



# Allergy & Anaphylaxis Australia<sup>®</sup>

29 November 2022

Dear Codex Contact Point for Australia / CCFICS Secretariat,

Thank you for the opportunity to provide information on emerging issues for consideration in future work.

Allergy & Anaphylaxis Australia (A&AA) propose two issues that we believe warrant discussion and consideration by Codex.

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

## **The regulation of labelling of food-based sustainable tableware and packaging.**

There has been a recent proliferation of food-based sustainable tableware, such as plates, bowls, cutlery and straws as well as packaging, such as cling wrap, in the market, particularly now, since some states and territories in Australia have banned single use plastic and others plan to follow in 2023-2024.

We are aware that wheat and rye (both bran, stalks, husks), rice, corn, sugarcane and coffee are being used as materials in sustainable tableware, as well as milk in cling wrap.

Australians with food allergy and those that care for them are strongly encouraged to read food ingredient labels and then make informed decisions on whether food is safe to consume, however in most cases, there is no ingredient information available on the actual packaging or containers the food comes in. Food business owners have limited or no knowledge if the environmentally friendly food and beverage packaging that they are using is a source of food allergens that could possibly contaminate food and cause an allergic reaction.

We believe that there should be testing of sustainable tableware and packaging by manufacturers to determine if the product contains any food protein, whether that be directly or through cross contact in the manufacturing process. Consideration also needs to be given to the impact on food-based packaging of heating or storage and possible leaching of food protein into a food. Consideration also needs to be given to the types of food that the packaging or tableware will be used for. For example, a fatty food that is heated in the package may result in leakage of the food protein, whereas an ambient temperature dry food may result in no leakage of the food protein. Labelling should be clear and comprehensive, listing all food-based ingredients. This allows consumers to make an informed decision

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as to whether it is safe for them to use. This kind of labelling will also allow food manufacturers and food service businesses to meet their legal obligations to the consumer to serve foods that meet the customers' demands.

We feel that there needs to be more research into food packaging that contains food products or food by-products for the safety of all. If there is no potential risk to consumers with food allergy, then we have clear direction and will not potentially increase anxiety about the possibility of food contamination from packaging. However, if there is evidence to show there is a risk to consumers with food allergy from packaging containing food/food by-products, this would likely lead to the development of a new standard/guideline.

### **The regulation of the term “vegan”.**

There is no legislation in Australia and New Zealand that specifically regulates the labelling of vegan food. “The Vegan Australia Certified label program, which is based on the international ISO Standard, aims to ensure that products bearing the Vegan Australia Certified Label do not contain any ingredients of animal origin and that animal products have not been used during the manufacturing process.” The standard does not state that products must be “free of” dairy, egg or meat and fish products, only that “reasonable steps are taken to minimise the risk of cross contamination.”

A&AA is concerned that the community mistakenly assumes that vegan products are suitable for consumers with food allergies such as egg and milk allergy. Vegan food is largely designed for consumers who choose to avoid food derived from animals for reasons pertaining to issues related to the environment, animal cruelty or health. Vegan food is not produced with food allergy at front of mind.

A&AA has reported on behalf of consumers a number of products that are labelled vegan, but in fact contain milk at levels that are above that expected through cross contamination. The investigation process by the state jurisdictions often leads to vegan food products being voluntarily recalled by the manufacturer. We are concerned that some companies use “vegan” as a marketing tool and their allergen management and labelling are not consistent with good manufacturing practice (GMP).

A further complicating factor is the technology known as 'precision fermentation.' Companies such as [Perfect Day](#) and [Every](#), are using genetic sequencing and fermentation, to produce dairy and egg products identical to those using traditional milk and egg but are animal free, lactose free but NOT free of milk or egg protein. They are therefore a risk to those with milk and egg allergy.

A&AA believes that there needs to be clear labelling on vegan products communicating cross contact with a Precautionary Allergen Labelling (PAL) statement. If products are labelled as vegan but contain animal protein, such as milk, egg, seafood, there must be clear labelling that these products contain the related protein. Those working in food service that use packaged vegan products also need to understand the critical need to read packaged food labels with vegan claims, as it is likely that, they too, believe there is no milk/egg or other animal products in the packaged vegan food used by the food

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service establishment. People at risk of anaphylaxis to foods such as milk and egg need to understand they need to disclose their allergy to milk or egg, even when eating at a vegan restaurant/cafe/other because of the use of packaged foods.

If taken up as a new work proposal, this would likely be a new standard/guideline.

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