

The Senate

---

Rural and Regional Affairs  
and Transport  
References Committee

---

Regulatory approaches to ensure the safety of  
pet food

October 2018

© Commonwealth of Australia 2017

ISBN 978-1-76010-854-0

This document was prepared by the Senate Standing Committee on Rural and Regional Affairs and Transport and printed by the Senate Printing Unit, Department of the Senate, Parliament House, Canberra.

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website: <http://creativecommons.org/licenses/by-nc-nd/3.0/au/>.

# Membership of the committee

## Members

Senator Glenn Sterle, Chair	Western Australia, ALP
Senator Barry O'Sullivan, Deputy Chair	Queensland, NATS
Senator Slade Brockman	Western Australia, LP
Senator Anthony Chisholm	Queensland, ALP
Senator Malarndirri McCarthy	Northern Territory, ALP
Senator Janet Rice	Victoria, AG

## Other Senators participating in this inquiry

Senator Stirling Griff	South Australia, CA
------------------------	---------------------

## **Secretariat**

Dr Jane Thomson, Secretary

Ms Sarah Redden, Principal Research Officer

Ms Trish Carling, Senior Research Officer

Ms Lillian Tern, Senior Research Officer (to 14 September 2018)

Ms Helen Ulcoq, Research Officer (to 27 July 2018)

Mr Michael Fisher, Research Officer

Mr Max Stenstrom, Administrative Officer

PO Box 6100

Parliament House

Canberra ACT 2600

Ph: 02 6277 3511

Fax: 02 6277 5811

E-mail: [rrat.sen@aph.gov.au](mailto:rrat.sen@aph.gov.au)

Internet: [www.aph.gov.au/senate\\_rrat](http://www.aph.gov.au/senate_rrat)

# Table of contents

<b>Membership of the committee .....</b>	<b>iii</b>
<b>Abbreviations and acronyms .....</b>	<b>ix</b>
<b>List of recommendations .....</b>	<b>xi</b>
<b>Chapter 1.....</b>	<b>1</b>
<b>Introduction .....</b>	<b>1</b>
Referral of the inquiry .....	1
Conduct of the inquiry.....	1
Acknowledgment.....	2
Note on references .....	2
Structure and scope of the report.....	2
Pet ownership in Australia.....	3
Pet food controls in Australia .....	4
Pet Food Controls Working Group 2009 – 2012 .....	6
Development and review of the Australian Standard 2009 – 2017.....	7
Requirements under the Australian Standard .....	8
Recent developments .....	12
<b>Chapter 2.....</b>	<b>13</b>
<b>Pet food incidents.....</b>	<b>13</b>
Megaesophagus cases .....	13
Other adverse incidents relating to pet food.....	16
Impact of adverse events .....	23
Processed pet food.....	25
<b>Chapter 3.....</b>	<b>29</b>
<b>Pet food safety controls in Australia.....</b>	<b>29</b>

Self-regulatory model .....	29
State and territory legislation.....	31
Related laws.....	34
Other industries .....	37
International models of pet food regulation .....	38
<b>Chapter 4.....</b>	<b>45</b>
<b>Enhancing the safety and integrity of pet food in Australia.....</b>	<b>45</b>
Regulatory options.....	51
<b>Chapter 5.....</b>	<b>57</b>
<b>Strengthening pet food recall and reporting arrangements.....</b>	<b>57</b>
Protections for consumers .....	58
Central information portal .....	62
<b>Chapter 6.....</b>	<b>67</b>
<b>Transparent adverse pet food reporting and investigation.....</b>	<b>67</b>
<b>Reporting adverse events .....</b>	<b>67</b>
Improving PetFAST .....	68
Direct consumer reporting mechanism.....	74
<b>Chapter 7.....</b>	<b>77</b>
<b>Committee view and recommendations.....</b>	<b>77</b>
Publication and public oversight of the Australian Standard .....	77
Regulatory pathways .....	77
Improving the Australian Standard .....	78
Pet food product recall and reporting framework .....	79
Adverse event reporting .....	80
Consumer complaints and reporting mechanism .....	81
Investigation and education.....	81
<b>Appendix 1 .....</b>	<b>83</b>

---

<b>Submissions received</b> .....	<b>83</b>
<b>Additional information received</b> .....	<b>86</b>
<b>Appendix 2</b> .....	<b>1</b>
<b>Public hearings and witnesses</b> .....	<b>1</b>



