



AUSTRALIAN  
**FOOD &  
GROCERY**  
COUNCIL

# **AFGC SUBMISSION**

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PROPOSAL P1031 – ALLERGEN LABELLING EXEMPTIONS  
[18-15], SEPTEMBER 2015

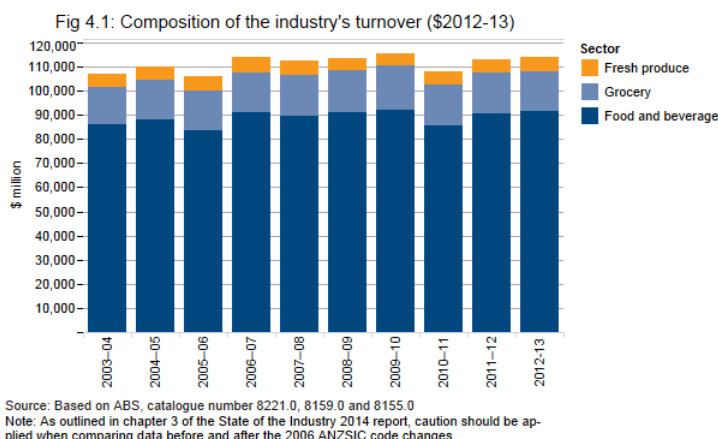
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*Sustaining Australia*

## PREFACE

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink and grocery manufacturing industry.

The membership of AFGC comprises more than 178 companies, subsidiaries and associates which constitutes in the order of 80 per cent of the gross dollar value of the processed food, beverage and grocery products sectors.



With an annual turnover in the 2013-14 financial year of \$114 billion, Australia's food and grocery manufacturing industry makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity.

Manufacturing of food, beverages and groceries in the fast moving consumer goods sector is Australia's largest manufacturing industry. Representing 27.5 per cent of total manufacturing turnover, the sector accounts for over one quarter of the total manufacturing industry in Australia.

The diverse and sustainable industry is made up of over 27,469 businesses and accounts for over \$55.9 billion of the nation's international trade in 2013-14. These businesses range from some of the largest globally significant multinational companies to small and medium enterprises. Industry spends \$541.8 million in 2011-12 on research and development.

The food and grocery manufacturing sector employs more than 299,731 Australians, representing about 3 per cent of all employed people in Australia, paying around \$12.1 billion a year in salaries and wages.

Many food manufacturing plants are located outside the metropolitan regions. The industry makes a large contribution to rural and regional Australia economies, with almost half of the total persons employed being in rural and regional Australia. It is essential for the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies.

Australians and our political leaders overwhelmingly want a local, value-adding food and grocery manufacturing sector.

## 1. Introduction

The Australian Food and Grocery Council (AFGC) welcome the opportunity to make this submission in response to Food Standards Australia New Zealand (FSANZ) Proposal P1031 – *Allergen Labelling Exemptions* (“the Proposal”).

The AFGC has consulted with our members and provides the following feedback to FSANZ for consideration.

## 2. Overall Position

The AFGC **supports** the proposal to exempt certain foods and ingredients derived from allergenic foods from mandatory declaration of allergens where available evidence indicates the production methods used remove or reduce allergenic proteins to levels that are of negligible risk to allergic consumers.

The AFGC **supports** the proposed exemptions for:

- soybean oil that has undergone a complete refining treatment;
- tocopherols and phytosterols derived from the deodoriser distillate of fully refined soybean oil; and
- alcohol distillate made from wheat or whey.

The AFGC supports an exemption from labelling for glucose syrup derived from wheat starch but **does not support** the proposed limit of 10ppm.

**The AFGC recommends that FSANZ reconsider the proposed approach for glucose syrup derived from wheat starch and remove the limit or provide a limit of 20ppm.**

### 3. Glucose Syrup Derived from Wheat

The AFGC **supports** the proposed exemptions for:

- soybean oil that has undergone a complete refining treatment;
  - tocopherols and phytosterols derived from the deodoriser distillate of fully refined soybean oil; and
  - alcohol distillate made from wheat or whey
- and has no further comments to make in relation to these materials.

However, notwithstanding the AFGC's support for an exemption from labelling for glucose syrup derived from wheat starch, the proposed limit of 10ppm is **not supported** for the following reasons:

- FSANZ have concluded that there is a similar level of risk for 10-20mg/kg of gluten therefore the lower level provides no greater level of protection;
- The dietary modelling is very conservative;
- The local manufacturer does NOT support the 10mg/kg level - being required to operate at this level will impose significant extra cost, where there is no demonstrated benefit; and
- The level is inconsistent with the EU labelling exemption in practice – a region that relies heavily on wheat-based glucose syrup similar to Australia and New Zealand.

