



20 May 2018

Standards Management Officer  
Food Standards Australia New Zealand  
PO Box 5423  
Kingston ACT 2604

Email: [standards.management@foodstandards.gov.au](mailto:standards.management@foodstandards.gov.au)

To whom it may concern:

On behalf of Allergy & Anaphylaxis Australia I wish to make a submission on **Proposal 1044**, Plain English Allergen Labelling (PEAL)

## **Background**

Allergy & Anaphylaxis Australia (A&AA) is a charitable, non-profit organisation established in 1993 to support and assist those affected by allergy and anaphylaxis. A&AA is dedicated to assisting individuals, their caregivers and all in the community in the management of allergic conditions including food allergy. A&AA's aim is to enable individuals and their families to enjoy an optimal quality of life whilst minimising risk to their health and wellbeing.

A&AA strives to raise awareness of allergy in the community and provides evidence-based information, resources and services to support children and adults living with allergic disease including food allergy. A&AA has members across all states and territories of Australia. We have a Medical Advisory Board that consists of several allergy specialists who are also members of Australia's peak medical body, ASCIA (the Australasian Society of Clinical Immunology and Allergy).

## **Submission**

A&AA is broadly supportive of proposals to improve the requirements for the labelling of foods with respect to their allergen content.

Nonetheless A&AA is concerned that section 1.2 of P1044, has declared that issues relating to the unintended presence of food allergens to be out of the scope of this proposal. A&AA considers the declaration of such allergens to present a more critical labelling issue than many of the matters under consideration in this proposal and worthy of more immediate attention.

A&AA is also concerned that little attention has been paid to allergens other than fish, molluscs, tree nuts, wheat and cereals containing gluten.

Additional matters which are in need of attention include the use of term “milk” to describe milk alternatives e.g. coconut, soy, almond; the use of term milk to encompass milk from mammals other than cattle; identification of incidental allergens; packages exempt from labelling; foods such as beer & spirits exempt from allergen labelling. These are discussed at the end of the document.

Finally, A&AA remains concerned by the slow pace of reform in the field of allergen labelling, and reiterates its response to W1070 under ‘other matters’.

**The following addresses the specific questions contained in P1044.**

*Questions about fish, crustacea and mollusc declaration requirements*

**1. Do you agree there should be a separate declaration requirement in Standard 1.2.3 for molluscs?**

A&AA agrees with this proposition, as per crustaceans

A&AA response to W1070 stated:-

A&AA suggest that the standard be amended to list fish, crustacea and mollusc separately, which would resolve the ambiguity in the standard, create certainty for consumers and potentially improve food choices for allergic consumers.

**2. How should finfish be declared on food labels? Should Standard 1.2.3 require a declaration of ‘fish’ or ‘finfish’?**

A&AA suggests fish rather than finfish as that is how the general public including health professionals, food industry and consumers allergic to fish, describe fish.

Alternatively it may be worth considering amending the definition of fish for the whole FSC to exclude molluscs and crustaceans. It should be noted that FSC standard 4.2.1 refers to ‘seafood’ rather than ‘fish’.

A&AA concurs with the FSANZ view and the reasons laid out in section 3.1.4 paragraph 1 of P1044 (Call for Submissions)

Note that A&AA’s response to W1070 stated

The allergen declaration requirements need to be understood by anyone selling food, including those in the food service area. For example, the question should also ask, amongst others, “Would a wait-person understand the allergen declaration requirement?”

**3. What amendments should be made to Section S10—2 of Schedule 10 (if any) to prevent inconsistencies between ingredient labelling requirements and allergen declaration requirements for finfish, crustacea and molluscs? Please provide reasons for your answer.**

A&AA suggests the following may address the inconsistencies for the same reasons canvassed in P1044.

<b>Generic name</b>	<b>Condition of use (if any)</b>
---------------------	----------------------------------

crustacea

fish other than crustacea or molluscs

molluscs

A&AA would like to see the individual crustacea or mollusc listed E.g. prawn (**crustacea**); mussel (**mollusc**). Whilst people allergic to one crustacean are often allergic to another, this is not the case with mollusc allergy. The terms crustacea or mollusc however will not be familiar to all people who are allergic to these foods. Some people will simply know that they are allergic to say prawn or crab or oyster. It is therefore essential that both terms are listed. For example prawn (**crustacea**) or oyster (**mollusc**).

Please note that there was a time when we considered the term tree nuts was sufficient because all individuals allergic to peanut and tree nut avoided all tree nuts HOWEVER that has changed with individuals being actively told to eat the tree nuts they are not allergic to so we need them listed individually. It would seem appropriate that we consider doing the same with naming crustacea and mollusc, so someone who knows they can consume crab, for example, but is allergic to prawn or calamari has the choice. It would be very helpful to have the individual crustacea and mollusc species listed individually E.g. prawn (**crustacea**), mussel (**mollusc**). Whilst we consider the naming of crustacea and molluscs would benefit consumers and not be too onerous on industry, the potential naming of each fish species, although beneficial for consumers with species specific fish allergy, needs further consideration. A&AA suggests this issue requires further discussion between regulators, food industry, consumers, allergists and others.