## Abbreviations and acronyms

AAFCO	Association of American Feed Controls Officials
ABARES	Australian Bureau of Agricultural and Resource Economics and Sciences
ACCC	Australian Competition and Consumer Commission
APVMA	Australian Pesticides and Veterinary Medicines Authority
AQIS	Australian Quarantine and Inspection Service
AMA	Animal Medicines Australia
Australian Standard	Australian Standard for the Manufacturing and Marketing of Pet Food
AVA	Australian Veterinary Association
BFF	Best Feline Friend cat food (Weruva brand)
DAWR	Department of Agriculture and Water Resources
EU	European Union
FDA	Food and Drug Administration (United States)
FEDIAF	European Pet Food Industry Association
FIAAA	Feed Ingredients and Additives Association of Australia
FSANZ	Food Standards Australia New Zealand
LAV	Latvian Association of Veterinarians
HACCP	Hazard Analysis Critical Control Point
PetFAST	Pet Food Adverse Event System of Tracking
PFCWG	Pet Food Controls Working Group
PFIAA	Pet Food Industry Association of Australia
RASFF	Rapid Alert System for Food and Feed (European Union)
SVD	Latvian State Veterinary Department
US	United States



# **List of recommendations**

## **Recommendation 1**

**7.4 The committee recommends that the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017) be made publically available on the Department of Agriculture and Water Resources' website for download and distribution.**

## **Recommendation 2**

**7.9 The committee recommends that, as part of its review into the safety and regulation of pet food, the working group focus on mechanisms to mandate pet food standards and labelling requirements in Australia. In particular, it should give serious consideration to amending the *Food Standards Australia New Zealand Act 1991* to expand the responsibilities of Food Standards Australia New Zealand (FSANZ) to include pet food standards and labelling requirements.**

**7.10 The committee further recommends that the working group draft a national pet food manufacturing and safety policy framework for the consideration and endorsement of an appropriate forum such as the Australia and New Zealand Ministerial Forum on Food Regulation.**

**7.11 To inform its deliberations, the committee recommends that the working group take into account the evidence provided to this inquiry.**

## **Recommendation 3**

**7.16 The committee recommends that the independent review working group identify specific measures to improve the efficacy of the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017). These measures should include specific requirements with regard to feeding trials and other testing prior to pet food sale as well as mandatory labelling standards that detail all ingredients including preservatives, additives, and which disclose heat, irradiation or other treatments to the product.**

## **Recommendation 4**

**7.24 The committee recommends that the Australian Competition and Consumer Commission review the process by which the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017) could become a mandatory standard under Australian Consumer Law and make public its review findings and any recommendations.**

## **Recommendation 5**

**7.29** The committee recommends that the Australian Veterinary Association, in cooperation with the Australian Competition and Consumer Commission explore measures to improve data capture in the PetFAST system.

## **Recommendation 6**

**7.34** The committee recommends that the Australian Competition and Consumer Commission establish a system for consumer reporting on its Product Safety Australia website, to enable members of the public to lodge complaints and concerns associated with pet food.

## **Recommendation 7**

**7.37** The committee recommends that the Australian Government work with the states and territories to establish a mechanism to investigate adverse pet food events and develop a complementary education campaign to raise awareness of the adverse pet food reporting, investigation and recall regime.

# Chapter 1

## Introduction

### Referral of the inquiry

1.1 On 20 June 2018 the Senate referred the following matters to the Senate Rural and Regional Affairs and Transport References Committee (committee) for inquiry and report by 30 August 2018:

Possible regulatory approaches to ensure the safety of pet food, including both the domestic manufacture and importation of pet food, with particular reference to:

- (a) the uptake, compliance and efficacy of the Australian Standard for the Manufacturing & Marketing of Pet Food (AS 5812:2017);
- (b) the labelling and nutritional requirements for domestically manufactured pet food;
- (c) the management, efficacy and promotion of the AVA-PFIAA administered PetFAST tracking system;
- (d) the feasibility of an independent body to regulate pet food standards, or an extension of Food Standards Australia New Zealand's remit;
- (e) the voluntary and/or mandatory recall framework of pet food products;
- (f) the interaction of state, territory and federal legislation;
- (g) comparisons with international approaches to the regulation of pet food; and
- (h) any other related matters.<sup>1</sup>

1.2 On 16 August 2018, the Senate granted an extension of time for reporting until 16 October 2018.<sup>2</sup>

### Conduct of the inquiry

1.3 Information about the inquiry was made available on the committee webpage. The committee also invited submissions from interested organisations and individuals, and received 151 public submissions. A list of individuals and organisations that made public submissions, together with additional information authorised for publication is at Appendix 1.

