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The Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

By email: rrat.sen@aph.gov.au

Dear Committee Secretary,

Re: Definitions of meat and other animal products Senate inquiry

I refer to the announcement by the Senate Rural and Regional Affairs and Transport Legislation Committee that it would inquire into and report on the current state of meat category branding in Australia.

Dairy Connect values the opportunity to participate in this inquiry and while our comments may be directed towards 'truth in labelling' and their impact upon fresh milk and dairy products, these remarks are as valid for the Committee's inquiry as evidenced by its Terms of Reference, particularly the last dot point where the Committee asked for comment on "any related matter".

Dairy Connect is thus pleased to provide the following remarks and observations. May we add that we also support the intent and spirit of the Committee's Terms of Reference.

Introductory Remarks

By way of background, Dairy Connect is a unique agricultural advocacy membership body, focused on being the voice for the needs of the dairy industry value-chain. Under one advocacy umbrella, we represent a broad cross section of the Australian dairy industry, including dairy farmers, processors & supporting corporate partners around a shared dairy vision.

We are committed to providing initiatives and advocating for policies that will reform, reinvigorate and propel the Australian dairy industry forward as well as provide support to the rural and regional communities that underpin and support dairy farmers and their dairy farming enterprises.

In addition to providing fresh nutritious milk and dairy produce, dairy farmers also

provide their dairy cattle for sale to abattoirs and onto the eventual customer through supermarkets and the retail sector generally.

Dairy Connect has also made a few submissions to a range of dairy inquiries during my tenure as CEO. This has included, for instance, the:

- Senate Economics References Committee into the dairy industry (which reported in 2017);
- ACCC inquiry into the competitiveness of prices, trading practices and the supply chain in the Australian dairy industry (which reported in 2018);
- NSW Legislative Council Committee inquiry into the sustainability of the dairy industry in NSW (which reported in 2018);
- Senate Standing Committee on Rural and Regional Affairs and Transport inquiry into the performance of Australia's dairy industry and the profitability of Australian dairy farmers since deregulation in 2000 (which reported in March 2021); and
- NSW Legislative Council Committee inquiry into the long-term sustainability of the dairy industry in NSW (which reported in May 2021).

The President of the Dairy Connect Farmers Group, Graham Forbes (a dairy farmer milking approximately 800 cows in Gloucester NSW) and I have appeared before these inquiries and provided oral evidence. Dairy Connect has also provided written submissions addressing their individual Terms of Reference.

I mention these above comments to illustrate the commitment to Australian agriculture by Dairy Connect, its Board and Members.

We will therefore monitor the outcome of this enquiry closely, as the implications of any findings may have an impact and effect upon the Australian farming industry generally and dairy specifically.

'Truth in Labelling'

As it stands, the dairy industry is currently experiencing, in our view, comparable issues with product mislabelling.

The term 'milk', historically associated with a fresh and nutritious dairy product, is frequently misused to promote products such as 'soy milk' - that have no dairy milk content. This product, and others, use the term 'milk' to mislead consumers and falsely share the accomplishments of legitimate dairy products.

We would also submit that this appears to be inconsistent with the definitions and relevant clauses as enunciated in the Food Standards Australia New Zealand Code

Indeed, the range of milk alternatives has also expanded in recent times, where

initially 'soy' and 'almond milks' were the predominant product-lines, the plant-based drinks range has now grown to include 'coconut', 'rice', 'oat', 'hazelnut', 'hemp', 'cashew' and 'macadamia-based milks' amongst others.

The health benefits of fresh milk and dairy products are universally known, being packed with vital nutrients like calcium, phosphorus, vitamin B, potassium and vitamin D.

Like the meat industry, labelling within this sector is in dire need of tougher regulation.

Dairy Connect therefore writes in support of the Australian meat industry, due to the impairment of Australian meat category brand investment from the appropriation of product labelling by manufactured plant-based or synthetic protein brands.

In the view of Dairy Connect, the 'mislabelling' of plant-based or synthetic protein products, under traditionally animal-based terms, such as 'meat', 'beef', 'lamb' and 'goat', is, in its most simplistic terms, misleading. This mislabelling includes the use of these terms, among others, as well as the use of livestock images, to promote and advertise artificially manufactured or plant-based products.

Like the dairy industry, these terms are largely known for their health advantages and essentiality within a balanced diet. It is submitted that the labelling of products must be more tightly regulated and monitored in Australia.

International Trends

Dairy Connect seeks similar outcomes as evidenced in the European Parliament and the European Court of Justice, who have sought ways in which to protect dairy terms such as 'milk', 'butter' and 'whey'.

The European Union has been reviewing and providing safeguards for dairy terms for years and the decisions undertaken in Europe further highlights the strong stance that is being taken by European legislators and courts to ensure that iconic dairy terms such as 'milk' are provided protections against 'misuse'.

