labels which had allergen information in a smaller font than the ingredient list. However, there was an increased proportion in the labels which had the precautionary and summary statements in a bigger text height than the ingredient list. There were several examples noted in the 2009 survey where summary statements font height was double that seen in the ingredient list. This indicates that some manufacturers may be increasing the font size of the allergen summary statement to try to draw the attention of the sensitive consumer to this information. The preferred method would be to follow the Guide where summary statement and precautionary label are the same size as the ingredient list to promote consistency for consumers.

Where a product contains individually wrapped pieces, there are no recommendations in the Guide about how to declare allergen information nor was this attribute measured in the survey. This would affect products such as muesli bars which have a wrapper greater than 30cm². It would be interesting to include this attribute in future surveys and use this information to assist in developing further guidance for the food industry.

Consistent labelling would assist food allergic consumers to identify foods that are safe for them to eat. There is an absence of requirements in the Code for both the formatting of information regarding allergens and the declaration of the possible presence of indirectly added allergens with the result being variability in the way allergen information is presented on processed food labels. The Guide and the VITAL system were developed by the food industry to provide a format for food manufacturers to use to promote consistency in the declaration of allergen information on food labels. This survey has highlighted that foods available in Australian supermarkets are not consistently labelled for allergens although there are some attributes which trend towards the recommendations in the Guide.

Recommendations

- ➡ Repeat this survey again in four years (2013) to continue to track the trends in the declaration of allergens on Australian food labels.
- ➡ Discuss with the Allergen Bureau Management Committee options for surveying Allergen Bureau members and stakeholders on the impact from Company Labelling Policies, both domestic and international, and the potential limitations that has on using the Guide for processed food retailed in Australia.
- ➡ Conduct a scoping exercise to see if developing an Australian Standard for allergen labelling, based on the Guide, would be an appropriate response.
- ➡ Provide guidance to address legibility issues to further improve the font size and ensure that it is distinct against the background.
- ➡ Convene a working group to formally address issue of gluten-free criteria.
- ➡ Compile a list of 'consumer-friendly' terms for allergen-derived ingredients to be published on the Allergen Bureau website.

Appendix One

Table 1: Summary of results comparing data from the Labelling Review Survey in 2005 and 2009.

Attributes Measured In Survey	2005 Labelling Survey Data		2009 Labelling Survey Data	
General				
Total products reviewed	213		340	
Font size of ingredient list, summary statement and precautionary statement, where present on pack (% with text size greater than 1.5mm) NB. All products reviewed had an ingredient list	Ingredient List	77%	Ingredient List	77%
	Summary Statement	80%	Summary Statement	83%
	Precautionary Statement	78%	Precautionary Statement	81%
Font size difference between summary statement and ingredient list (%) [products without summary statements excluded]	Summary statement font greater than ingredient list	15%	Summary statement font greater than ingredient list	19%
	Summary statement font equal to ingredient list	81%	Summary statement font equal to ingredient list	72%
	Summary statement font smaller than ingredient list	4%	Summary statement font smaller than ingredient list	9%
Font size difference between precautionary statement and ingredient list (%) [products without precautionary statements excluded]	Precautionary statement font greater than ingredient list	17%	Precautionary statement font greater than ingredient list	17%
	Precautionary statement font equal to ingredient list	76%	Precautionary statement font equal to ingredient list	75%
	Precautionary statement font smaller than ingredient list	7%	Precautionary statement font smaller than ingredient list	8%
Print of ingredient list, summary statement and precautionary statement, where present on pack, distinctive against background	Ingredient List	96%	Ingredient List	87%
	Summary Statement	96%	Summary Statement	98%
	Precautionary Statement	97%	Precautionary Statement	92%

Attributes Measured In Survey	2005 Labelling Survey Data	2009 Labelling Survey Data
----------------------------------	-------------------------------	-------------------------------

Allergen Claims

Allergen claim (% present on all labels reviewed)	17%		9%	
Allergens represented as part of the allergen claim (% of each allergen included in an allergen claim of the total claims made)	Gluten	55.8%	Gluten	70.3%
	Wheat	16.3%	Wheat	16.2%
	Lactose	9.3%	Lactose	2.7%
	Dairy	7.0%	Dairy	2.7%
	Egg	7.0%	Egg	2.7%
	Peanut/tree nut	4.6%	Peanut/tree nut	2.7%
	Soy	0%	Soy	0%