1.4 The committee also considered two petitions which were tabled in the Parliament during the inquiry. Petition No. 864, which contained 81 021 signatures,

---

1 *Journals of the Senate*, No. 100–20 June 2018, pp. 3210–3211.

2 *Journals of the Senate*, No. 109–16 August 2018, pp. 3493–3494.

raised concerns about food safety regulations for pet food. The petition – which was coordinated by Ms Christine Fry and Mr Peter Fry – asked that the Senate consider the recommendations of the committee's inquiry into regulatory approaches, to ensure the safety of pet food.<sup>3</sup> Petition No. 865, which contained over 14 500 signatures collected by the consumer group CHOICE, called for both 'stronger pet food regulation' and the enforcement of mandatory standards.<sup>4</sup>

1.5 The committee held public hearings on 28 August 2018 and 29 August 2018 in Sydney, NSW.

1.6 A list of witnesses who appeared at the hearings is at Appendix 2. Submissions and Hansard transcripts of evidence may be accessed through the committee's website.<sup>5</sup>

### **Acknowledgment**

1.7 The committee thanks all the individuals and organisations who made submissions to the inquiry. The committee particularly thanks those individuals who shared personal experiences and stories about their pets and companion animals. The committee acknowledges the emotional impact of these accounts, and thanks witnesses and submitters for their contributions.

### **Note on references**

1.8 References to Hansard are to the proof transcript. Page numbers may vary between the proof and the official (final) Hansard transcript.

### **Structure and scope of the report**

1.9 The report is divided into six chapters. Chapter 1 provides an overview of pet ownership, and pet food controls in Australia.

1.10 Chapter 2 considers a number of pet food safety incidents that have occurred in recent years, including a spate of megaesophagus cases in dogs throughout 2017 and 2018.

1.11 Chapter 3 discusses the regulatory frameworks in place to regulate the pet food industry in other jurisdictions, such as the United States of America (US). The chapter also provides an overview of Australia's self-regulation model, and how this

---

3 Petition No. 864, was tabled in the Australian Senate on 22 August 2018. See *Senate Hansard*, 22 August 2018, p. 63.

4 Petition No. 865 was tabled in the Australian Senate on 22 August 2018. See *Senate Hansard*, 22 August 2018, p. 64.

5 Parliament of Australia, *Regulatory approaches to ensure the safety of pet food*, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Rural\\_and\\_Regional\\_Affairs\\_and\\_Transport/SafetyofPetFood](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/SafetyofPetFood) (accessed 27 August 2018).

interacts with state and territory laws, importation laws, and Australian Consumer Law.

1.12 Chapter 4 considers methods to enhance the safety and integrity of pet food in Australia with focus on the Australian Standard. Chapter 5 considers the major issues raised by submitters and witnesses with regard to the pet food industry, including concerns about efficacy and product recall. Chapter 6 considers methods to strengthen the existing reporting regime and Chapter 7 provides the committee's comments and recommendations.

1.13 The committee notes that a number of submitters and witnesses expressed their views regarding pet diets. Although the committee has considered evidence from a number of veterinary professionals and academics in the field of veterinary nutrition and pathology, matters relating to dietary and nutritional advice are beyond the terms of reference of the inquiry. Therefore, the committee is not in a position to describe the adequacies of a commercial or raw food diet for Australian pets or to test their veracity. Rather, the terms of reference required the committee to consider the transparent and effective regulation of the pet food industry, including the manufacturing, marketing, and supply of pet food.

## Pet ownership in Australia

1.14 According to a report by Animal Medicines Australia (AMA), there are more than 24 million pets in Australia today. Australia has one of the highest rates of pet ownership in the world, with 62 per cent of Australian households owning at least one pet. Thirty-eight per cent of households have at least one dog, while 29 per cent have at least one cat.<sup>6</sup> These figures are summarised in Table 1.1 below:

**Table 1.1 – Pet ownership in Australia, 2016**

PET OWNERSHIP IN AUSTRALIA, 2016	HOUSEHOLD PENETRATION (%)	TOTAL OWNER HOUSEHOLDS ('000)	ANIMALS PER HOUSEHOLD (AVE.)	TOTAL PET ANIMALS ('000)
Dogs	38.5	3,555.0	1.3	4,759.7
Cats	29.2	2,698.8	1.4	3,883.6
Fish	11.8	1,088.5	8.0	8,729.5
Birds	11.8	1,086.9	3.9	4,187.4
Small mammals	3.1	282.8	1.9	536.9
Reptiles	2.7	250.2	1.7	415.5
Other pets	2.8	256.7	6.1	1,572.9
Pet Owners	62.0	5.7 m		24.1 m
Non-Owners	38.0	3.5 m		

Base: 2016: Total sample, n=2, 022; Q: Thinking now about pets. Which of these pets, if any, do you have in your household?