#### *Questions about tree nut declaration requirements*

#### **4. Do you agree with FSANZ's preliminary view that the nine individual tree nuts associated with food allergy should be required to be specifically declared?**

A&AA concurs with FSANZ's preliminary view

But it would seem that in an ingredient list individual nuts must already be declared. Section 1.2.4-4 allows for the use of a generic name in an ingredient list, subject to conditions. See schedule 10 of the FSC. Section 10 lists "nuts" (not just 'tree nuts') as a generic name, but the conditions for use state "The specific name of the nut must be declared". Thus making "nuts" a non-generic name, and no longer an appropriate inclusion in the schedule. This situation has arisen because the pre-2000 version of the FSC also listed "nuts" as a generic name, but the condition of use required only peanuts to be declared separately. Post 2000 this was expanded to all nuts. The drafting has led to this present confusion, but the intent appears quite clear I.e. in an ingredient list, the specific name of the nut must be used, and not a generic name.

This impasse can be resolved by removing the reference to nuts from schedule 10, and amending Standard 1.2 4, statement of ingredients, to require a food containing nuts to declare those nuts by their specific name in the ingredient list.

The Code should also be amended to ensure that those foods which are exempted from labelling, but must still declare any allergen/gluten content, are also required to declare the nine individual tree nuts.

Note that A&AA stated in its submission to W1070:-

A&AA supports the AFGC approach whereby the 'contains' statement draws the consumer attention to the presence of tree nuts, prompting the consumer to examine the ingredient list in detail for more specific information. This is particularly useful where ingredient lists are long and complicated, and often appear in minute type. This does however rely on the 'contains' statement being correct. There have been several instances where an allergen in the ingredient list has been missed in a 'contains' statement and foods are not recalled because the 'contains' statement is not required by law. There are also cases of a 'contains' statement listing ingredients that are not in the ingredients list. This also adds to consumer confusion.

A&AA asserts that the AFGC approach is valuable for all the prescribed allergens, but would have effect only where manufacturers are required to label products according to the AFGC system.

- *What would be the impacts of this requirement for industry (e.g. costs and trade considerations) and consumers?*

The impacts on consumers with allergens and their carers would be a greater choice of products in the market. Currently products declaring only the generic name tree nuts (though in possible contravention of schedule 10) would be avoided through uncertainty as to the identity of the tree nut or nuts.

The impact for industry would potentially include enhanced credibility and more sales

*Would this approach offer sufficient clarity in the Code with regard to which tree nuts / nuts should be declared?*

A&AA's position is that individual tree nuts should always be declared, including where foods are exempted from ingredient listing but must still comply with standard 1.2.3. The nine most common tree nuts (almond, brazil nut, cashew, hazelnut, pecan, pine nut, pistachio, macadamia nut and walnut) associated with food allergy should be always be declared using their name and not collective term.

*Questions about declarations for wheat and cereals containing gluten*

The main reason for the A&AA view is that the drafting of mandatory declaration of certain substances in food from its inception created confusion by attempting to deal with wheat allergy and the presence of gluten simultaneously. In support of the PEAL approach, and the intent of Proposal P161, wheat and wheat products should be listed separately from the "cereals containing gluten" section in FSC 1.2.3-4 (1)(b)(i)

**5. Do you support clarifying the intent of Standard 1.2.3 by requiring wheat and its hybrids to always be declared irrespective of the gluten content in a food?**

A&AA agrees, for the reasons given above.

A&AA in its response to W1070 stated

A&AA is aware of significant “cereal specific allergies” other than wheat, including barley, rye and oats and supports the AFGC approach whereby the ‘contains’ statement draws the consumer attention to the presence of cereals, prompting the consumer to examine the ingredient list in detail for more specific information. This is particularly useful where ingredient lists are long and complicated, and often appear in minute type.

**6. Does clarifying the intent of Standard 1.2.3 also inform gluten intolerant consumers about the presence of gluten in a food?**

A&AA assumes that FSANZ is using the term “gluten intolerant consumers” to encompass both those consumers with a gluten intolerance and those with coeliac disease. A&AA agrees that clarifying the intent of 1.2.3 in this respect is essential.

- *If so, then what is the clearest and most easily understood way to declare the presence of gluten in a food?*

A&AA assumes that ‘clarifying the intent of 1.2.3’ means separating out wheat as an allergen. The best way to declare gluten then would be in a mandated ‘contains’ statement following the ingredient list viz “contains gluten and wheat”

**7. Are there other approaches (if any) that could be used for regulating how wheat, barley, rye, oats, spelt and their hybrids are declared to assist both allergen sensitive and gluten intolerant consumers?**

A&AA believes that wheat and the hybrid strains of wheat should be declared independent of the gluten declaration. Individuals with wheat allergy need to avoid all proteins from wheat and its hybrids. However A&AA supports that the source of the gluten should also be declared to provide information for those who can consume gluten from some cereal products but not others.

