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Submission DUE by 6 pm (Canberra time) on 28 July 2016

### **SUBMISSION ON PROPOSAL P1026 Lupin as an Allergen**

The Department of Health Western Australia (DOH) would like to thank Food Standards Australia New Zealand (FSANZ) for seeking comment on Proposal P1026 consultation paper. The DOH acknowledges that declaration of food allergens is an important food safety issue.

This submission has been prepared by the Food Unit, Environmental Health Directorate, DOH. Comments in response to the request for responses on the potential options to manage the risk of the consumption of lupin and lupin products by sensitised individuals are detailed below.

#### **Option 1 – Maintain the status quo**

The DOH **does not** see any merit in this risk management option based on the following:

- **The option does not manage the risk.**
  - The FSANZ lupin risk assessment concluded that lupin satisfied the criteria to be classed as a significant new food allergen, and should be classed as an emerging food allergen of public health significance in Australia. This finding was also supported by the FSANZ Food Allergy and Intolerance Scientific Advisory Group (FAISAG).
- **This option is not consistent with the objectives of the food regulatory system (FRS) to:**
  - Protect the health and safety of consumers by reducing risks related to food.

- Enable consumers to make informed choices about food by ensuring that they have sufficient information and by preventing them from being misled.

## Option 2 – Prepare a Code of Practice

The DOH **does not** see any merit in this risk management option based on the following:

- **The option does not manage the risk.**
  - The FSANZ lupin risk assessment concluded that lupin satisfied the criteria to be classed as a significant new food allergen, and should be classed as an emerging food allergen of public health significance in Australia. This finding was also supported by FAISAG.
  - This approach is not consistent with the current approach taken in Australia or internationally to manage the risk of food allergens of public health significance.
  - As raised by FSANZ in the consultation paper:
 

*“the risk of this approach is that its voluntary nature might mean that some food manufacturers may not participate, leading to confusion and higher level of risk for consumers since some foods would be labelled while others would not.”*
  - There is no evidence that a voluntary approach such as a Code of Practice is an appropriate or proven stand-alone management tool in food allergen labelling.
- **This option is not consistent with the objective of the FRS, and the overarching strategic statement for the FRS (1):**
  - To protect the health and safety of consumers by reducing risks related to food.
  - To enable consumers to make informed choices about food by ensuring that they have sufficient information and by preventing them from being misled.
  - Labelling in relation to food safety should primarily be initiated by government and referenced in the Australia New Zealand Food Standards Code; and according to the Food Policy Labelling Conceptual Framework warrants a mandatory approach as the dominant mode of intervention. Food safety includes direct, acute, immediate threats to health; with food allergy a high level risk. For lupin sensitised individuals, consuming lupin represents a significant potential for harm, including death. Given the severity of the risk and the potential for an increasing availability of lupin products in the market place, this risk warrants a mandatory risk management approach.

Additionally, options 1 and 2 **do not support** industry product and market development and innovation.

### Option 3 – Prepare a draft variation

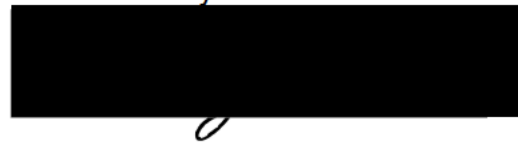
The DOH **supports** the preparation of a draft variation to amend the Code to require mandatory allergen declarations for lupin and lupin products. This risk management approach:


- Is appropriate and proportionate to the risk and is consistent with the primary objective of protecting public health and safety.
- Enables consumers to make informed choices about food by ensuring that they have sufficient information and prevents them from being misled.
- Is consistent with the overarching strategic statement for the FRS Food Policy Labelling Conceptual Framework.(1)
- Is consistent with the current risk management of other food allergens of public health significance in Australia, New Zealand and Europe.
- Provides information to those at risk consumers needing to avoid lupin.
- Supports industry product and market development and innovation.

In summary, the DOH **supports Option 3** as this is the **only** risk management option that is commensurate with the risk to public health and safety; that supports the primary objectives of the food regulatory system; and is supportive of industry development and innovation.

Thank you for considering the above comments. Should you wish to discuss any of these comments please do not hesitate to contact Ms Catrina McStay on (08) 9388 4908 or e-mail [Catrina.Mcstay@health.wa.gov.au](mailto:Catrina.Mcstay@health.wa.gov.au).

Yours sincerely



  
**MANAGER  
FOOD UNIT  
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#### References:

1. Australian Government Department of Health. Overarching Strategic Statement for the Food Regulatory System [Internet]. 2013 [cited 2016 June 30]. Available from: <http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-strategic-statement>.