

Australian Pork Limited



Definitions of meat and other animal products

Submission to the Senate Standing Committees on Rural and Regional Affairs and Transport

August 2021

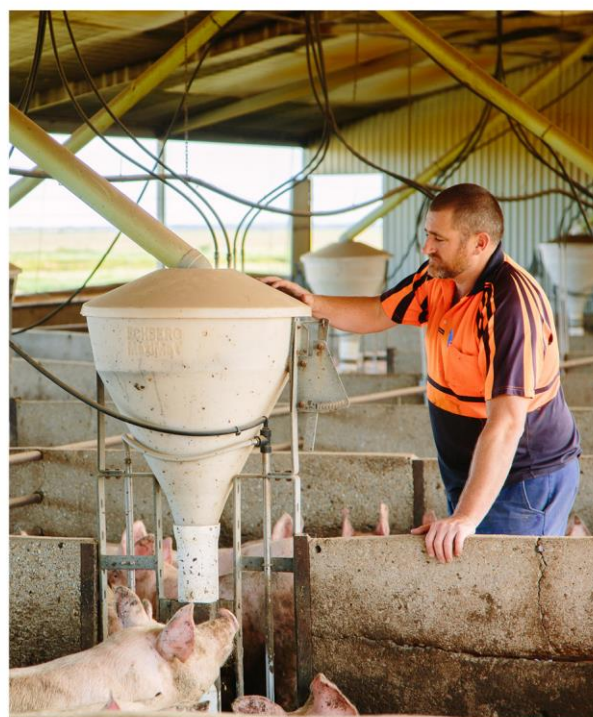
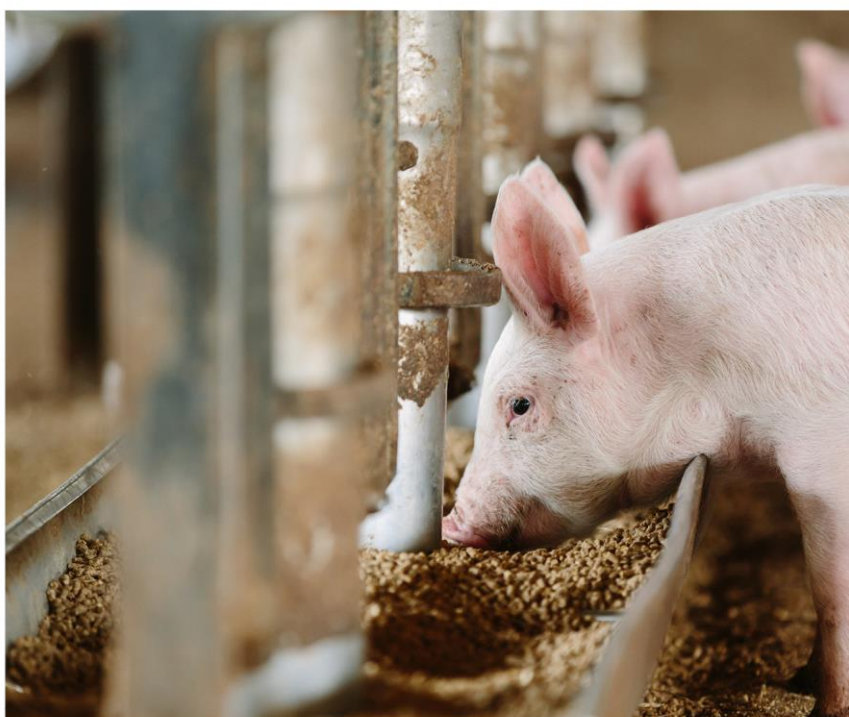


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Executive Summary

Australian pork producers, similar to those involved in red meat, poultry, eggs, and dairy production, pay levies towards research & innovation, marketing and strategic policy development to ensure the pork that Australians enjoy every day is safe, nutritious and affordable. The investment of these levies assists our producers to care for their animals and the environment in line with community and market expectations. Our industry has worked hard to establish our reputation as a trusted provider of nutritious and ethically produced protein.

Australian Pork Limited (APL) supports consumer choice, so long as it is based on clear, simple and truthful information. Truth in labelling supports fair competition and market innovation. Australian pork's reputation is built on marketing and communication investments, underpinned by science-based industry integrity systems, which provide clarity and certainty to Australian consumers. This clarity and certainty supports Australians in making informed purchasing decisions.