**Consumer research questions**

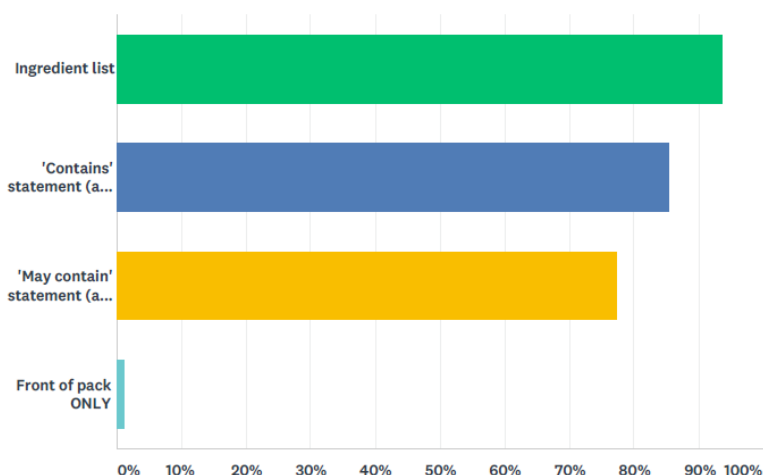
Allergy & Anaphylaxis Australia conducted an online survey of its members and Facebook followers to ascertain the answer to the consumer research questions. The survey was open for one week April 12-17, 2018. A total of 676 consumers responded. The answers are summarised below:

**8. What evidence can you provide on how food allergen sensitive consumers use food labels to identify allergens?**

- *Where on the label do they look to determine whether an allergen is present?*

## Q1 Where on the label do you look to see if your allergen is present? Select all that apply.

Answered: 675 Skipped: 1



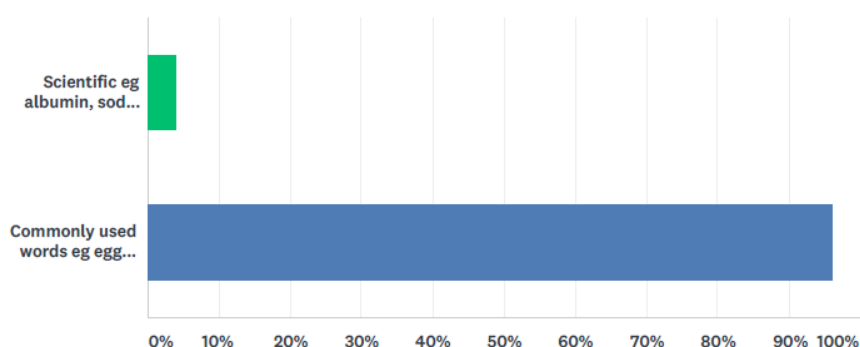
People with allergies and/or their carers look at the ingredient list and the annexures to the list viz “contains” and “may contain” statements, and in the case of foods exempt from ingredient listing, such as wine, in the mandated contains statement.

The presence of a declaration of “incidental” allergen presence is critical to consumers with allergies, as it addresses the shortcomings of the current food standards code. Nonetheless the incidental allergens must be declared in a recognisable and consistent format such as VITAL as discussed elsewhere.

- ***What types of terminology in allergen declarations are the most meaningful to consumers?***

## Q2 What types of terminology (wording) in the allergen declaration do you find most meaningful?

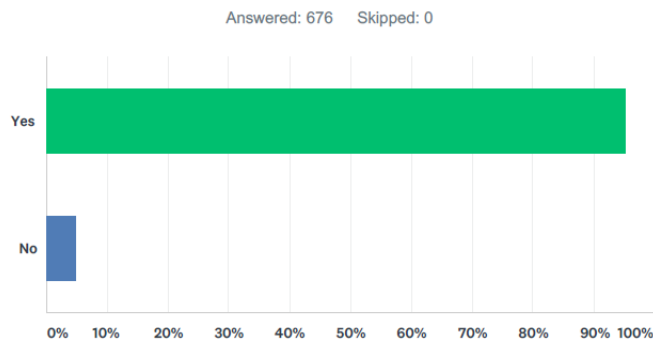
Answered: 675 Skipped: 1



If the declaration is part of an ingredient list, a combination of specific and generic is preferred. The generic terminology needs to be consistent with the allergen list in standard 1.2.3. viz “milk”, “egg” etc. Such as ‘lecithin’ (**soy**) or caseinate (**milk**). A&AA believes that mandated bolding of the common allergen name would make it easier for consumers to identify their allergen.

