



AUSTRALIAN  
**FOOD &  
GROCERY**  
COUNCIL

## **AFGC SUBMISSION**

**RESPONSE TO:  
CODEX COMMITTEE ON FOOD LABELLING –  
EWG ON ALLERGEN LABELLING  
2ND CONSULTATION PAPER**

16 July 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 2<sup>nd</sup> consultation paper which provides a summary of the EWG responses received (in response to the 1<sup>st</sup> consultation round), and the proposed approach to the draft revision to the General Standard for the Labelling of Prepackaged Foods (CXS 1-1985) (GSLPF) and revised guidelines 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

<b>Question 1:</b>	
Do you support the proposed revision to the definition of 'food allergen'?	
<i>"Food allergen" means a food or ingredient <del>for substance or</del> including a food additive or processing aid] used in food, usually containing a protein or protein derivative that can elicit IgE-mediated or other specific immune-mediated reactions in susceptible individuals.</i>	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:	
Yes, The AFGC supports the proposed revised definition as it provides clarity and consistency with the proposed draft Section 4.2.4.2.	

<b>Question 2:</b>	
Do you support the proposed revision to section 4.2.1.7?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:	
<p>The AFGC supports the Allergen Bureau's position that the Joint FAO/WHO Expert Committee on Food Additives (JECFA) considered food consumption when identifying the risk from sulphite. Therefore, the labelling of sulphites should take into consideration the food preparation or reconstitution according to the instructions of the manufacturer. It therefore supports Allergen Bureau's recommendation to revise the text to read as follows:</p> <p>"When sulphite is present in a reconstituted food according to the instructions of the manufacturer in concentrations of 10mg SO<sub>2</sub>/kg or more, it shall always be declared using the specified name 'sulphites'".</p> <p>It also supports the Allergen Bureau's suggestion that the presence of sulphites in a food should not follow the same labelling rules as the foods and ingredients listed in sections 4.2.1.4 and 4.2.1.5, as sulphites are not food proteins. Sulphites must be labelled only when exceeding 10mg SO<sub>2</sub>/kg in the reconstituted food.</p> <p>Furthermore, the AFGC wishes to seek confirmation that both singular and plural terms may be used – i.e., sulphite and sulphites as this is in line with reference to sulphite(s) in the 1<sup>st</sup> consultation paper and provides flexibility around labelling.</p>	

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<b>Question 3:</b> Do you support the proposed revisions to section 4.2.3.1?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:  The AFGC agrees with the proposed changes as it provides clarity regarding the declaration of foods and ingredients by using specified names including when declared in conjunction with the class name.	

<b>Question 4:</b> Do you support the proposed revision to sections 8.3.1, 8.3.2 and 8.3.2.1?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:  The AFGC supports the proposed revision as it provides clarity around making the allergen information distinct from the surrounding text.  It also agrees with the Allergen Bureau's position: <ul style="list-style-type: none"> <li>• Inclusion of mandatory declaration of the specified name for the foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 in the ingredient list.</li> <li>• Specified names for the foods and ingredients listed in sections 4.2.1.4, 4.2.1.7 and where applicable 4.2.1.5 can additionally be declared in a separate statement.</li> </ul>	

<b>Question 5:</b> Do you support the removal of the square brackets from Section 4.2.1.6 and the update to the associated footnote?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:  The AFGC supports the removal of the square brackets from Section 4.2.1.6 and the update to the associated footnote.  It also supports the Allergen Bureau's position that the full list of 'exemptions' of the FAO and WHO (2024), <i>Risk assessment of food allergen Part 4</i> report, is included in Codex texts to ensure harmonised allergen labeling information is provided to the consumer to make informed decisions about food choices.	

<b>Question 6:</b>	
Do you support including a list of exemptions in the GSLPF based on the 'current accepted exemptions' in Annex 1 from the Expert Committee's Part 4 report?	
If Yes which of the 'current accepted exemptions' from Annex 1 do you consider suitable for inclusion on a list of exemptions?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:	
<p>The AFGC supports the inclusion of a list of exemptions in the "<i>General Standard for Labelling Of Prepackaged Foods</i>" (GSLPF) in full alignment with the FAO and WHO (2024): Risk assessment of food allergen: Part 4 - report.</p> <p>It also supports the Allergen Bureau's recommendation to include all exemptions listed in Annex 1 of the Expert Committee's Part 4 report in the GSLPF based on the conclusion of the FAO and WHO Expert Committee on the established history of safe consumption of these foods and ingredients.</p>	

## Part B

<b>Question 7:</b>	
Do you support the revised text for Principle 4.2 in the draft PAL guidelines?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please provide reasons for your answer:	
<p>The AFGC supports the Allergen Bureau's recommendation that the inclusion of the word "potential" to section 4.2 be considered to align with section 4.1 indicating that it 'may result in an exposure above a reference dose'.</p> <p>The revised text for Principal 4.2 should therefore read:</p> <p>"The decision to use PAL shall be based on the findings of a risk assessment of unintentional allergen presence to determine <b>potential</b> exposure above a reference dose."</p>	

<b>Question 8:</b>	
Do you support the revised text for Principle 4.3 in the draft PAL guidelines?	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Please provide reasons for your answer:	
<p>The AFGC supports the revised text for Principle 4.3 as it reflects a balanced position for identifying the action level needed to ensure consumer safety.</p> <p>It also supports the Allergen Bureau's recommendation to develop a guidance document to outline the process for conducting an allergen risk assessment (whether qualitative or quantitative).</p>	

**Question 9:**

Do you have any further comments on the proposed draft annex to GSLPF: Guidelines on the Use of Precautionary Allergen Labelling in Appendix II which the EWG Chairs propose to take forward for discussion at CCFL48?

Yes No 

Please provide reasons for your answer:

The AFGC is of the view that drafting of section 5.2 can lead to misinterpretation in that the positioning of the bracketed text next to the ingredient list makes it seem like the bracketed text applies to the ingredient list rather than to PAL.

Based on the above, the AFGC recommends section 5.2 be reworded as follows:

5.2 PAL, **when used**, should appear as a separate statement in the same field of vision as the ingredient list (~~when present~~).

**For further information about the contents of this submission contact:**

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