Ingredient List

Allergen-containing ingredient listed in the ingredient list (% of all labels reviewed)	79%		63%	
Ingredient lists which had allergens in a bold font and other ingredients in a non-bold font [excluding products with no allergens in the ingredient list]	24%		26%	
Ingredient list font case	Lower	31.5%	Lower	15.8%
	Title	4.2%	Title	44.6%
	Upper	57.3%	Upper	35.0%
	Not recorded	7.0%	Not recorded	4.6%
Plain English terminology used in the ingredient list	All labels	86%	All labels	93%
	All labels excluding products with no allergens in the ingredient list	96%	All labels excluding products with no allergens in the ingredient list	97%

Attributes Measured In Survey	2005 Labelling Survey Data	2009 Labelling Survey Data
----------------------------------	-------------------------------	-------------------------------

Summary Statement

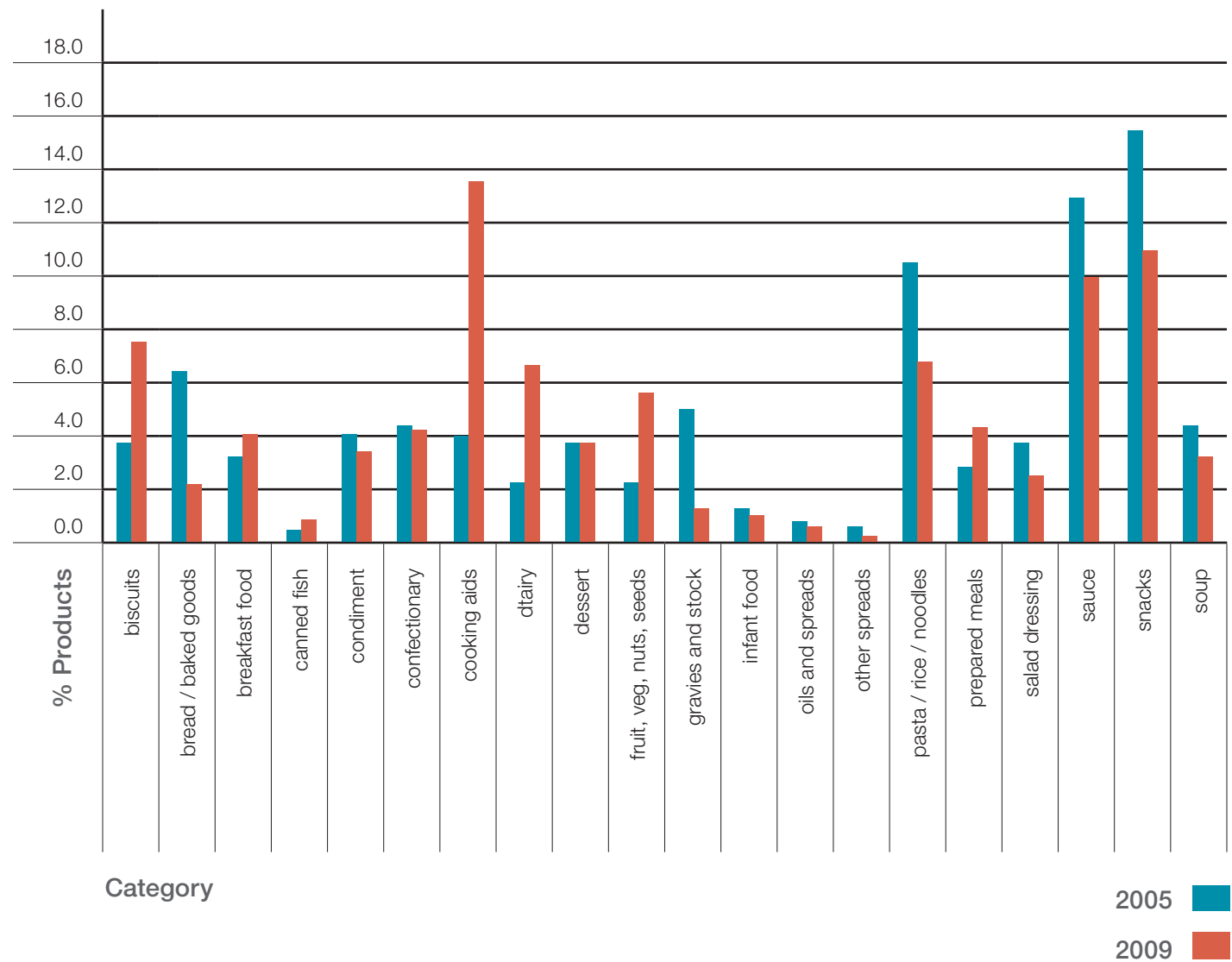
Summary statement present [excluding products with no allergens in the Ingredient list]	43%		41%	
Wording used in summary statements	‘Contains...’ or ‘Contains:...’	68%	‘Contains...’ or ‘Contains:...’	80%
	‘This product contains...’ or ‘Ingredients contain...’	32%	‘This product contains...’ or ‘Ingredients contain...’	20%
Position of summary statement relative to ingredient list	Summary statement below or following ingredient list	57%	Summary statement below or following ingredient list	78%
	Summary statement above or adjacent to ingredient list	32%	Summary statement above or adjacent to ingredient list	15%
	Other (e.g. separate or not near)	11%	Other (e.g. separate or not near)	7%
Declaration of nuts and tree nuts in the summary statement, where the term ‘nuts’ or ‘tree nuts’ is in the summary statement	Declared as ‘nuts’	50%	Declared as ‘nuts’	25%
	Declared as ‘tree nuts’	50%	Declared as ‘tree nuts’	75%