***Do you have any evidence on the importance of the source allergen in a declaration (e.g. 'milk' versus 'sodium caseinate' in the statement of ingredients)?***

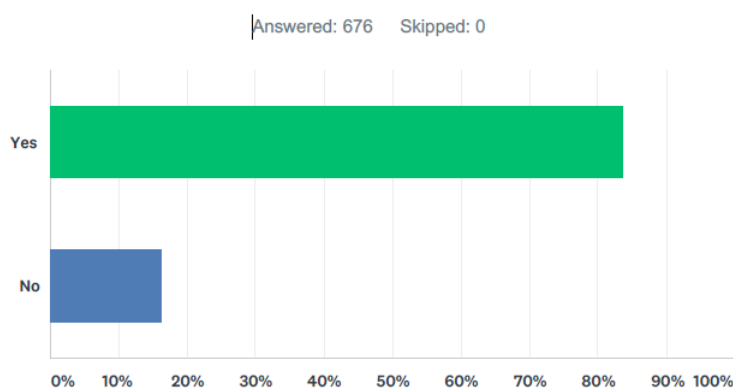
Q3 Should allergen declarations on packs always have the name of the ingredient, then the common name of the allergen in brackets next to it?  
eg sodium caseinate (milk); or oats (gluten); or albumen (egg); or macadamia (tree nut).



It is clear that consumers want the source allergen to be in an allergen declaration.

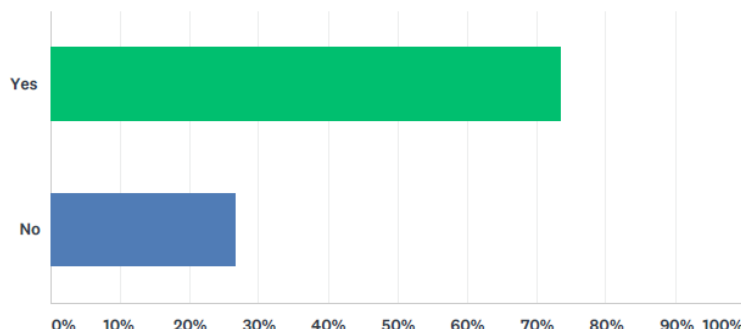
***9. What evidence can you provide about consumers' awareness that some allergen labelling formats are currently provided voluntarily (e.g. the 'contains' statement), and therefore may not always be present on all products?***

Q4 Do food manufacturers have to put a 'contains' statement (eg contains wheat) on their packaged product?



Q5 Do food manufacturers have to put a precautionary statement (eg 'may contain traces of fish') on their packaged product to communicate risk?

Answered: 673 Skipped: 3



Consumers mistakenly believe that 'contains statements' and 'precautionary allergen labelling' are mandatory. This is very dangerous for consumers with food allergies as they commonly (mistakenly) believe that a product with no contains statement and/or no precautionary statement is safer than one that does have either or both statements.

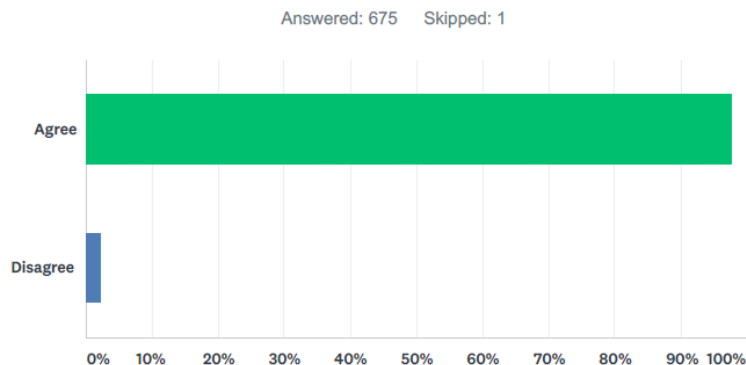
Contains statements can also be misleading. A&AA has reported products where a 'contains' statement does not match the allergens identified in the ingredient list. Very often, these products are not recalled. Please see below recent example where a product has dairy in a 'contains' statement and no dairy in the ingredients list. The manufacturer told the food enforcement agency that the product does not have dairy, but 'may contain dairy' due to possible cross contamination. There was no action taken by the enforcement agency. A&AA believes that an ingredient should not be in a 'contains' statement if it is not an ingredient in the product. A contains statement that does not match ingredients within the ingredient list confuses consumers with food allergy and their carers.





**10. Is there any evidence of consumers being confused when the terminology used for declaring allergens differs between the statement of ingredients and a 'contains' statement?**

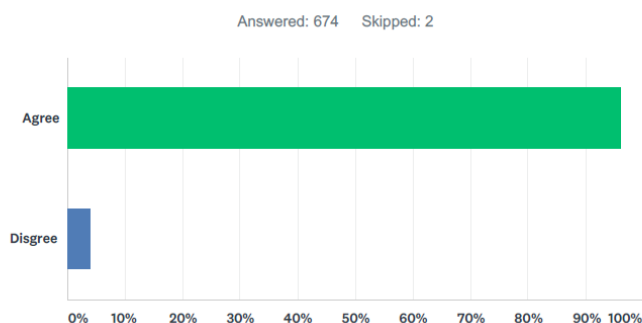
Q6 Do you agree or disagree that allergens should be named consistently on a product package eg the naming in the ingredient list should be the same as the naming in the 'contains' statement?