A recent survey conducted by APL shows that 50 per cent of Australians upon initial view of package labelling of a 'plant-based roast pork' believed the product was made of pork. This confusion poses an unacceptable risk to the reputation of our industry and its products, as a trusted provider of nutritious and ethically produced protein. The survey also found that about 50 per cent of respondents believed that plant-based products shouldn't be allowed to use terms such as 'pork' or 'bacon'.

APL continues to support the wider success of Australian agriculture, but it is important that consumers have access to labelling that ensures consumers are not inadvertently misled by labelling and all proteins on our shelves meet the same compliance standards that the meat and dairy sectors currently adhere to.

It is crucial that regulations under the Food Standards Australia and New Zealand (FSANZ) and Australian Consumer Law (Competition and Consumer Act) deliver this outcome.

APL firmly believes that truth in labelling supports an even playing ground for Australian pork producers and the ability of Australian consumers to make informed purchasing decisions.

Recommendations

Recommendation 1: Government acknowledge the significant levels of producer levies invested into meat category branding, approximately \$100 million over the past decade for the pork industry alone, and accordingly ensure a fair and balanced regulatory environment that safeguards these investments against unconscionable conduct, such as passing off.

Recommendation 2: Products labelled with an animal product descriptor or image must be predominantly derived from the species of meat that the consumer would expect, in line with current legislative definitions of meat.

Recommendation 3: Minimum regulated standards should be developed to prohibit:

- the reference to animal flesh or products, including but not limited to “meat”, “pork”, “chicken”, “beef”, “goat” and “lamb”, in products made predominantly from manufactured plant-based proteins.
- the use of livestock images or other inferences on labelling and marketing materials that implies that the product is made from meat, on products that are made predominantly made from manufactured plant-based proteins.

Australian Pork Limited

Australian Pork Limited (APL) is the national representative body for Australian pork producers. APL is a producer-owned not-for-profit company combining marketing and export growth, research and innovation, and policy development to assist in securing a profitable and sustainable future for the Australian pork industry.

APL welcomes the opportunity to provide a submission into the Senate Standing Committee on Rural and Regional Affairs and Transport Inquiry into *Definitions of Meat and other Animal Products*.

Contribution of the Pork Industry in Australia

As the most consumed meat globally and the second most consumed meat in Australia, pork is an important part of our diets. Australia's domestic sow herd numbers approximately 270,000, housed in approximately 4,400 registered sites nationwide. In 2021, the Australian pork industry produced almost 437,000 metric tonnes of pork and of which 9% was exported.

The domestic pork industry plays a vital role in contributing to Australia's food security owing to the restrictions that Australia's biosecurity laws place on the importation and sale of fresh pork from overseas. All fresh pork consumed in Australia is domestically sourced.

In a typical year, the pork industry, including pig production, primary and secondary processing, and wholesale, contributes \$5.3 billion in gross domestic product to the Australian economy and supports about 36,000 jobs nationally. The industry is largely based in regional Australia, with the largest volume of production sourced from Queensland, Victoria, and South Australia, respectively.

Inquiry Terms of Reference

Under Standing Order 25 (2)(a)(v), the Senate Rural and Regional Affairs and Transport Legislation Committee will inquire into and report on the current state of meat category branding in Australia, with particular reference to:

- I. The management by the Department of Agriculture, Water and the Environment of the legislative and regulatory framework underpinning the compulsory levy investment into meat category brands as declared through the Australian Meat and Live-stock Industry Act 1997, taking specific account of:
 - a. The potential impairment of Australian meat category brand investment from the appropriation of product labelling by manufactured plant-based or synthetic protein brands, including:
 - i. the use of manufactured plant-based or synthetic protein descriptors containing reference to animal flesh or products made predominately from animal flesh, including but not limited to “meat”, “beef”, “lamb”, and “goat”; and
 - ii. the use of livestock images on manufactured plant-based or synthetic protein packaging or marketing materials.
 - b. The health implications of consuming heavily manufactured protein products which are currently being retailed with red meat descriptors or livestock images, including:
 - i. consideration of unnatural additives used in the manufacturing process; and
 - ii. consideration of chemicals used in the production of these manufactured protein products.
 - c. The immediate and long-term social and economic impacts of the appropriation of Australian meat category branding on businesses, livestock producers and individuals across regional, rural and remote Australia, including:
 - i. the reliance upon imported ingredients;
 - ii. the support of regional employment; and
 - iii. the state and commonwealth taxation contribution from the Australian red meat and livestock sector.
 - d. The implications for other Australian animal products impaired from the appropriation of product labelling by manufactured plant-based or synthetic proteins.
 - e. any related matters.

