



14 September 2005

Standards Liaison Officer  
Food Standards Australia New Zealand  
PO Box 7186  
Canberra MC ACT 2610

Dear Sir / Madam,

**Re: IAR 298 – Benzoate and Sulphite Permissions in Foods**

The Australian Beverages Council Ltd (ABCL) represents the non-alcoholic water-based beverages sector and wishes to note its willingness to work with FSANZ to review the permitted limits in foods.

The ABCL has collated actual usage data from our member companies and this is attached. As the data includes some market data by brand as well as usage levels, we are seeking to have all of the data submitted, maintained as COMMERCIAL IN CONFIDENCE.

Once an assessment of this data has been completed, please do not hesitate to advise ABCL should any further details be required.

In the first instance, ABCL would not only support, but strongly advocate the progression of Option 2. Without accurate, refined modeling and hence an accurate basis from which to go forward with this review, FSANZ cannot arrive at a reliable, credible outcome.

The ABCL cannot accept that there is any basis to accept either Options 1 or 3 on the current, limited data.

The ABCL believes that Option 4 would need to be split into two. The ABCL does not see that the first component of this Option, relating to the consumption of a balance diet, is relevant to the review of the permitted limits. The second component, relating to advice to not-over-consume foods with high levels of benzoates and/or sulphites is a motherhood statement that could be adopted at any time, in regard to any food or additive, being, by definition, an “over-consumption” which consumers would always be advised against.

The ABCL would also submit the following points:-

- The ABCL has assessed the initial modeling results released by FSANZ and we accept the need to review the permissions for sulphites.
- However, the ABCL is confident that once the modeling is refined, using actual usage and market data, that there will be no need to adjust the permissions for benzoate for water-based beverages.

AUSTRALIAN BEVERAGES COUNCIL LTD  
SUITE 4, LEVEL 1, 6-8 CREWE PLACE, ROSEBERY NSW 2018  
PH: 02 96622844 FAX: 02 96622899  
EMAIL: [info@australianbeverages.org](mailto:info@australianbeverages.org)  
Website: [www.australianbeverages.org](http://www.australianbeverages.org)



- We note that with the best data available to FSANZ being the National Dietary Survey of 1996, the importance of FSANZ using the up-to-date data provided by the ABCL
- We would recommend that you conduct a 14-day dietary recall study and use a probabilistic exposure assessment (Monte Carlo simulation) to get more reflected data. It is interesting to note that a similar US study of benzoate (US limit is 1000ppm) concluded that the ADI was not exceeded. We would anticipate a similar result in Australia. A study such as this would much better reflect long-term consumption data.
- The ABCL also questions some of the sampling practices used in this study in that they may not reflect actual market situation. For example, 15 samples of refrigerated orange juice were tested. All were found to contain sorbate and all but 3 were found to contain benzoate. This does not reflect the market place where the market leaders in orange juice, Berri, do not use either preservative in their products according to the labels.
- The IAR is considering a warning statement for products containing sulphite added at 10 mg/kg or greater, however there is no strong argument for a warning label for sulphite containing products. Consumers who are at risk will be well aware of their risk and be cognisant of the need to avoid sulphite containing products.

Sulphites in excess of 10 ppm would be clearly identified on the label so an additional warning statement is unnecessary.

- Warning statement for products containing benzoate – FSANZ doesn't propose a limit or identify the risk (ie: the risk for some with added sulphite is asthma) – IAR doesn't indicate what the advisory statement might be.
- There is no scientific argument for a warning label on benzoate containing products. In fact, we anticipate that the further study that FSANZ will conduct will show that there is no concern about the consumption of benzoates.

We look forward to receiving advice on FSANZ accepting the confidentiality of the data and to working further with FSANZ to develop more accurate outcomes from the refined modeling.

Yours sincerely,

**Tony Gentile**  
Chief Executive

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PH: 02 96622844 FAX: 02 96622899  
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Website: [www.australianbeverages.org](http://www.australianbeverages.org)