Consumers clearly would like consistent naming across all allergen declarations on a food package. There would less potential for confusion if the ingredient list stated E.g. lecithin **(soy)** and a 'contains' statement stated 'soy'.

*How important to food allergen sensitive consumers is consistency in the terms used for declaring allergens across different labelling elements?*

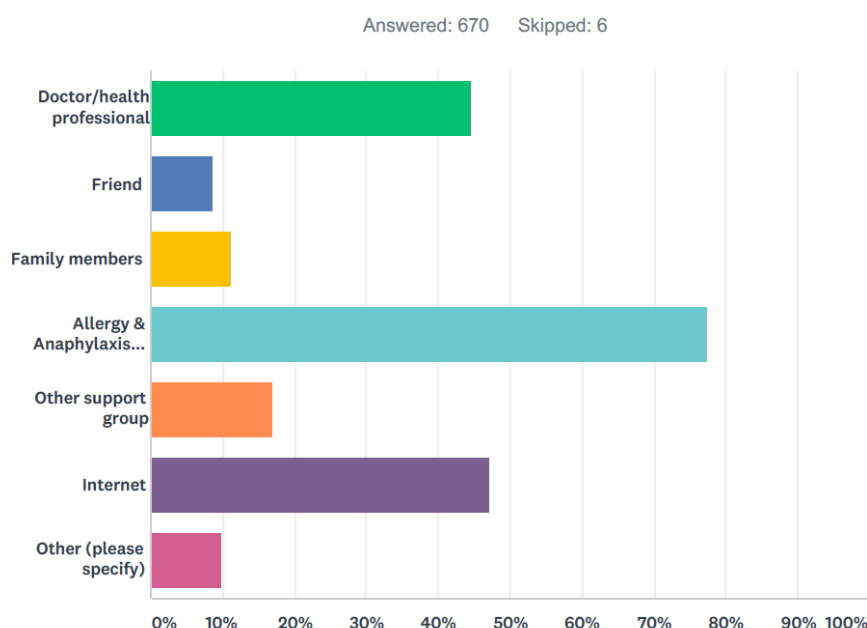
Q7 Do you agree or disagree that if an allergen is in an ingredient list that it should also be in a contains statement (if the product has a contains statement)?



A&AA considers consistency to be of critical importance, and this also applies to foods that are labelled using the VITAL process.

**11. Where do food allergen sensitive consumers obtain information about how allergens are labelled? For example, GP, friend or family member, a support group, the Internet etc.**

Q8 Where do you get your information about how allergens are labelled?  
Choose all that apply?



A&AA understands that all of the above sources are used to obtain information, however among our members/facebook followers, most get their allergen labelling information from A&AA.

*What is the nature and quality of information provided from these sources?*

A&AA did not ask this question of our consumers, as it is too complex to ask in a survey. However A&AA aim to always provide regular factual and up to date information on allergy related issues including food allergen labelling to consumers. We work closely with Food Standards Australia New Zealand, the Australasian Society of Clinical Immunology and Allergy, the Allergen Bureau the State Health Department Food Units, the AFGC, the Allergen Collaboration and others in an effort to share current, evidence based information.

**12. (Question for industry submitters) How do you make mandatory allergen declarations on your product labels? For example, listing source allergens in brackets after the ingredient they relate to within the statement of ingredients or including a 'contains' statement. Why did you choose the method you use?**

This question does not appear to address mandatory allergen declarations. It appears to be about voluntary declarations, like source allergens in brackets and contains statements. A mandatory declaration might be 'lecithin' without qualification. Adding the source allergen in brackets after the ingredient is not, at this time, mandatory. 'Contains' statements are not mandatory at this time except where an ingredient list is not present.

But acknowledging the differing ways industry makes voluntary allergen declarations is important and indicates that FSANZ recognises that there is a significant issue here that needs to be addressed. A&AA position is that either such declarations become mandated, or, if made voluntarily, must be consistent. A&AA strongly supports FSANZ in acknowledging this issue.

A&AA asks FSANZ to consider if voluntary ‘contains’ statements may be considered to be characterising ingredients or components and therefore subject to standard 1.2.10, and the label be required to declare the proportion of the ingredients or components present. A&AA suggests that ‘contains’ statements be added to the list of exemptions under 1.2.10—3 (3)

*Questions about applying plain English to allergen declarations requirements*

**13. Which of the proposed approaches for applying PEAL to allergen declarations (if any) would you support? Please explain your reasons.**

