

12 April 2024

Dear FSANZ,

RE: DRAFT GUIDELINES ON THE USE OF TECHNOLOGY TO PROVIDE FOOD INFORMATION IN FOOD LABELLING

Allergy & Anaphylaxis Australia (A&AA) has responded to the questions in the EWG 2nd Consultation Request.

1. Do you support the proposed revisions to Section 7.3? Please explain.

7.3 Where mandatory food information is provided solely using technology, the reference on the label shall link [directly/clearly/in a clear manner] to this information, and the mandatory information shall be readily identifiable, grouped together, and easily distinguishable from other information.

- a. *Do you have a preference between the following terms in square brackets: [directly/clearly/in a clear manner]?*

A&AA support the proposed revisions to Section 7.3 and agree that mandatory food information should be grouped together and distinguishable from any commercial information to assist consumers in easily accessing information critical in making health related decisions. However, A&AA does not support mandatory food information that relates to food allergens being provided solely using technology.

Directly is succinct and communicates most accurately that the mandatory information should be accessed through reference on the label.

2. Do you support the proposed revisions to Section 7.5? Please explain.

7.5 Where mandatory food information is provided using technology, the food information shall be available for at least the period, established under intended conditions of distribution, storage, retail and use, that the food would remain safe and suitable for sale, consumption or use. For prepackaged foods that are labelled with a use-by date or expiration date, this means for at least the period up to and including this date.

A&AA agree in principle, but allowance should be made for label and/or formulation changes during that period. With respect to allergens, the composition of the food may be altered by the manufacturer with the introduction of an allergen not previously present. The mandatory food information supplied by technology must relate to the actual version of the product sold. This should also apply to PAL statements.

A&AA does have concern about mandatory food information provided using technology not being available beyond a use-by date or expiration date. Many food items, such as bread, processed meat and cakes, are often purchased, then frozen, and later consumed beyond the use-by date. This is another reason why A&AA feels strongly about not allowing pre-packaged food to have information pertaining to food allergens to be permitted solely using technology. Mandatory food allergen information must be on pack.

3. Do you support the re-introduction of the text in Section 5.2 for the reasons provided?

5.2 Name of the food and food information concerning health and safety should not be provided exclusively using technology, if its absence could cause harm to the health of consumers.

A&AA strongly support the re-introduction of the text in Section 5.2. provided that “health of consumers” unequivocally includes those with a food allergy.

4. Please provide comments to clarify the intent of the text “there is evidence of similar consumer understanding of the technology” in section 5.1 (c), or whether this text can be removed.

5.1 The food information should be readily accessible to consumers during normal and customary circumstances of purchase and use, which means:

(c) it is reasonable for the consumer to use the technology to access the food information during the normal and customary circumstances of purchase and use and that there is evidence of similar consumer understanding of the technology.

Statement 5.1 (c) is confusing and needs further explanation. There is repetition in 5.1 and section (c) regarding the food information being accessible "during normal and customary circumstances of purchase and use". It is unclear what is meant by "similar" consumer understanding of the technology.

Can you please further explain what is being stated in an email and we can respond?

5. Do you have any other comments on the revised draft guidelines?

As previously communicated, A&AA has concerns about the limitations of the definition of 'consumer' in this context. In the Purpose statement it says, “Provide guidance on the use of technology to provide information to consumers about prepackaged food.” ‘Consumers’ is defined by General Standard for Labelling of Pre-packaged Foods (CXS 1-1985) as “persons and families purchasing and receiving food in order to meet their personal needs.” This definition does not consider a third party, such as a food service provider, who may also use technology to access food information. The information obtained through technology about a

food used in their food production is important for them to meet their obligations to consumers (the purchaser), especially around the disclosure of food allergens.

A&AA believes the definition of consumers needs to be broadened to ensure the guidelines acknowledge that a third party such as a food service provider, not only the purchaser or consumer of the end product, have guidance on the use of technology to provide food information.

A&AA does not have any further comments on the revised draft guidelines at this stage.

Yours sincerely,

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Allergy & Anaphylaxis Australia