

Codex Contact Point for Australia / CCFICS Secretariat

25 March 2024

Dear Gillian and Meg,

Thank you for the opportunity to provide comments on **CL 2024/24-FL - information on emerging issues/future work**.

Allergy & Anaphylaxis Australia (A&AA) provided feedback in response to CL 2022/70-FL on 29 November 2022 that we have attached as we believe the issues are still relevant.

We have included comments below to some specific points that were raised in the document CX/FL 23/47/13

*5) No new potential work items for CCFL were raised in response to CL 2022/70-FL.*

A&AA raised concerns about two emerging issues that we felt needed consideration by Codex but do not appear to be included in the document CL 2024/24-FL:

1. The regulation of labelling of food- based sustainable tableware and packaging.
2. The regulation of the term "vegan".

*22) ICGA highlighted that the work on 'vegetarian' and 'vegan' undertaken by ISO/TC 34 committee is now finalised as ISO 23662:2021. This would need to be considered should CCFL commence work in this space. Alternatively, CCFL could encourage ISO-member National Standards Bodies to adopt such ISO technical standards, rather than undertaking new work in this area.*

A&AA is concerned that the ISO definitions and technical criteria for food and food ingredients have been designed for the vegetarian and vegan population and not for those with food allergy. The standard does not require food to be 'free from' egg and milk (dairy), only that "reasonable steps are taken to minimize the risk of cross contamination" and therefore are likely to pose a risk to consumers with egg and milk (dairy) allergy.

We believe that if CCFL encourage the adoption of the ISO technical standard, there should be education of the food industry, health professionals and consumers to inform them of the definitions and the implications for people with food allergy and their carers.

### **Feedback on Inventory of future work (Appendix 1)**

#### **3. Vegetarian**

A&AA notes that the work on the definitions of 'vegan' and 'ovo-lacto vegetarian' and 'lacto vegetarian' was discontinued in 2000 as it was not possible to establish a common definition. We believe that it is important that this issue be re-visited due to the dramatic increase in foods that are labelled as 'vegan'

alongside the increase in people with egg and milk allergy and people 'holding on' to these allergies into adulthood.

A&AA has previously raised concerns about the availability and advertising of vegan foods and the confusion this causes in the community, with many believing these products are 'free from' egg and milk (dairy) and therefore safe for those with egg and milk allergy. As the ISO standard allows for small amounts of milk and egg as unintentional ingredients, where there is real risk, a precautionary allergen statement indicating risk should be seriously considered.

As well as numerous reports of anaphylaxis to vegan foods, A&AA is aware of 2 deaths in the past 3 years in Australia that involved vegan foods. One was a vegan pizza for a person with cow's milk allergy and the other a salad containing 'cheese' for a person with tree nut allergy.

In addition to vegan and vegetarian claims being defined, the definitions of cheese and milk need to be regulated to avoid food manufacturers and food service businesses calling a vegan 'cheese' that is made of cashew, for example, 'cheese'. In the absence of food service outlets needing to identify they serve 'vegan' food, there needs to be clarity in the naming of foods that are vegan.

### **9. Labelling of foods in multipack format**

A&AA supports there being clarity on multipacks and a need to ensure consistent ingredient information on outer and inner packs, where possible, understanding very small units would prohibit a full list of ingredients. Any promotional items in a multi-pack must be clearly labelled on the external pack and the promotional item. This may include a sticker identifying ingredients on the outside.

### **10. Alcohol Labelling and Guidance**

A&AA recently contributed to the request for information on the labelling of alcoholic beverages and supports the mandatory labelling for ingredients, including common food allergens on all alcoholic beverages.

### **11. Innovation – use of technology in food labelling**

A&AA supports new approaches for providing consumers allergen information on foods they purchase. The use of e-labelling does have a role in providing additional information, especially where space on pack restricts the ability to include all ingredient information. However, it is important that the source of truth continues to be the physical label on pack. We have previously communicated concerns about the inconsistency between online ingredient/allergen statement information and information on pack. It does need to also be acknowledged that there is not universal access to technology, so e-labelling could not replace on pack labelling of ingredients and allergen statements.

### **17. Principles and criteria for food labelling exemptions in emergencies**

A&AA contributed to a submission in April 2022 stating that food allergen labelling exemptions should not be considered because of the significant risk to consumers with food allergy. Easing food labelling regulations in emergencies is counterproductive and potentially harmful. During times of crisis, emergency services are usually stretched, and inadequate food allergen labelling may lead to more severe reactions, placing an extra burden on an already strained health care system.

Any exemptions to ingredient information (that includes foods other than the common allergens that should not be exempted) needs to be discussed with peak bodies and education campaigns, spear-headed by regulators and food legislators in collaboration with key stakeholders, need to be undertaken to increase safety.

**18. Review and harmonize the definition of ‘small unit’**

A&AA agrees that ‘small packaging’ needs to be defined to ensure harmonisation.

A&AA supports the common food allergens being listed where possible on a small unit, understanding that this may not always be possible. However, if the pack is big enough for a health claim there should be an ingredient list that includes allergen information.