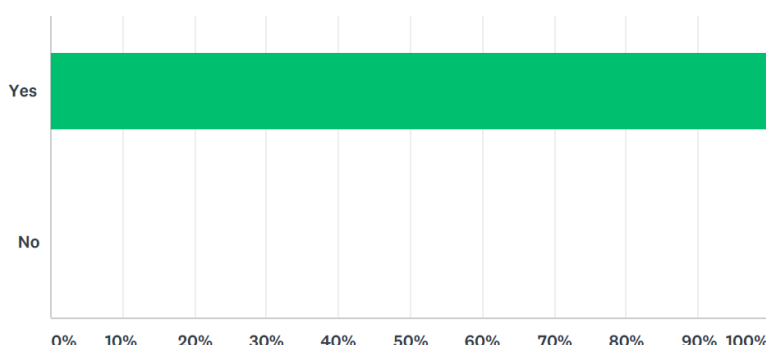
**a) The Code requires the specific source of an allergen to be declared but the terminology is not prescribed.**

Not supported. Taking into consideration that “PEAL is considered to be the use of clear and unambiguous terms in allergen declarations, primarily by reference to the specific source of the allergen” this approach does not address the shortcoming of the current standard.

**b) The Code prescribes the terms that must be used for each type of allergen declaration.**

Q9 Would you prefer that the law states the exact wording that MUST be used for each type of allergen declaration (ie manufacturers don’t get to choose)? For example manufacturers can’t use sodium caseinate alone, they must state sodium caseinate (milk)

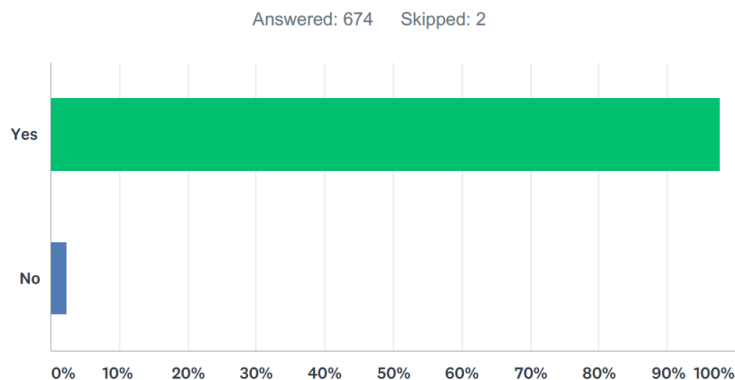
Answered: 674 Skipped: 2



Supported. But more detail is needed for the precise manner in which this is to be done. A&AA supports that the terminology to describe the source allergen is prescribed. This will decrease confusion among consumers with allergies, their carer’s and the food service sector. Lack of consistent terminology can lead to mistakes being made when making food choices.

**14. Should the location of the allergen declaration(s) be mandated on the label (e.g. in a separate 'contains' statement or in the statement of ingredients)?**

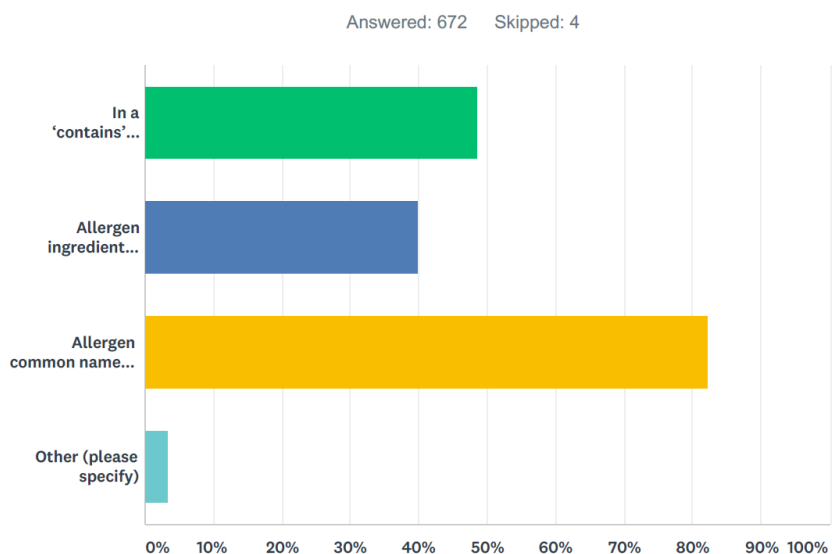
Q10 Do you think that the law should state the exact location where the allergen declaration must be placed on the package so it is consistent across all products? (eg. in a contains statement or in the ingredient list or both).



Yes, A&AA considers it should be mandated.

*If so, where on the label should this information be located? (please give your reasons why)*

Q11 If you answered yes, where would you like the allergen declaration to be located? Choose all that apply.

