AUSTRALIAN FOOD & GROCERY COUNCIL

AFGC SUBMISSION

RESPONSE TO:
CODEX COMMITTEE ON FOOD LABELLING – EWG ON ALLERGEN LABELLING 1ST CONSULTATION PAPER

26 March 2024

Sustaining Australia

PREFACE

The Australian Food and Grocery Council (AFGC) is the leading national organisation representing Australia's food, drink, and grocery manufacturing industry.

With an annual turnover in the 2021-22 financial year of $144 billion, Australia's food and grocery manufacturing sector makes a substantial contribution to the Australian economy and is vital to the nation's future prosperity.

The diverse and sustainable industry is made up of over 17,000 businesses ranging from some of the largest globally significant multinational companies to small and medium enterprises. Each of these businesses contributed to an industry-wide $3.2 billion capital investment in 2021-22.

Food, beverage and grocery manufacturing together forms Australia's largest manufacturing sector, representing over 32 per cent of total manufacturing turnover in Australia. The industry makes a large contribution to rural and regional Australia economies, with almost 40 per cent of its 271,000 employees being in rural and regional Australia.

It is essential to the economic and social development of Australia, and particularly rural and regional Australia, that the magnitude, significance, and contribution of this industry is recognised and factored into the Government's economic, industrial and trade policies.

Throughout the COVID-19 pandemic, the food and grocery manufacturing sector proved its essential contribution to Australian life. Over this time, while our supply chains were tested, they remain resilient but fragile.

The industry has a clear view, outlined in *Sustaining Australia: Food and Grocery Manufacturing 2030,* of its role in the post-COVID19 recovery through an expansion of domestic manufacturing, jobs growth, higher exports and enhancing the sovereign capability of the entire sector.

OVERVIEW

The Australian Food and Grocery Council (AFGC) welcomes the opportunity to respond to the Codex Committee on Food Labelling (CCFL) request for comments on the provisions relevant to allergen labelling in the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) (GSLPF) and develop guidance on precautionary allergen or advisory labelling (PAL). It provides the following submission to assist the Australian Delegation leader prepare country comments.

The AFGC has had the opportunity to read the **Allergen Bureau**'s submission and strongly **supports** its position.

RESPONSE

Question 1: Do you agree to removing the bracketed text [or substance or processing aid] from the proposed definition for 'food allergen' as shown below? ***"Food allergen"*** *means a food or ingredient ~~[or substance or processing aid]~~ used in food, usually a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.*	
Yes ☒	No ☐
Please provide reasons for your answer: As the existing definitions of 'food' and 'ingredient' in the GSLPF already capture 'substance' and 'processing aid', the AFGC supports removing the bracketed text from the proposed definition for 'food allergen'.	

Question 2: Do you agree with the proposed text for section 4.2.1.7, including deleting the text in square brackets and the proposed footnote?	
Yes ☒	No ☐
Please provide reasons for your answer: The rationale provided in the consultation paper suffices deletion of the text in square brackets. The AFGC supports Allergen Bureau's position that the inclusion of the analytical measurement provides further clarity to industry.	

Question 3: Do you agree with the proposed changes to section 4.2.3 and 4.2.3.1 to provide distinction between 'specified name' and specific name?	
Yes ☒	No ☐
Please provide reasons for your answer:	

The AFGC agrees with the proposed changes as they successfully provide distinction between the appropriate use of the specified name and the specific name referenced in section to 4.3. It also supports Allergen Bureau's position that the changes provide clarity where class names may be used, that the requirement to label the presence of allergens in ingredients per section 4.2.3 is required.

Question 4:
Do you support providing flexibility by including 'whenever possible' in section 8.3.1 by removing the square brackets?

Yes ☐	No ☒

Please provide reasons for your answer:

The AFGC does not support the removal of the brackets to provide flexibility for the following reasons:

- It does not fulfil the purpose of providing sufficient and clear food allergen labelling information to those with hypersensitivity. This is supported further by the ISSLG report.
- The AFGC support's Allergen Bureau's position that harmonisation is crucial to reduce complexity in meeting import requirements.

Question 5:

Of the three options for section 8.3.2, which do you prefer?

Option 1 ☐	Option 2 ☐	Option 3 ☐	Other ☒

Please provide reasons for your answer.
If answering 'Other', please describe your proposed option and explain why you support this.

In order to ensure clear communication of allergen labelling information to the consumers, the AFGC is of the view that a separate statement, if used, should be placed adjacent to the list of ingredients as specifically asking for it to be placed 'directly under the list of ingredients' makes it overly prescriptive.

The AFGC therefore suggests the following text:

When the foods and ingredients in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 are declared in the list of ingredients, they may also be declared in a separate statement, which shall be placed **adjacent to** ~~directly under~~ the list of ingredients.

Fully revised (and simpler) text therefore appears as follows:

When the foods and ingredients in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 are declared in the list of ingredients, they may also be declared in a separate statement, which shall be placed adjacent to the list of ingredients.

Question 6:

Do you support the Title, Purpose and Scope sections in the proposed draft PAL guidelines?

Yes ☒	No ☐
Please provide reasons for your answer: The Title, purpose and Scope read clearly.	

Question 7: Do you support the revised definition for PAL and the changes to the definition section in the proposed draft PAL guidelines?	
Yes ☒	No ☐
Please provide reasons for your answer: The AFGC supports the revised definition of PAL and the changes to the definition section in the proposed draft PAL guidelines.	