Precautionary Statement

Allergen precautionary statement present (% of all labels reviewed)	48%		47%	
Position of precautionary statement relative to ingredient list	Precautionary statement below/embedded/follows on/within ingredient list	89%	Precautionary statement Below/embedded/follows on/within ingredient list	97%
	Precautionary statement below NIP/ below but separate/right/left to ingredient list	11%	Precautionary statement below NIP/ below but separate/right/left to ingredient list	3%
Position of precautionary statement relative to summary statement	Precautionary statement below/end of ingredient list/ next to summary statement	93%	Precautionary statement below/end of ingredient list/ next to summary statement	96%
	Separate	7%	Separate	4%

Attributes Measured In Survey	2005 Labelling Survey Data		2009 Labelling Survey Data	
Count of different precautionary statement wordings NB. The combined data from 2005 and 2009 surveys showed 53 different precautionary statements	31		34	
Count of 'May be present' precautionary statements	0		11	
Where 'May be present' precautionary statement used, position of precautionary statement relative to ingredient list	Not Applicable		Below	82%
			Other	18%
Most frequently used precautionary statement wordings, in descending order of use. (% of products with precautionary statements)	May contain traces of	35%	May contain traces of	38%
	May contain	9%	May contain	6%
	Manufactured on equipment that also processes products containing	8%	Manufactured on equipment that also processes products containing	6%
	Manufactured on equipment that processes products containing added	6%	Manufactured on equipment that processes products containing added	1%
	Manufactured on equipment that processes products containing	5%	Manufactured on equipment that processes products containing	8%
	May be present	0%	May be present	7%
	Manufactured on equipment that processes	5%	Manufactured on equipment that processes	3%
	Made on a production line that also processes products containing	5%	Made on a production line that also processes products containing	3%
	Made on equipment that also processes	3%	Made on equipment that also processes	1%
	Contains traces of	2%	Contains traces of	1%
Precautionary statement in bold (% of products with a precautionary statement)	43%		58%	

Figure 1: Percentage of Products by Category in 2005 and 2009 Label Survey



References

- 1) Food Industry Guide to Allergen Management and Labelling, 2007 Revised Edition, Australian Food and Grocery Council [<http://www.allergenbureau.net/resources/afgc-allergen-guide>] Accessed 15th January, 2010.
- 2) Australian Food and Grocery Council (AFGC) Allergen Labelling Survey, (2005) (Unpublished)
- 3) Australia New Zealand Food Standards Code [<http://www.foodstandards.gov.au/foodstandards/foodstandardscode/>] Accessed 15th January, 2010



informing the food industry

Toll Free **1800 263 829** (Australia) Toll Free **0800 263 829** (New Zealand)
Email **info@allergenbureau.net** website **www.allergenbureau.net**

This document is intended to provide general information only for educative and illustrative purposes, and is not professional or technical advice. Seek professional advice about its contents to determine whether, and the extent to which, it applies or does not apply to your own circumstances. The document is provided on the basis that no liability of any kind, including in relation to negligence, will be accepted by the Allergen Bureau in relation to, or any use of, its contents in any circumstances.