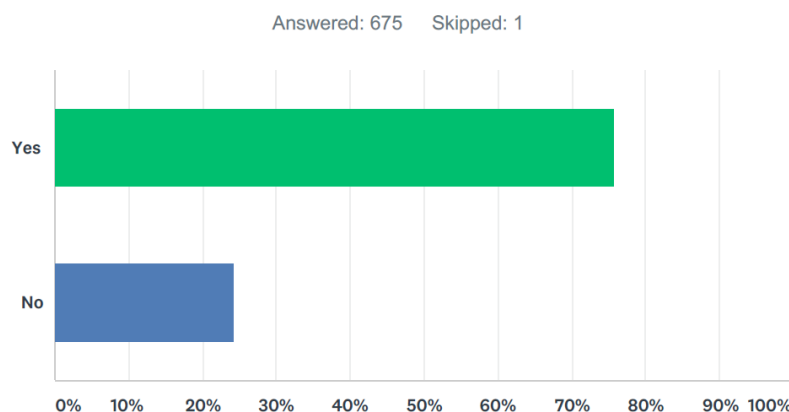


As we understand it, the AFGC guide requires where the ingredient list contains the name of the actual ingredient E.g. casein should be qualified as milk appearing as: casein (**milk**). The 'contains' statement should follow the ingredient list and use the name from the FSC allergen list I.e. 'Contains milk' in this case.

A&AA supports this approach

**15. If the location is not mandated, do you think the use of PEAL in at least one label element would provide sufficient information for consumers to make an informed choice?**

Q12 If the location of the allergen information was not required by law, would the use of plain English labelling for allergens give you enough information to make an informed choice when making allergen related food purchasing decisions? Plain English labelling would use clear and unambiguous wording in allergen declarations, especially when describing the source allergen.



Despite the answers of our consumers to this question A&AA strongly believes that it is essential to use both plain English labelling and to mandate the location of the allergen information. This is especially important for carers and those in the food service industry who don't regularly take note of allergen labelling. It is also essential that the use of PEAL is consistent across ALL label elements.

### **Related Matters**

#### **Precautionary Allergen Labelling (PAL)**

An issue that has not been canvassed by this proposal, but requires urgent attention is the proliferation of “may contain” statements on food products. These statements, when not used judiciously severely restrict the diets of those with food allergies and in our experience, encourage risk taking behaviour. The current state of play means that a consumer finds it very difficult to determine why a product does have or does not have precautionary allergen labelling, and therefore if it is safe to purchase or not. Many health professionals including allergists, allergy nurses and dieticians continue to advise people to ignore precautionary statements.

PAL can be:

- Absent due to the product manufacturer processing and testing using VITAL (<http://allergenbureau.net/vital/>) and finding no risk of allergen contamination.
- Absent due to the product manufacturer believing that there is no cross contamination risk (no formal process used)
- Absent due to the product manufacturer undertaking no allergen contamination risk assessment.
- Present due to the product manufacturer processing and testing using VITAL and finding a risk of allergen contamination

- e) Present due to the product manufacturer believing there is a cross contamination risk (no formal process used)
- f) Present due to the product manufacturer believing it is better “cover themselves” than evaluate real risk.

Currently the consumer has no way to assess which of the above applies to the food they are selecting at point of purchase.

Our consumers have overwhelmingly called for precautionary allergen labelling to:

- Be clear
- Be consistent (mandated format, criteria for use and location)
- Communicate the actual risk (A&AA believes that manufacturer’s using the VITAL process to communicate the risk is the only way to ensure that this happens).

A&AA calls for FSANZ to urgently address this issue by bringing together interested parties to discuss and resolve a way forward.

### **Exempting ingredients from labelling**

Note that A&AA in its submission to P1031 stated with respect to glucose syrup derived from wheat:-

The structure of the amendment could exempt the declaration of the proposed exempted foods or substances in toto, including in an ingredient list, or at the least may appear to do so. For example, Standard 1.2.3—4 (1) requires anything listed in that subsection to be declared. Then subsection (b)(i) lists cereals etc and their products “other than (B) glucose syrups.....not exceeding 10mg/kg”, thus exempting such glucose syrups from declaration altogether. A&AA assumes this is not the intent of the proposal, and the proposed amendment should be redrafted accordingly to make the intention perfectly clear to businesses endeavouring to comply with the Code.

Notwithstanding the FSANZ response that the ‘structure of the amendment for glucose syrups from wheat is appropriately drafted for its intent to exempt only the mandatory allergen declaration (in this case wheat)’ the standard has to be understood by all levels of industry. At face value the standard states that such ‘glucose syrups’ need not be declared.

Assuming the FSANZ view to be correct, the exemption is very limited application, as it would only have effect where foods are exempt from ingredient listing, such as in a food service situation, or a small package. Thus a small package of confectionary need no longer declare the presence of glucose syrup derived from wheat provided the level of gluten in the syrup was less than 20mg/kg. A customer asking if that item of unpackaged confectionary contained wheat could presumably be advised that it did not.

In an ingredient list, glucose syrup must be declared as such, as usual. A customer with a wheat allergy or gluten issues will not know the source of the glucose syrup unless it is qualified, eg ‘maize’.

## Use of the term ‘milk’

The use of the term “milk” to describe milk alternatives such as those derived from coconut, tree nuts, rice, oats or soy continues to be a source of confusion for those with allergies and their carers. Calling non mammalian milks, milk, causes confusion at many levels. If a plant based product is manufactured and called milk, it should contain milk as an ingredient because if it does not, it is misleading. If a product such as oat milk does contain oats and milk how does the consumer know that it isn’t oat milk but oats plus milk.

