



Allergy & Anaphylaxis Australia

7 July 2022

To whom it may concern

Thank you for giving Allergy & Anaphylaxis Australia the opportunity to provide feedback to the Codex Contact Point for Australia Secretariat on food information requirements for pre-packaged foods offered via e-commerce.

Please find responses to questions in Appendix III below.

APPENDIX III - QUESTIONS FOR THE ELECTRONIC WORKING GROUP

Q1	Given the reasoning provided in this document, do you support the use of the WTO definition of e-commerce? a. If not, why not? b. What definition would you use as an alternative and why?
	The use of the WTO definition of e-commerce is supported by Allergy & Anaphylaxis Australia (A&AA).
Q2	Do you support the principals laid out in section 4.1? a. If not, why not? b. What would you add? c. What would you remove? d. Should Food Information be provided on the product information e-page <i>i. At;</i> <i>ii. Prior to; or</i> <i>iii. By</i> the point of e-commerce sale?
	a. It is not clear the food information required means the Codex requirements or the national regulations, or means the Codex requirements plus the national regulations. In the instance where national regulations have provisions in

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	<p>addition to the Codex requirements, then the food information should be that indicated by national regulations only, and the text should make that clear.</p> <p>This applies especially with respect to food allergen labelling, where additional Australian allergen labelling standards (Plain English Allergen Labelling), gazetted and due to take effect by February 2026, are not yet included in the Codex standard.</p> <p>b. The principle stated at 4.2 illustrates the need for national standards containing more detailed requirements than Codex standards for food allergen labelling, to take precedence over Codex standards. Australian standards do have labelling exemptions for small packages, but not for allergen labelling. See also Q3</p> <p>A provision to that effect should be included in the text.</p> <p>c. No position on the removal of text</p> <p>d. Inconsistencies between product information on the e-page and that on the pre-packaged food as purchased at retail is a major issue for those with food allergy and their carers. Consumers with food allergy require accurate ingredient and allergen information on the e-page, that is consistent with that on the pre-packaged food to be delivered, prior to a commitment to purchase. The A&AA position is that the product information e-page should be provided prior to the point of e-commerce sale.</p> <p>It is not clear if the “Product information e-page” refers to a single product or refers generically to the online display generally. A&AA assumes that the virtual space is specific and individual to each product and suggests that this be made clear.</p>
Q3	<p>Do you support the principals laid out in section 4.2?</p> <p>a. If not, why not?</p> <p>b. What would you add?</p> <p>c. What would you remove?</p>
	<p>A&AA supports the application of a labelling exemption for small units, provided again that this would not override any national regulations requiring allergen labelling on small units, notwithstanding exemptions for other labelling requirements such as ingredient listing.</p>
Q4	<p>Do you support the principals laid out in section 4.3?</p> <p>a. If not, why not?</p> <p>b. What would you add?</p>

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	c. What would you remove?
	No position on expiry dates.
Q5	<p>Do you support the principals laid out in section 4.4?</p> <p>a. If not, why not?</p> <p>b. What would you add?</p> <p>c. What would you remove?</p>
	<p>A&AA strongly supports this requirement. The increase in consumption of delivered meal kits and the use of on-line ordering and delivery of food products, have posed added challenges and risks for those with food allergies. The proposed text should make it clear that the statement must be included with each and every product. A general statement, that is repeated for every product in every size, would be easily overlooked or forgotten. See example statement below from a major supermarket chain</p> <p style="padding-left: 40px;">Product details, including nutritional information and country of origin, may change from time to time and so the product you receive in your order may not reflect the information on this page. Please check the packaging on any product you purchase and if it's not what you expected, feel free to return it for a full refund.</p> <p>A&AA's feedback from consumers indicates that there should be a requirement for the product information e-page to state that customers should check the food information on the physical label before consumption. This is especially important for delivered meal kits, including small packages of ingredients, where recipes are subject to late changes.</p> <p>A&AA advocates for the statement to include information that clearly references food allergen labelling due to the risks to consumers with food allergies. For instance, "Product details, including ingredient listing and allergen labelling, may change from time to time and so the product you receive in your order may not reflect the information on this page."</p> <p>Discrepancies between the website information and the prepacked product presents a major risk for consumers with food allergy. A&AA is aware that retailers may not be prompt in correcting their online information when a discrepancy is pointed out, which is critical in safeguarding the health of those with food allergies. The disclaimer provided, such as that provided by the major supermarket chain, and suggested by these principles, would seem to provide online retailers the opportunity to be less than diligent in ensuring that the online information matches the ingredient and food allergen labelling of the pre-packed product.</p>

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	<p>A&AA suggests that where the allergen information online does not correspond to the actual food product available for order, the product is “red-flagged” and made unavailable until the discrepancy is remedied.</p> <p>Consumers sometimes have the option of ticking the “no substitution” box for an order. This should <u>always</u> be an option for food purchased through e-commerce. For consumers with food allergy, the substitution of a product that could include food allergens is a risk. All food information needs to be assessed by the consumer, with no assumptions made by retailers substituting items. Furthermore, without the “no substitution” option, the person unpacking the groceries (who may not be the person who placed the order – e.g., a grandparent or a child) may be unaware that a substitution has been made and this is a risk to a consumer with food allergies.</p>
Q6	Do you have any other comments on this text?
	<p>As a general observation, the proposal discriminates heavily in favour of larger supermarkets, who are more likely to have these proposed requirements in place already. They presumably have the commercial influence to require their suppliers to provide that information. Smaller supermarket chains either provide the online information to a degree or not at all, but not for all products, and not always to the fullest extent.</p> <p>The implication may be that smaller operations not only may not comply, or if the required information is provided, they may not be able to keep pace with changes to formulations. Again, this presents more potential risks for people with food allergies.</p>

Yours faithfully,

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