10 September 2024

Dear FSANZ,

Allergy & Anaphylaxis Australia (A&AA) has responded below to the request for comments on allergen labelling.

(i) the revision to the GSLPF in Appendix II of CX/FL 24/48/5 (Part A)

*a. definition of ‘food allergen’ – two draft definitions are provided in Appendix II for CCFL consideration.*

*Food allergen” means a food or ingredient [or substance or processing aid] including a food additive or processing aid usually containing a protein or protein derivative, that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.*

A&AA supports the first definition of food allergen (above). The second definition of food allergen does not make sense – “food allergen…usually caused by a protein.’’ This appears to be referring to a food allergy rather than a food allergen that is the trigger of an allergic reaction.

*b. section 4.2.1.6 - Exemptions in relation to the scientific advice and proposed alternate text, and whether to provide a list of exemptions in the GSLPF (or elsewhere), or alternatively to reference the ‘current accepted exemptions’ as examples.*

A&AA is unclear why it is proposed that regional or national authorities may exempt ingredients derived from foods listed in section 4.2.1.4 as it is stated at 4.2.1.4 that the foods and ingredients shall always be declared. This seems contradictory. We support that ingredients from food listed in 4.2.1.5 may be exempt if supported by risk assessment data for specific populations.

*c. section 4.2.1.7 - Sulphite and proposed revised text which includes the option of ‘food as offered to the consumer’ and ‘food as consumed’.*

A&AA supports the proposed revised text that states that sulphite when present in concentrations of 10mg/kg or more is food as offered to the consumer/as consumed.

*d. section 8.3 – Declaration of certain foods and ingredients and specifically the proposed revised text for sections 8.3.1, 8.3.2 and 8.3.2.1.*

A&AA supports the declaration of certain foods and ingredients in the proposed text for sections 8.3.1 and 8.3.2.1 but does not agree with the text in section 8.3.2.

Section 8.3.2 states that ‘the specified name for the foods and ingredients in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 shall be declared in the list of ingredients or in a separate statement or in both.’ A&AA believes that there should not be an option for the relevant food and ingredients to appear in either the ingredient list or a separate statement. It should appear in both. The ingredient list is seen as the source of truth by consumers and the separate statement helps people find allergen information on packaged food more quickly and easily so they can make an informed decision.

*e. whether the text is ready for advancement to Step 8.*

Given we did not agree with the exemptions stated in 4.2.1.6 and the option for foods and ingredients to be declared in the list of ingredients OR a separate statement, we do not support the text advancing to Step 8.

*(ii) the guidelines on the use of PAL in Appendix II of CX/FL 24/48/5 (Part B), in particular:*

1. *purpose section in regard to determining if and how PAL thresholds can address cross contact from gluten containing cereals for consumers with coeliac disease.*

A&AA does not support PAL being used to communicate to consumers with coeliac disease the risk of cross contact/cross contamination.

Precautionary **Allergen** Labelling in its definition is specific to allergens and gluten is not an allergen to people with coeliac disease as it does not cause an allergic reaction. Including coeliac disease in all discussions on food allergen labelling contributes to the confusion around wheat allergy, gluten intolerance and coeliac disease.

Furthermore, in Australia, packaged food is required to be gluten free to be suitable for people with coeliac disease. That is, there should be no detectable gluten. Therefore, a PAL statement that indicates a risk from the unintended presence of gluten due to cross contact should not be present on a product for consumers with coeliac disease. A&AA is not aware of universally accepted reference doses for gluten.

There already is significant confusion with wheat allergy, gluten intolerance and coeliac disease and this would be exacerbated if there was a reference dose for wheat and a different reference dose for gluten.

If a decision is made to establish agreed reference doses to gluten and a PAL used to communicate the risk of cross contact for consumers with coeliac disease, A&AA believes that there needs to be consistent communication. That is, every article/guideline/legislation/policy/communication needs to explain that while coeliac disease is not caused by an allergy, it is included in our extensive work on food allergy because the need to avoid gluten is not dissimilar to the needs of people with immune mediated food allergy.

In addition, we prefer that if cross contact is going to be used, it is important to explain on each document that cross contact means cross contamination. Cross contact to consumers means a food allergen may have 'touched' (i.e. contacted) their food. This is very different to their food being contaminated with a food they are allergic to.

1. *principle 4.2 in regard to proposed alternative text on the types of risk assessment.*

A&AA agrees that the decision to use PAL should be based on the findings of a risk assessment of unintended allergen presence to determine exposure above a reference dose. As previously stated, we believe that risk assessment should be evidenced based and therefore quantitative assessment using agreed references doses should be utilised to convey accurate and consistent information to consumers to allow them to make an informed choice. Furthermore, we believe that a standardised risk assessment should be mandated so that products with a PAL are accepted as a higher risk product and people can have greater confidence in products without a PAL

1. *principle 4.3 and the table of reference doses in 4.3.1 particularly in relation to inclusion of gluten.*

A&AA believes that the text is incorrect – “PAL shall only be used if unintended allergen presence cannot be mitigated to a level at or **below** the action level for a food allergen based on the reference doses in the table at 4.3.1.”

It should read, PAL shall only be used if unintended allergen presence cannot be mitigated to a level at or **above** the action level for a food allergen based on the reference doses in the table at 4.3.1. If a product has unintended allergen present below the action level for a food allergen it should not have a PAL.

A&AA does not support principle 4.3 in relation to the inclusion of gluten. We are not aware of established reference doses for gluten. The acceptable amount of gluten present in packaged foods in Australia and New Zealand for people with coeliac disease is ‘not detectable’ so we are unclear how a PAL on a product would be helpful for consumers with coeliac disease. They require food that is gluten free. As gluten is not an allergen, we do not support it being included alongside food allergens for which there are established reference doses.

1. whether the text is ready for advancement to Step 5.

As A&AA does not support PAL being used for gluten, we do not agree that the text is ready for advancement to Step 5.

(iii) whether to provide further advice to CCFH to ensure consistency of the *Code of Practice on Allergen Management for Food Business Operators* (CXC 80-2020) with the revision to the GSLPF and the guidelines on the use of PAL.

A&AA supports further advice to CCFH to ensure consistency of the *Code of Practice on Allergen Management for Food Business Operators* (CXC 80-2020) with the revision to the GSLPF and the guidelines on the use of PAL. If the GSLPF and use of PAL is to be trusted as the source of truth for food allergen labelling, is vital that the information is clear and consistent.