Whilst Dairy Connect has been at the forefront of discussion in Australia regarding 'truth in labelling' regarding dairy terms, we believe that we are simply carrying the baton of many similar-minded dairy advocates from around the world. In fact, these other campaigns across the United States of America and Europe have delivered extremely positive results for their national dairy industries.

For instance, the United States introduced legislation to protect the right of dairy to have exclusive use of the term's 'milk', 'cheese', 'cream' and 'yoghurt'. In January 2017, legislation was introduced to 'require enforcement against misbranded milk

alternatives' into the American Congress.

This legislation (referred to as the 'Dairy Pride Act') was processed and enforced across the US by Congress shortly after. Their findings included (at

<https://congress.gov/bill/115th-congress/senate-bill/130/text>):

'Dairy products are an important part of a healthy diet for both children and adults... Consumption of dairy foods provides numerous health benefits, including lowering the risk of diabetes, metabolic syndrome, cardiovascular disease, and obesity.'

'Dietary Guidelines state that vitamin D and potassium amounts vary across plant-based milk alternatives. The amount of calcium per calorie is lower for most plant-based alternative milk products. Imitation dairy products often do not provide the same nutrition content as real milk, cheese and yoghurt derived from dairy cows.'

'Plant-based products labelled as milk are misleading to consumers.'

In more recent times, the United States has continued to look at ways in which to safeguard iconic dairy terms and the debate with those companies that manufacture alternative plant-based products continues.

The then US Food & Drug Administration Commissioner Scott Gottlieb MD stated in July 2018 that:

"Food labels – including the name of food – inform consumers about what they're buying, and standards of identity are used to ensure that foods have the characteristics expected by consumers. The information provided through food labelling must be truthful and not misleading. The consumer choices made based on this information can have important impacts on health."

and went on to say:

"One area that needs greater clarity – and which has been the subject of

much discussion of late – is the wide variety of plant-based foods that are being positioned in the marketplace as substitutes for standardized dairy products. Many of these plant-based foods use traditional dairy terms (e.g., milk, yogurt, cheese) in the name of the product. For instance, we've seen a proliferation of products made from soy, almond or rice calling themselves milk. However, these alternative products are not the food that has been standardized under the name "milk" and which has been known to the American public as "milk" long before the 1938 Federal Food, Drug, and Cosmetic Act (FD&C Act) was established. In addition, some of these products can vary widely in their nutritional content – for instance in relation to inherent protein or in added vitamin content – when compared to traditional milk". (at <https://www.fda.gov/news-events/press-announcements/statement-fda-commissioner-scott-gottlieb-md-process-fda-undertaking-reviewing-and-modernizing>)

In June 2017, the European Union Court of Justice followed published their ruling that "purely plant-based products cannot, in principle, be marketed with designations such as 'milk', 'cream', 'butter', 'cheese' or 'yoghurt', which are reserved by EU law for animal products". (at <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-06/cp170063en.pdf>)

As of April 2018, the French national government has gone a step further and extended the French fair labelling rules to include meat related terms such as 'steak', 'mince' and 'burger' among others. As was publicly reported, these changes 'prohibits any product that is largely based on non-animal ingredients from being labelled like a traditional animal product'.

This has demonstrated wider trends in the global food marketplace to protect the labelling rights of traditional agri-industries from emerging products looking to gain market share via forms of imitation.

Concluding Remarks

A change in the legislation, food code and/or regulations to clarify how food products are labelled in Australia, especially those produced by our local Australian farmers, is long overdue.

The Australian Government must ensure appropriate 'truth in labelling' safeguards (through whatever means so required) to prevent 'misleading' product labelling, which it is submitted is having a negative impact on dairy and meat farmers in Australia and on Australian agriculture. If iconic terms like 'milk' and 'steak' can be safeguarded in Europe and elsewhere, then such protections for 'meat' and 'dairy' terms can be achieved in Australia.

We call upon the Committee to recommend for the introduction of more stringent food labelling in this country through Food Standards Australia New Zealand, which is a statutory authority in the Australian Government Health portfolio and who

develops food standards for Australia and New Zealand.

The 'truth in labelling' of both meat and dairy products must occur now, not years into the future.

It is time the Federal Government introduced 'truth in labelling' guidelines that safeguards 'dairy' and 'meat' terms and ensures customers are fully aware of what they are buying and where the produce is from, particularly overseas imports.

We thank the Committee for the opportunity to provide these comments to this crucial inquiry. We would like to re-iterate our support of this inquiry and the meat industry in seeking progress toward 'truth in labelling' legislation and/or regulations (or amendments to relevant Codes) within Australia urgently.

Representatives of Dairy Connect would be pleased to verbally augment these comments to the Committee, if so requested.

Yours ~~Faithfully~~.

Shaughn Morgan
Chief Executive Officer