Specific Recommendations

1.1.1 The potential impairment of Australian meat category brand investment from the appropriation of product labelling by manufactured plant-based or synthetic protein brands

Australian pork producers, similar to those involved in red meat, poultry, eggs, and dairy production, pay levies towards research & innovation, marketing and strategic policy development to ensure the pork that Australians enjoy every day is safe, nutritious and affordable. The investment of these levies assists our producers to care for their animals and the environment in line with community and market expectations.

Over the past 10 years alone, APL has invested approximately \$152 million of our producers' levies to ensure the Australian pork industry remains vibrant and sustainable. Of these levies, approximately \$100 million were directly expended on pork marketing.

Outside the pork industry, approximately \$4 billion has been paid by the cattle, sheep and goat meat sectors in the form of compulsory livestock levies, with approximately \$2 billion allocated to the marketing of red meat and its derivatives.

Additional contributions are also made by the dairy, poultry and processing sectors in various forms of levies and memberships. All combined, the investment made by the Australian livestock sectors, funded by Australian family farms, into meat category marketing is substantial. This investment has created clear consumer awareness and understanding of meat related language and terms and built trust among consumers.

It is critical, given this level of investment, that the appropriate legislative and regulatory settings are in place to ensure Australian meat category brand investment is not impaired by the appropriation of product labelling by manufactured plant-based protein brands.

As a relatively novel and small sector, manufactured plant-based protein brands may unfairly leverage pre-existing language and labelling requirements established by the livestock sector, and benefit from regulatory disparities as the industry matures and expands.

An equitable approach to regulation, both in terms of meat definitions and trade practices, ensures an even playing field, market innovation and informed consumer choice. The current legislation is clear on both matters, as follows:

Definitions of meat:

Australian Meat and Livestock Industry Act 1997

The Australian Meat and Livestock Industry Act 1997 provides the following definitions:

- "meat" means the fresh or preserved flesh of cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of this definition, and includes meat products, meat by-products and edible offal, but does not include meat of a kind declared by the regulations to be, for the purposes of this Act, unfit for human consumption.
- "meat product" means food prepared from or containing meat, and includes canned meat.

- "meat by-product" includes skin, hide, tallow, meat meal and inedible offal.

Australia New Zealand Food Standards Code

The "Australia New Zealand Food Standards Code – Standard 2.2.1 – Meat and meat products", lists meat definitions:

- "Meat" means whole or part of the carcass of any of the following animals ...
 - buffalo, camel, cattle, deer, goat, hare, pig, poultry, rabbit or sheep
 - any other animal permitted for human consumption under a law ...
- "Manufactured meat" means processed meat.
- "Sausage" means a food that consists of meat that has been minced ...

Export Control Rules for Meat and Meat Products (2021)

The Export Control Rules for Meat and Meat Products (2021), which defines certain terms as:

- beef means meat derived from ... a bovine animal
- ... pork means meat derived from ... a ... porcine animal
- meat means any part of an animal (including an animal carcass and offal) that is slaughtered
- mutton means meat derived from ... a ... ovine animal
- Meat and meat products ... are ... derived from a bovine animal, bubaline animal, camelid animal, caprine animal, cervid animal, ovine animal, porcine animal or soliped animal.

Australian Consumer Law:

Competition and Consumer Act (2010)

The Commonwealth law that governs how businesses may interact with competitors, suppliers and customers and specifically prohibits a business from making false or misleading representations about the goods or services they supply. 'The Act is designed to enable all businesses to compete on their merits in a fair and open market'¹.

1.1.2 Use of descriptors containing reference to animal flesh or products made predominantly of animal flesh and/ or livestock images

Currently, there are numerous examples of manufactured plant-based protein labelling that contain references to animal flesh, or products made predominantly of animal flesh, and livestock images. The following images are only a small capture of the products currently available in Australian retail outlets.