Note: Reptiles include snakes, turtles/tortoises, lizards and frogs/salamanders. Small mammals include rabbits, guinea pigs, ferrets and mice/rats.

Source: Animal Medicines Australia, *Pet ownership in Australia*, 2016, p. 9.

6 Animal Medicines Australia, *Pet ownership in Australia*, 2016, p. 9.

1.15 Over time, there have been changes in the way Australians view their household pets. Evidence suggests that pets are no longer viewed simply as animals, but have become 'humanised' to the point that they are considered by some to be members of the family. The AMA's 2016 survey found that there has been a significant increase in the proportion of owners who see their pets as a 'fur babies' rather than as mere companions.<sup>7</sup> Amongst dog owners, 64 per cent now see their pet as a family member while 23 per cent see their dog as a companion. The statistics are similar for cat owners.

1.16 The pet food industry is currently worth over \$4 billion—an increase in worth of 35 per cent since 2013.<sup>8</sup> Global figures show that in 2017, the pet food market was worth \$94 billion.<sup>9</sup>

1.17 The two converging trends of the 'humanisation' of pets on the one hand, and the burgeoning pet food industry on the other, has resulted in the 'premiumisation' of pet supplies and services. According to the AMA, pet owners are increasingly opting to spend more money in the hope of providing their pets with the best possible life. More often, pet owners are purchasing products from specialty pet superstores, rather than at supermarkets. At the same time, the market for pet treats and healthcare products has continued to growing rapidly, as has the market for natural and organic pet food products.<sup>10</sup>

1.18 It is therefore unsurprising that pet owners have high expectations regarding the quality of domestic and imported pet food that they purchase.

### **Pet food controls in Australia**

1.19 While there is no current national regulatory framework to control the domestic manufacture or importation of pet food, it is subject to various standards and codes of practice.

1.20 The pet food industry in Australia is managed under a self-regulation model and the Pet Food Industry Association of Australia (PFIAA) is the peak body for the

---

7 Animal Medicines Australia, *Pet ownership in Australia*, 2016, pp. 4, 7. Also see: Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 19 and Dr Richard Malik, *Committee Hansard*, 29 August 2018, p. 12.

8 Animal Medicines Australia, *Pet ownership in Australia*, 2016, p. 37. Also see: Angelique Donnellan, 'Plastic, mould found in dog food sparks call for regulation of pet food industry', *ABC News*, 16 May 2018, <http://www.abc.net.au/news/2018-05-16/plastic-mould-in-dog-food-prompts-call-for-industry-regulation/9764318> (accessed 25 June 2018).

9 Amy Fleming, 'Pet food is an environmental disaster – are vegan dogs the answer?', *The Guardian*, 26 June 2018, <https://www.theguardian.com/global/2018/jun/26/pet-food-is-an-environmental-disaster-are-vegan-dogs-the-answer> (accessed 6 July 2018).

10 Animal Medicines Australia, *Pet ownership in Australia*, 2016, pp. 29–38. Also see: Caroline Zambrano, 'Australia's Pet Food Market', *Pet Industry News*, vol.28, no. 2, Winter 2018, pp. 9–15.

pet food industry. Under the existing structure, members of the PIFAA must comply with the terms of a National Code of Practice which sets out the minimum standard expected for the care, management and trade of companion animals. Membership of the PIFAA is conditional upon a member's ongoing compliance with the National Code.

1.21 In addition to the National Code, the PIFAA relies on sector specific standards and guidelines, and in particular, the Australian Standard for the Manufacturing and Marketing of Pet Food (Australian Standard). This standard was first published in March 2011 as Australian Standard 5812:2011. Thereafter, a revised version of the standard, referred to as AS5812:2017, was reissued in 2017 following a review by Standards Australia.

