

23 September 2015

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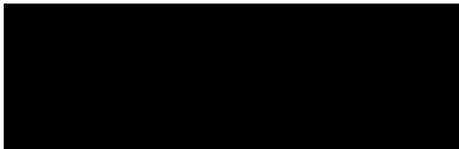
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Dear Sir/Madam

Attached are the comments that the New Zealand Food & Grocery Council wishes to present on the ***Call for submissions – Proposal P1031: Allergen Labelling Exemptions.***

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Yours sincerely



Katherine Rich  
Chief Executive

## Food Standards Australia New Zealand

### CALL FOR SUBMISSIONS – PROPOSAL P1031: ALLERGEN LABELLING EXEMPTIONS

**23 September 2015**

The New Zealand Food & Grocery Council (the “NZFGC”) welcomes the opportunity to comment on the ***Call for submissions – Proposal P1031: Allergen Labelling Exemptions.***

#### **New Zealand Food & Grocery Council**

NZFGC represents the major manufacturers and suppliers of food, beverage and grocery products in New Zealand. This sector generates over \$34 billion in the New Zealand domestic retail food, beverage and grocery products market, and over \$28 billion in export revenue from exports to 185 countries – some 61% of total merchandise exports. Food and beverage manufacturing is the largest manufacturing sector in New Zealand, representing 46% of total manufacturing income and 34% of all manufacturing salaries and wages. Our members directly or indirectly employ 370,000 people – one in five of the workforce.

#### **The Proposal**

The Proposal seeks to amend Standard 1.2.3 *Mandatory warning and advisory statements and declarations* in order to exempt four products from mandatory labelling requirements for allergens: soybean oil that has undergone a complete refining treatment; tocopherols and phytosterols derived from the deodoriser distillate of fully refined soybean oil; glucose syrup derived from wheat starch; alcohol distillate made from wheat or whey.

#### **Overarching comment**

NZFGC is generally supportive of the proposal to amend Standard 1.2.3 in order to exempt four products (soybean oil, soybean derivatives – tocopherols and phytosterols, distilled alcohol from wheat or whey and glucose syrup from wheat starch) from mandatory labelling requirements for allergens. We welcome the initiative to align New Zealand and Australian requirements with those in Europe and North America. However, we note that the proposals concerning the threshold exemption level for corn syrup of 10ppm provide no greater reduction in risk for consumers than 20ppm, would be very costly for no consumer gain, are not aligned with international standards and therefore create a trade barrier for imported confectionery.

#### **Comments**

Soybean oil: NZFGC notes that fully refined (degummed, neutralised, bleached and deodorised) soybean oil known as N/RBD soybean oil has extremely low or undetectable protein, the result of the processing steps required to produce such oils. As such, the Proposal states that, based on clinical studies of dose escalation oral challenges, N/RBD soybean oil presents negligible risk to soybean allergic consumers. Based on this scientific evidence, FSANZ proposes it is appropriate for demonstrably N/RBD soybean oils to be exempt from allergen labelling. NZFGC notes this is consistent with international standards in the EU and US and would qualify the product for exemption in Canada and NZFGC therefore supports the exemption.

Soybean derivatives – Tocopherols and phytosterols: Phytosterols and tocopherols are highly processed products derived from the soybean based deodoriser distillate. Analytical, immunochemical and clinical studies confirm the absence of protein in these derivatives. On

this basis the Proposal states that phytosterols and tocopherols therefore present negligible risk to soybean allergic consumers. Based on this scientific evidence, FSANZ finds it appropriate for phytosterols and tocopherols to be exempt from allergen labelling. This is consistent with international standards in the EU and US and would qualify the products for exemption in Canada and NZFGC therefore supports the exemption.

Distilled alcohol from wheat or whey: NZFGC notes that there is general scientific agreement that in properly controlled distillation processes, non-volatile substances such as lactose and proteins from whey are not found in distillate. FSANZ concluded that alcohol distillate was safe for allergic consumers and that distilled alcohol (and products made from distilled alcohol, such as vinegar) presents negligible risk to allergic consumers. Based on the scientific evidence, FSANZ proposes it is appropriate for distilled alcohol from wheat or whey to be exempt from allergen labelling. This is consistent with international standards in the EU and US and would qualify the products for exemption in Canada and NZFGC therefore supports the exemption.

Glucose syrup from wheat starch: NZFGC agrees with FSANZ that glucose syrup at a certain threshold level should be exempt from allergen labelling. We do not agree that the threshold for exemption be set at 10ppm and do not agree that this aligns with international standards or practice.

NZFGC agrees with the risk assessment conclusion that based on the available evidence, consumption of wheat-derived glucose syrup that has been purified and prepared as described in the process (with a gluten content of 10-20mg/kg) is likely to present negligible risk to the majority of wheat allergic consumers. Our concerns are:

- there is no differential risk to the consumer for gluten content of 10-20mg/kg
- the European Commission issued its Regulation concerning the composition and labelling of foods suitable for people intolerant to gluten, in which the terms “gluten-free” (not exceeding 20 mg/kg) and “very low gluten” (not exceeding 100 mg/kg) are set. It came into force on 1 January 2012
- Codex Alimentarius adopted in 2008 a revised codex standard for foods for special dietary uses addressed to persons intolerant to gluten (Codex Alimentarius Commission, 2008). “Gluten-free” foods were defined as dietary foods consisting of, or made only from, one or more ingredients that do not contain wheat, rye, barley or oats, and in which the gluten content does not exceed 20 mg/kg of the food as sold or distributed to the consumer
- the FSANZ proposal of a threshold of 10ppm is to ensure that gluten levels in glucose syrup are as low as technically achievable based on information provided by a single manufacturer in Australia. FSANZ suggests that the single Australasian manufacturer it consulted already meets a threshold of 10ppm. FSANZ has misinterpreted manufacturing data. Our understanding is that if the mandatory level was set at 10ppm, the manufacturer would need to set a lower threshold as the manufacturing target for compliance purposes. This would be a very costly exercise for no consumer gain and potentially import replacement in the longer term
- Trade barriers will be created if a mandatory exemption level is set at 10ppm
- FSANZ uses a single meal consumption of 100g of confectionery as the high level consumption based on Australian food consumption data for 7-16 year olds which indicates that between 75-91 g of confectionery may be eaten in a children’s birthday party scenario. The 100g assumes that all confectionery contains glucose syrup. This is demonstrably not the case. The use of glucose syrup in Australia and New Zealand is estimated to be very low (possibly less than 5%) in confectionery and imports of confectionery that may be more likely to contain glucose syrup are estimated to comprise less than 10% of total confectionery consumed in Australia and New Zealand. This would mean that if a high consumer amount of confectionery for children is 100g, less than 5-10g contains corn syrup and a level of 100ppm would suffice.

In the interests of consumer protection, international consistency and manufacturing feasibility, NZFGC supports a level of 20ppm for glucose syrup exemption from allergen labelling. This would align with both Codex and the EU, the latter being the only regulator to legislate on the matter but noting that glucose syrup would qualify for exemption in the USA and Canada.

## References

Codex Alimentarius Commission (2008). *Codex Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten* (CODEX STAN 118-1981 Rev 2008)

EFSA Panel on Dietetic Products, Nutrition and Allergies (2014). Scientific Opinion on the evaluation of allergenic foods and food ingredients for labelling purposes. *EFSA Journal* 2014;12(11):3894