¹ [1543_A guide to competition and consumer law_FA3.pdf \(accc.gov.au\)](#)



The manufactured plant-based protein product shown above not only contains references and images of pork but was also found within the meat section of the supermarket. Comparison of the pork and manufactured plant-based product labelling provides a clear example of how closely the two products resemble each other.





APL holds major concerns regarding the impairment of the pork category's image by the manufactured plant-based protein sector, as outlined below. APL also believes these concerns are true for all animal-based products.

I. Passing Off

Passing off is defined as falsely representing a person or a thing as being someone or something else.

As evidenced above, well understood definitions of meat, clearly exist within Australian legislative frameworks. This clarity is replicated by everyday Australians in their everyday lives with over 90% of Australian households using these definitions to support their purchasing decisions.

The Australian pork industry invests significant levies into pork category marketing to build Australian pork's image and attractiveness based on meat definitions. Importantly, the claims made by the Australian pork industry are underpinned by independently audited industry integrity programs that substantiate food safety, environmental, health and animal welfare claims made by our industry. The ongoing investment and maintenance of these robust programs is the very reason Australian consumers trust, understand and enjoy Australian pork.

To illustrate further, the Australian pork industry is supported by a range of industry programs that underpin our product integrity. Existing programs cover traceability via PigPass, demonstration of responsible farming via industry's Quality Assurance Program (APIQ[✓]®), adherence to food safety via the National Residue Survey (NRS) and SAFEMEAT. These programs have been developed to protect Australia's reputation as a supplier of high quality, safe, hygienic protein and demonstrate our industries commitment to our people, the environment, and animal health and welfare.

Concerningly, a recent consumer insights survey conducted by APL shows that 50 per cent of Australians believed, upon initial view of package labelling, that a 'plant-based roast pork' product was made of pork. Upon further review of the ingredients listed, rather than labelling which contained references to pigs, 50 per cent of respondents subsequently confirmed that they did not believe plant-based products should be allowed to use terms such as 'pork' or 'bacon'. This clearly illustrates that consumers are seeking greater clarity and truth in labelling to support their purchasing decisions.

Further confirming this finding, the *Labelling and Marketing of Plant based Alternatives to Meat and Meat-based and Dairy products Discussion Paper* developed by the Department of Agriculture, Water and the Environment (DAWE Discussion Paper), in consultation with the Industry Working Group made up of livestock and manufactured plant-based protein industry representatives, noted the following:

"Some representatives from the plant-based alternatives sector raised concerns that if familiar and well understood (meat) terminology are restricted on plant-based alternatives, manufactures would need to create new terminology, which could lead to consumer confusion. Use of familiar terms for plant-based alternatives assists consumers in understanding what the product will taste like, the consistency, and how the product can be used."

Linked with the preceding APL consumer insights research, this statement clearly indicates that the manufactured plant-based protein sector seeks to promote its product in line with pork, and other animal-based products, using established definitions of meat. As such, their intent clearly meets the definition of passing off.

2. Consumer confusion and brand denigration

APL also holds concerns that the use of manufactured plant-based protein labelling which replicates pork labelling creates confusion amongst consumers. As noted above, the recent APL survey of nationally represented respondents found 50% of respondents believe that plant-based products shouldn't be allowed to use terms such as pork or bacon, and on initial view of the packaging 50% respondents thought the product was made of pork. The following are comments taken directly from respondents:

“False advertising and falsely claiming these products are something they are not. It is deceitful and an insult to the real product and there (sic) producers. Should be legislated out of existence.”

“I don’t (sic) think it's truthful - these are names given to certain meats, therefore an alternative, whether plant based or not should have its own name.”

“Deceptive and trying to be something they are not - why are they not proud enough to say they are a plant based pattie, or roll or cuts of plant based sandwich fillings? What are they ashamed of?”

“I feel that the way the packets are labelled with the meat being most prominent leads to people possibly not realising its plant based”

“Bacon and pork are not plant based food and should not be packaged or promoted this way to consumers. If they are plant based it should be promoted as vegetarian.”

“I believe that plant based products should be labelled something other than bacon and pork as they are not made from the actual meat. This type of advertising is incorrect technically as they do not contain meat of any description. The wording should be plant based with the full flavour similar to pork/bacon. It can be very misleading.”

Further to APL research, FSANZ has previously highlighted an international experimental study of US consumers which found that nearly a third of participants incorrectly identified a meat analogue burger patty labelled as “Beyond Meat Beyond Burger” as containing beef mince, when it was displayed side by side with two traditional meat burger patties.