1.22 The Australian Standard is not a publicly available document. It is available for purchase on the SAI-Global website. As a consequence, many submitters to the inquiry were not aware of the existence, let alone the contents of the standard. This circumstance has denied consumers important information which they could otherwise draw on to hold manufactures to account for the pet food they produce and the labelling on their products.

1.23 The Australian Pesticides and Veterinary Medicines Authority (APVMA) regulates pharmaceutical products, complementary medicines and supplements (such as vitamins and glucosamine) for pets. The APVMA is also responsible for the regulation of pesticides (including worm and flea treatments).<sup>11</sup>

1.24 The states and territories have legislation in place for pet meat and pet food. While these laws are primarily aimed at ensuring the safety of meat for human consumption, the legislation also includes provisions which provide for the directing of animal products from the human food supply chain into the pet meat/food supply chain.<sup>12</sup>

1.25 In addition to the Australian Standard, other controls include the *Competition and Consumer Act 2010* which is enforced by the Australian Competition and Consumer Commission (ACCC). This legislation provides general and specific consumer protections covering misleading and deceptive conduct as well as unconscionable conduct, unfair practices, consumer transactions, statutory consumer guarantees, a standard consumer product safety law for consumer goods and product-related services.

---

11 CHOICE, *Pet food regulation*, <https://www.choice.com.au/outdoor/pets/products/articles/pet-food-regulation> (accessed 10 July 2018).

12 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 10.

1.26 The *Biosecurity Act 2015* requires the Department of Agriculture and Water Resources (DAWR) to regulate pet food that is imported into Australia.<sup>13</sup> This responsibility is limited to the management of biosecurity risks associated with imported products. In addition, DAWR is responsible for providing certification to pet food products destined for export in accordance with the *Export Control Act 1982*.

### **Pet Food Controls Working Group 2009 – 2012**

1.27 In May 2009 – following a number of pet food safety incidents in 2008 and 2009 – a Pet Food Controls Working Group (PFCWG) was established by the Primary Industries Ministerial Council (now Agriculture Ministers' Forum). The Working Group was tasked with examining the need for additional mechanisms to manage the safety of imported and domestically produced pet meat and pet food. The terms of reference of the working group were subsequently extended to allow it to consider the Australian Standard (AS5812:2011).

1.28 Chaired by the then Department of Agriculture, Fisheries and Forestry (now Department of Agriculture and Water Resources), the PFCWG comprised the NSW Department of Primary Industries, the Victorian Department of Primary Industries, Safe Food Production Queensland, the Australian Veterinary Association (AVA); RSPCA Australia, and the PFIAA.

1.29 The PFCWG considered three options to manage the safety of imported and domestically produced pet food in Australia – self regulation, co-regulation and comprehensive regulation. To inform its deliberations, it requested that the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) undertake an economic assessment of the different policy options for managing the safety of imported and domestically produced pet food.

1.30 The PFCWG considered the nature and management of pet food safety incidents that had taken place over previous years and determined that, with the exception of one matter, it was unlikely that regulation would have prevented these incidents and that there had not been a true market failure. It noted, however, that the scale of the pet food safety incidents could have been reduced with 'better reporting and response arrangements'. On the basis of its findings, the PFCWG held the view that there was no justification for new official oversight of pet food manufacturing.<sup>14</sup> Its view was supported by the findings of the ABARES economic assessment which found that:

...self-regulation is the preferred approach to industry-specific consumer protection to avoid unnecessary regulatory burden on business and the community more broadly...

---

13 Department of Agriculture and Water Resources, *Submission 31*, p. 2.

14 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 16.

---

Self-regulation is a market response to information market failures and is likely to be the most cost-effective policy option to manage pet food safety in Australia for a number of reasons...<sup>15</sup>

1.31 However, the ABARES report cautioned that the 'critical issue' that would determine the success of a self-regulation approach would be the level of uptake to and compliance with the standard. It concluded:

If significant pet food safety issues arise in the future through, for example, inadequate compliance with the Australian Standard, there may be a need to consider cost-effective options to increase compliance. The preferred approach, at least initially, would be to encourage voluntary compliance with the Australian Standard. However, if this proves unsuccessful, there is always the option to reconsider a co-regulation approach where the Australian Standard is enforced by government.<sup>16</sup>

### **Development and review of the Australian Standard 2009 – 2017**

1.32 Prior to the development and publication of the Australian Standard, the industry was guided by the *Code of Practice for the Manufacturing and Marketing of Pet Food* (the code). The code was developed and managed by the PFIAA.