Question 8: Do you support the revised wording for Principle 4.1 in the draft PAL guidelines?	
Yes ☒	No ☐
Please provide reasons for your answer: The AFGC supports Allergen Bureau's VITAL Program, the principles of which are underpinned by the requirement of a hazard-based assessment, implementation of Allergen Management Plan (AMP) and the use of quantitative risk assessment underpinned by scientifically robust Reference Doses to determine if a PAL should be applied. Therefore, the AFGC supports the intended wording of section 4.1 as it reflects the principles of VITAL.	

Question 9: Do you support the revised wording for Principle 4.2 in the draft PAL guidelines?	
Yes ☐	No ☒
Please provide reasons for your answer: The AFGC agrees with the Allergen Bureau's comment that the following amended language in principle 4.2 is required to enhance clarity: "The decision to use PAL should be based on the findings of an appropriate risk assessment which shall include, but is not limited to, **qualitative and/or** quantitative risk assessment of unintended allergen presence to **indicate if an exposure to an allergen is equal or greater than the reference dose level.**" The AFGC also supports Allergen Bureau's position that the term 'appropriate risk assessment' allows for the possibility of utilising a qualitative approach, and therefore employing a qualitative approach can mitigate the risk of inappropriate PAL utilisation where insufficient data or data quality issues may hinder conducting a quantitative risk assessment effectively.	

The AFGC further supports Allergen Bureau's recommendation of development of a guidance document outlining the process for conducting an allergen risk assessment (whether qualitative or quantitative).

Question 10: Do you support the revised wording for Principle 4.3 and footnote 3 in the draft PAL guidelines?	
Yes ☒ (with caveats)	No ☐
Please provide reasons for your answer: The AFGC supports the revised wording for Principle 4.3 as it provides clarity to estimate the risk of an unintended allergen presence. However, it proposes the following changes to the footnote to reflect • how the FAO/WHO expert committee defines action levels and, • how the FAO/WHO expert committee in the FAO/WHO RISK ASSESSMENT OF FOOD ALLERGENS, PART 3: REVIEW AND ESTABLISH PRECAUTIONARY LABELLING IN FOODS OF THE PRIORITY ALLERGENS – have indicated setting RfA at the 50th percentile (p50) value from the general population distribution of the single-eating occasion intake of a food is not overly conservative, and that the 'mean' should only be used when p50 is not available. The AFGC therefore suggests the following text for footnote 3: *[3] Action level (mg total protein from the allergen/ kg food **containing the UAP**) = Reference dose (mg total protein from the allergen) / **RfA of the food containing the UAP** ~~Amount of the food~~ (kg). The **reference** amount of food should be established based on the 50th percentile **(when available)** or population mean for a single eating occasion intake of the food.* Fully revised (and simpler) text therefore appears as follows: *[3] Action level (mg total protein from the allergen / kg foo containing the UAP) = Reference dose (mg total protein from the allergen) / RfA of the food containing the UAP (kg). The reference amount of food should be established based on the 50th percentile (when available) or population mean for a single eating occasion intake of the food.*	

Question 11: Do you support the use of ED05-based RfDs as recommended by the Expert Committee and provided in the table at Principle 4.3.1?	
Yes ☒	No ☐
Please provide reasons for your answer: The AFGC is supportive of the ED05-based Reference Doses as recommended by the Expert Committee as the values proposed have been derived using an evidence based, scientific approach, with due consideration to the practicalities of implementation, monitoring and potential unintended consequences of a more stringent RfD.	

Question 12: Do you support Principle 4.3.2 in the draft PAL guidelines?	
Yes ☐	No ☒
The AFGC supports Allergen Bureau's position that the establishment of a national RfD should be based on robust scientific data. Harmonisation of reference doses by applying the same scientific approach used by the FAO/WHO expert committee should therefore be strongly considered to ensure a consistent approach, fair practices in international trade and to enable consumer safe and informed choice.	

Question 13: Do you support principle 4.4 in the draft guidelines?	
Yes ☒	No ☐
Please provide reasons for your answer: It is important that consumers, healthcare providers, and FBOs receive education which will enable intended use of PAL.	

Question 14: Do you agree with the proposed revisions to Section 5 of the PAL Guidelines relating to the presentation of a PAL statement?	
Yes ☐	No ☒
Please provide reasons for your answer: To assist with the current consumer confusion over the meaning of different PAL phrases, the AFGC supports Allergen Bureau's recommendation of a standardised consistent approach in wording. It therefore supports the following alternative wording for clause 5.2.1 as recommended by the Allergen Bureau: *5.2.1 A PAL statement shall commence with the* ***standardised phrase*** ~~*words*~~ *'May Contain' (or* ~~*equivalent words*~~ ***translated equivalent****) and include the identified allergens using the specified names as listed in sections 4.2.1.4 and where applicable 4.2.1.5 of the GSLPF.*	

Question 15: Do you support the proposed draft PAL guidelines <u>not</u> including provision for the use of a risk assessment indicator?	
Yes ☒	No ☐
Please provide reasons for your answer: The AFGC supports <u>not</u> including a risk assessment indicator given the time and complexity to practically implement a symbol would be too high for most governments, and a cost burden for industry.	

For further information about the contents of this submission contact:

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