This confusion is heightened by the manufactured plant-based protein sectors attempts to denigrate meats image using unsubstantiated claims which are often not based on science or robust and independently verifiable integrity programs.

As a result, consumers are not only confused about the product itself, but the impact it may have on their health, the environment, and the animals within our care. For example:

Environment: The manufactured plant-based protein sector often links broad sweeping claims about the negative impact the livestock sector has on the environment to pork and other livestock derived products. These claims are often made in isolation, and with no comparison, to the impact that farming crops, which their products rely on, may have on the environment, often in overseas countries that may have lower, or no, environmental regulation.

By its nature, pork is a low carbon protein yet the industry is driven to improve this to make pork the most sustainable meat. For the past 10 years, pork has had the goal of reducing emissions to 1kgCO₂-e per kilo of pork and 2019 estimates put pork at 3.3 kgCO₂-e per kilo, showing significant reductions. This is largely due to several factors including improved feed and water use efficiency, better manure management practices, capture of methane for energy in anerobic digesters and decreased energy use with further improvement potential with initiatives that have not yet been tapped into yet to be explored.

Significant levy investment is also focused on waste and land use planning initiatives, including methods for transparent measurement and reporting, to further support our substantiated environmental claims.

Animal Welfare: In a similar manner to the environmental claims discussed above, the manufactured plant-based protein sector often attempts to link their product to greater animal welfare claims. Again, these claims are often made without reference to the animal welfare implications of cropping, particularly on native species and biodiversity.

In contrast, Australian pork producers understand that the provision of good animal welfare results in a contented animal able to adapt to its environment. The industry invests significant funds each year to research new technologies and practices to improve pig welfare and provide valuable education and training to stock people throughout Australia. This research informs industry practices and the regulations that underpin them.

The current regulated animal welfare requirements are informed by the *Model Code of Practice for the Welfare of Animals: Pigs* (Model Code). Whilst the Model Code enshrines the minimum standards, the Australian pork industry often exceeds these minimum requirements. As an example, the Model Code states that pregnant sows must not be housed in a sow stall for more than six weeks of any gestation period. The Australian pork industry is voluntarily phasing out the use of gestation stalls and today around 80 per cent of sows are housed in groups from one day after mating until one week before farrowing.

Nutritional claims: Covered in greater detail below, the health implications of consuming pork are well understood and clearly defined through Australian regulatory settings. The Australian Dietary Guidelines (ADG) recommend 65g/day (455g/ week) of cooked fresh red meat (including pork) be included in a healthy, balanced diet. Lean trimmed pork is also a source of protein, thiamine, niacin, B6, B12, selenium, riboflavin, zinc, and omega-3.

APL holds concerns over the nutritional claims made by the manufactured plant-based proteins sector, particularly based on the lack of bioavailability, and clarity regarding the ingredients and processes used to manufacture these highly processed products.

Consumers often believe that they are substituting like-for-like nutritional products, driven by labelling and marketing, however there is a marked difference in both the levels of nutritional elements and the way in which they are processed by the human body.

1.1.3 The health implications of consuming heavily manufactured protein products which are currently being retailed with red meat descriptors or livestock images

The health implications of consuming pork are well understood and clearly defined through Australian regulatory settings. The ADGs recommend 65g/day (455g/ week) of cooked fresh red meat be included in a healthy, balanced diet. Red meat is defined as beef, lamb, pork, kangaroo and game meat.

Australian pork is a high-quality source of protein as well as being lean, making it a good option for meeting the ADG requirements without adding too much fat. Lean trimmed pork is also a source of

protein, thiamine, niacin, B6, B12, selenium, riboflavin, zinc, and omega-3. Consumers are assured that when purchasing Australian pork they are purchasing a healthy and natural product whose health claims can be reliably substantiated.

In comparison, manufactured plant-based proteins are predominantly ultra-processed products which contain added salts, fats, sugars, additives, and allergens to replicate the appearance taste and texture of genuine meat.