Secondly, the term milk is currently defined as ‘the mammary secretion of milking animals’, which may be broader than necessary in the context of allergen labelling.

## Coconut

A previous submission was received regarding how the current exemption for declaring coconut was meant to operate, given that there are species of coconut other than *Cocos nucifera*. Supporting document 1 addresses this issue and has been unable to identify any of the other coconut species as having been implicated in causing an allergic reaction. Whilst this is mentioned in the consultation document (3.2.1) no comment has been requested. Which leaves us in the bizarre situation of *Cocos nucifera* being exempt from declaration, whereas *Lodoicea maldivica*, *Bactris gasipaes*, *Bactris minor*, *Borassus flabellifer*, *Salacca edulis* are not exempt and must be declared. Perhaps industry should have been asked to advise whether those species are commercially available or used, either locally or as imported foods or ingredients of foods. Note that only the USFDA lists, for guidance, coconut as a tree nut for declaration.

## Meaning of ‘cereals’

Schedule 10—2 refers to “cereals” and as advised in previous submissions it does not appear to include products of cereals.

A&AA advised FSANZ in its submission to W1070 as follows.

“Note that the use of the term cereal(s) does create some confusion. “Cereal” is not defined by the Code. The Macquarie lists cereal as 1. any gramineous plant, 2. The grain thereof, 3. An edible preparation like breakfast cereal or 4. Pertaining to grain.

The Code elsewhere would seem to regard “cereal” as the intact grain, thus for example Standard 1.1.2 states “**flours** or **meals** means the products of grinding or milling of cereals, legumes or other seeds. Consequently in Standard 1.2.4 (and S10) the use of the term “cereal”, either generically or specifically, can only refer to the intact grain. Consequently the provision is of extremely limited application, and would seem to have no effect when the ingredient is a cereal product. The standard should be amended as a matter of urgency to ensure that cereal products prepared from “cereals which contain gluten” are caught unambiguously by this provision.

A&AA reiterates its concern over the use of the term ‘cereals’ in Schedule 10—2

In addition, Schedule 10—2 references both cereals and starch as generic names, apparently accepting that starch derived from cereals is not encompassed by the generic name cereals.

Finally, standard 1.2.3-4 at (1)(b) refers to ‘any of the following foods or **products of those foods**’ (my emphasis) followed at (1)(b)(i) ‘cereals containing gluten etc’, again illustrating the distinction between cereals and cereal products, and the need to amend schedule 10—2.

## **Fruits and vegetables and spices**

A&AA would like to see companies specify the individual ingredients they use, and not use groupings such as fruit / vegetable /spice. There are many consumers allergic to individual fruits, vegetables and spices. They are unnecessarily restricted from purchasing these foods due to the grouping mechanism.

## **Exempt Foods**

The labelling of allergens/gluten also extends to foods in packages exempt from labelling generally, food in packages which are exempt from ingredient listing, and food in packages exempt from allergen labelling.

*Foods in packages exempt from labelling generally*

*Foods in packages exempt from ingredient labelling*

*Foods in packages exempt from allergen labelling*

Beer is exempt from 'cereals containing gluten' labelling requirements and A&AA has argued against this exemption for many years and will continue to do so. However note that paragraph (3) of 1.2.3—4 states "To avoid doubt, subsection (1) does not require a declaration of the presence of a food or a product that is derived from a food or product that is exempt from declaration under paragraph 1.2.3—4(1)(b)". Consider a shandy... is that "derived" from beer? It would seem not, and would therefore be subject to cereals containing gluten' labelling requirements. Yes? Likewise any of these foods exempted would lose that exemption when used as an ingredient in another food.

## **Timeliness**

A&AA remains concerned about the slow pace with respect to reform in allergen labelling. In its response to W1070 A&AA wrote

A&AA continues to be concerned about the time scale of allergen labelling (and declaration) review, and appropriate legislation amendments. A&AA notes from the 2010 FSANZ review that

*In October 2006, the Australia and New Zealand Food Regulation Ministerial Council requested FSANZ to review the regulatory management of food allergens. The overall aim of the review is to determine whether, in the context of current scientific knowledge, improvements can be made to the existing regulatory approach which allows consumer choice but does not compromise the safety of allergic consumers.*



The issues raised by W1070 were extensively canvassed in the 2010 review, and substantial evidence was garnered by the 2003 benchmark study and the 2008 follow-on survey. For example, the 2010 review already identified that molluscs and shellfish were allergenically distinct from finfish and recommended that

*FSANZ to consider this issue further in consultation with the relevant stakeholders in Australia and New Zealand.*

A&AA urges FSANZ to take prompt action on this occasion. This year it will be 16 years since the benchmark study, 10 years since the Ministerial Council's request, and 6 years since FSANZ recommended it undertake further consultation. These unconscionable delays have resulted in a vicious circle of surveys followed by reviews, in turn followed eventually by consultations and requests for more evidence to inform yet another report.

Yours faithfully,