

From: standards.management@foodstandards.gov.au
Sent: Friday, 12 September 2014 9:55 AM
To: standards management
Subject: FSANZ: Applications and Submissions - Submission [SEC=INCONFIDENCE]



FSANZ: Applications and Submissions - Submission

Friday, 12 September, 2014

1. Assessment Report Number: P1025

2. Assessment Report Title: Code Revision

3. Organisation Name: None

4. Organisation Type: Individual

5. Representing: None

6. Street Address: [REDACTED]

7. Postal Address: As above

8. Contact Person: Bill Porter

9. Phone: [REDACTED]

10. Fax: None

11. Email Address: [REDACTED]

12. Submission Text: P1025, revised standard 1.4.1 Current standard 1.4.1 section 4 establishes "Maximum levels of natural toxicants from the addition of flavouring substances to food" and goes on to define such toxicants as those substances in column one of the table following. Revised standard 1.4.1 has dispensed with the complication of "from the addition of flavouring substances", which I support unreservedly. Except that it would seem to effect a substantial change to the standard and which would therefore be beyond the scope of P1025. It would seem reasonable to assume that the original drafting included the words "from the addition of a flavouring substance" to limit the ambit of "natural toxicant". So for example a food containing mushrooms but with no added flavours would not be subject to the limit for agaric acid. FSANZ should raise a proposal to give effect to the change incorporated in the revised draft standard.

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From: standards.management@foodstandards.gov.au
Sent: Friday, 12 September 2014 8:57 AM
To: standards management
Subject: FSANZ: Applications and Submissions - Submission [SEC=INCONFIDENCE]



FSANZ: Applications and Submissions - Submission

Friday, 12 September, 2014

1. Assessment Report Number: Proposal P1025

2. Assessment Report Title: Code Revision

3. Organisation Name: None

4. Organisation Type: Individual

5. Representing: None

6. Street Address: [REDACTED]

7. Postal Address: As above

8. Contact Person: Bill Porter

9. Phone: [REDACTED]

10. Fax: None

11. Email Address: [REDACTED]

12. Submission Text: Submission re P1025 and specifically new section 1.1.1—8
Compliance with requirements for mandatory statements Section 12 of current Standard 1.1.1 is headed "Modification of Prescribed Statements, which now appears as draft section 1.1.1—8 with a revised heading and wording. A number of issues may arise as detailed below. Point 1. The section only makes sense where the Code prescribes specific wording for a statement, as for example draft standard 1.2.8—8 section (3)(b). Where the Code requires a statement but does not prescribe specific wording, the section is meaningless, and serves only to confuse industry endeavouring to comply and Government endeavouring to enforce. The section perhaps could be improved by reintroducing the concept of "prescribed statements" or words to the effect that where the Code prescribes the form of words to be used. Point 2. The current standard refers to "A statement or information", whereas the draft Code limits the application to statements only. Both the current standard and the draft standard contain a mixture of required statements and required information. Standard 1.2.5 does not, for example, contain the word "statement", but requires "information" to appear in the label, including prescribed words such as "Best Before". It could be construed that removal of the word "information" in the draft standard is intends to allow the word "statement" to encompass all manner of labelling requirements in the Code, which would then allow prescribed words such as "Best Before" to be modified, which may not have been the intention. Either way, it needs to be expressed in clearer, less ambiguous language. The Code also refers to "declarations". Point 3. The current standard allows the statement to be modified only "to include words",

and which provision has been omitted in the draft standard. The clear intent of the current standard is that all of the prescribed words must be used, and that additional words may be included in the statement. The draft changes the effect of the section significantly and is therefore beyond the scope of P1025. Point 4. The current standard also refers to a “statement or information which is required by this Code or the relevant Act”. I assume the redrafting process has ensured that there is no potential conflict with the State or Territory Food Acts, or the New Zealand Act. The issue appears to be resolved in part by allowing modifications only to labelling requirements in the Code, however the omission of the term “relevant Act” appears a significant change rather than a redrafting exercise. Point 5. The current standard refers to a label or advertisement for a food, which provision has been omitted from the draft standard. Whilst there may be only limited instances of statements (or information) required in advertisements by the Code (such as standard 1.2.7—21) the omission of “advertisement” seems significant and therefore beyond the scope of P1025.

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