Examples of chemicals used within manufactured plant-based proteins include:

- Thickeners – Hydroxypropyl Distarch Phosphate; Methylcellulose; Carrageenan; vegetable gum (460, 466);
- Antioxidants - Tertiary butylhydroquinone; Tocopherol, Ascorbic Acid,
- Acidity regulator - Calcium Acetate
- Flavours - Glutamic Acid; potassium chloride; sodium chloride
- Firming agent - Calcium Chloride; magnesium chloride
- Preservatives - Potassium Sorbate
- Stabilisers – 170, 516 • Vitamins - Niacin (B3), Pyridoxine (B6), Cobalamin (B12)

Further, manufactured plant-based proteins often contain allergens including; soy, peanuts, gluten, wheat, cereals, sesame and tree nuts.

The table below further illustrates the stark difference between the ingredients contained in fresh pork (nutritional benefits outlined above) versus manufactured plant-based protein.

Australian Fresh Roast Pork	Manufactured plant-based protein 'Roast Pork'
	
<p>Ingredients: Australian fresh pork</p>	<p>Ingredients: Wheat Protein (Gluten), Vegetable Seasoning, Sugar, Salt, Permitted Food Colouring (E102).</p>

1.1.4 The immediate and long-term social and economic impacts of the appropriation of Australian meat category branding on businesses, livestock producers and individuals across regional, rural and remote Australia

The Australian pork sector contributed more than \$5.2 billion to Australia's GDP, and supported more than 36,000 jobs across Australia in 2015-16. This includes pig production, primary processing, secondary processing and wholesaling.

Strong consumer demand continues for fresh pork, having increased by more than 10% per capita during 2018/19. Over the past five years leading to 2021, the per capita consumption of fresh pork in Australia has moved from around 8.5kg per annum to more than 10.8kg.

Based primarily in rural areas, the Australian pork sector, takes pride in supporting local businesses, communities and bringing people together. The Australian pork industry strives to develop positive relationships with their local communities through engagement such as including supporting local jobs and businesses through supply contracts, contributing to local and national charities and being responsive to community concerns around industry issues.

In stark comparison, many of the manufactured plant-based proteins currently retailing in Australia are owned and manufactured outside of Australia. As an industry significantly impacted by imported products, APL holds concerns about the potential impact on our regional communities and economies if the appropriate regulatory settings are not in place to safeguard our businesses.

Country of Origin Labelling also presents an excellent example of a positive solution enacted by government to support greater truth in labelling that assist Australian consumers make informed purchasing decision.

Since 1986, food retailers had affixed information about the origin of ingredients on product packaging with varying degrees of clarity and success. As such, the decision to mandate a consistent labelling scheme in Australia was welcomed by consumers and Australian pork producers alike.

The regime brought about by the *Country of Origin Food Labelling Information Standard 2016* ("the Standard") was a progressive step to ensure that products were clearly labelled, whether the food was raw, partially, or wholly processed. The Country of Origin Labelling ("CoOL") policy was a welcome decision for Australian pork producers as an industry that faces significant import competition.

The application of the CoOL regime provided literally thousands of grocery packages with a consistent messaging device and, for those consumers aware of how to use it, clear information that not all ham, bacon and smallgoods are made with Australian pork.

APL firmly believes that a similar approach must be taken to ensure robust outcomes for truth in labelling with regard to manufactured plant-based proteins which will benefit not only rural and regional Australians, by the entire Australian community and economy.

1.1.5 The implications for other Australian animal products impaired from the appropriation of product labelling by manufactured plant-based or synthetic proteins.

APL acknowledges that non-pork industries, including red meat, dairy poultry and eggs are similarly impaired from the misappropriation of product labelling by manufactured plant-based proteins.

These industries have also provided submissions into this inquiry, which APL recommends should be considered.

1.1.6 any related matters.

APL supports the development of minimum regulated standards to prohibit:

- the reference to animal flesh or products, including but not limited to “meat”, “pork”, “chicken”, “beef”, “goat” and “lamb”, in products made predominantly from manufactured plant-based proteins.
- the use of livestock images or other inferences on labelling and marketing materials that implies that the product is made from meat, on products that are made predominantly made from manufactured plant-based proteins.

The regulatory mechanism by which a prohibition on the use of animal descriptors and imagery and animal sourced meat terminology could be implemented includes the following options:

- Establishment of a national Information Standard under Australian Consumer Law and applying to the labelling and marketing of plant-based manufactured protein products.
- Amendment of the FSANZ Food Standards Code, to introduce a separate Standard that specifically deals with plant-based manufactured protein products, and which defines what they are, what minimum compositional standards they should meet and labelling requirements applying to them.