These points are discussed further in the following sections.

#### 3.1. The level of risk

FSANZ have concluded that:

*“Based on the available clinical evidence and likely single meal consumption .... that wheat-derived glucose syrup with a gluten content of 10-20 mg/kg is likely to present a negligible risk to the majority of wheat allergic individuals.”*

The AFGC commissioned a review risk assessment report for the identification of thresholds for use in advisory allergen statements in 2013<sup>1</sup> to support a planned application in relation to gluten free claims. The review concluded that:

*The treatment for both Coeliac Disease and wheat allergy is exclusion of wheat, rye and barley proteins from the diet. However, total avoidance is extremely difficult, if not impossible in many diets. In Coeliac Disease, the concept of gluten free is taken to refer to a level of gluten that is harmless, when ingested indefinitely.*

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■ [REDACTED]

*A large body of evidence from studies on consumers with Coeliac Disease, has demonstrated that diets containing the small, but measurable amounts of gluten, at levels found in current 'gluten free', including 'naturally gluten free' products lead to healing of the intestinal mucosa. The totality of the data point to a maximum tolerated daily intake higher than 10 mg, but lower than 100 mg/day and indicate that wheat starch-based food is safe, provided it contains <100 mg gluten/kg.*

*In this regard, the level of 10mg/day is consistently identified as the appropriate level of protection at which a majority of sensitive individuals will be protected.*

Further, in relation to wheat allergy:

*In comparing the recommended Vital Reference Dose for IgE mediated wheat allergy to potential thresholds for gluten free labelling, the Panel noted that at the Codex guideline for gluten free of <20 ppm, wheat-allergic consumers would be largely protected when selecting gluten free products manufactured in conformity to Codex guidance. Assuming all of the protein is gluten, 20ppm corresponds to the Reference Dose (1.0mg) in a 50gm serving of food.*

These findings are consistent with those reported by FSANZ and support the safety of 20ppm for both coeliac and wheat allergic consumers.

The AFGC therefore challenge the outcome of setting the limit at 10ppm and not 20ppm. The lower level of 10ppm provides no greater level of protection and imposes an unnecessary restriction on manufacturers of glucose syrups from wheat.

### **3.2 Dietary Modelling**

The AFGC make the following observations in relation to the dietary modelling exercise conducted by FSANZ:

- The modelling assumes that all confectionary contains glucose syrup and that all the glucose syrup is derived from wheat with no allowance that the syrups could be corn based or that another type of sweetener could be used.
- The modelling assumes that confectionary or chocolates all contain 50% glucose syrup, even for modelling purposes doing so inflates the results. The only products that exceed 50% glucose syrup are hard boiled confectionery (55%) and marshmallows (67%), all other examples provided are significantly less.
- 100g seems to be an arbitrary figure. It's a quarter more than the 97.5<sup>th</sup> percentile for chocolate (75g), and almost 10% more than confectionary (91g). FSANZ have acknowledged that the daily consumption data for the 97.5<sup>th</sup> percentile is likely to be an overestimate as it was taken to represent a single meal.

On this basis, the AFGC consider that the dietary modelling overestimates the potential consumption of glucose syrups from wheat and resultant risk to coeliac and wheat allergic consumers.

### **3.3 Manufacture support**

The AFGC has been advised that the local manufacturer (who is an AFGC member company) does NOT support the 10mg/kg level proposed. They have advised the AFGC that this level will impose significant extra cost on their business in order to continue to operate in both the local and global market.

The company concerned will be providing FSANZ with information on the cost impact on their business of the proposed level of 10ppm. The AFGC consider that the additional cost burden on the business cannot be justified on the basis of safety or international consistency.

### **3.4 International consistency**

The proposal does not support the promotion of consistency between domestic and international food standards or the promotion of fair trading in food with respect to setting the limit for glucose syrup derived from wheat.

The AFGC understands that the proposal to set a limit of 10ppm is not consistent with the EU labelling exemption in practice where a level of 20ppm of residual gluten is accepted in line with the Codex requirement for gluten free claims.

## **4 Alternative Approach**

The AFGC propose that for glucose syrups from wheat the limit should be set at 20ppm and not 10ppm.

The risk to both wheat allergic and coeliac consumers is managed at 20ppm.

This level is supported by the manufacturer based in Australia without the imposition of additional cost created by the proposed level of 10ppm.

## **5 Conclusion**

In order for industry to operate in the global market, Australian regulation needs to develop a more comprehensive and innovative approach to the management of allergens which pose no safety risk to Australian consumers.

The AFGC proposal to set the gluten content of glucose syrups from wheat provides protection for coeliac and wheat allergic consumers while not imposing unnecessary cost on manufacturers.

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