1.33 In 2009, shortly after a government-initiated Pet Food Controls Working Group (PFCWG) was established, the PFIAA announced a commitment to update and replace the code with a comprehensive Australian Standard. The standard was developed in 2011 to provide an official standard for the production and supply of manufactured pet food for dogs and cats.<sup>17</sup> It was developed by an industry-stakeholder working group established by Standards Australia following a public consultation process. The working group comprised representatives from the Department of Agriculture, RSPCA, AVA, PFIAA and the Victorian Department of Primary Industries.<sup>18</sup>

1.34 The Australian Standard was published on 10 March 2011 as AS5812:2011. It provides guidelines for the safe manufacture and marketing of pet food intended for consumption by domesticated cats and dogs.

1.35 In November 2017, the Australian Standard was reviewed and updated to ensure that it 'remains an appropriate and contemporary document guiding certified

---

15 Australian Bureau of Agricultural and Resource Economics and Sciences, *Pet food safety in Australia: economic assessment of policy options*, July 2012, pp. 20–21.

16 Australian Bureau of Agricultural and Resource Economics and Sciences, *Pet food safety in Australia: economic assessment of policy options*, July 2012, p. 22.

17 Pet Food Industry Association of Australia, *Submission 130*, p. 2.

18 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 7.

companies in pet food manufacture and labelling'.<sup>19</sup> The major changes made to the Australian Standard included reference to raw pet foods (as well as commercially processed) within the standard; reference to European pet food standards and upgrading labelling requirements to provide further relevant information for consumers and veterinarians.<sup>20</sup>

1.36 Amongst these key changes to the Australian Standard was that of the incorporation of references to pet treats as well as pet meats. Prior to 2017, the *Standard for the Hygienic Production of Pet Meat* applied to pet meat alongside various state and territory legislation specific to pet meat, primarily aimed at ensuring that pet meat does not enter the human food chain.<sup>21</sup> Developed in 2006, this standard details minimum hygiene requirements in the processing of animals used in the production of pet meat.

1.37 The PFCWG noted, in its 2012 report, that the pet meat standard was 'only implemented via regulation in some jurisdictions'.<sup>22</sup> Furthermore, it noted that there was no pet meat industry body to implement its standard.

1.38 The incorporation of pet meat into the Australian Standard in November 2017, was recognised as an important step toward aligning Australia's standards with international standards. The alignment had been suggested by bodies, including the AVA, which noted in its advice to the PFCWG in 2012, that such an alignment would 'provide improved products for feeding of dogs and cats in Australia and have a very positive impact on food safety for dogs and cats'.<sup>23</sup>

### **Requirements under the Australian Standard**

1.39 The Australian Standard specifies requirements for the production and supply of manufactured food for domesticated dogs and cats:

This Standard covers production of pet food, including pet meat from sourcing and receipt of ingredients to storage, processing (including heat treatment), packaging, labelling and storage of production in order to assure

---

19 Pet Food Industry Association of Australia, *Submission 130*, p. 7.

20 Pet Food Industry Association of Australia, *Submission 130*, p. 7.

21 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 4

22 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 4.

23 Australian Veterinarian Association, Enclosure 9 to the PIMC Food Controls Working Group Report, p. 4, <http://www.agriculture.gov.au/SiteCollectionDocuments/animal-plant/animal-health/pet-food-safety/enclosure-9.pdf> (accessed 19 September 2018).

---

its safety for pets. It also includes instructions for the uniform application of information provided on labels.<sup>24</sup>

1.40 The Australian Standard is focused on 'the safety of multi-ingredient, manufactured food for feeding to pets', as well as ensuring that products are 'accurately labelled and do not mislead purchasers'.<sup>25</sup> It details requirements for management and production practices at pet food manufacturing establishments to ensure the safe production of pet food, including, a quality assurance system.

1.41 A brief overview of the Australian Standard, and the requirements for manufacturing, labelling, marketing and nutrition, is outlined below.

### ***Manufacturing***

1.42 The first section of the Australian Standard provides instruction on the management and production practices of pet food manufacturing establishments. Manufacturing establishments are required to have a documented quality assurance system and a Hazard Analysis Critical Control Point (HACCP) plan as per the principles set out by the Codex Alimentarius Commission.<sup>26</sup>

1.43 The Australian Standard also specifies the requirements for building and construction to ensure that the premises where pet food is manufactured, and the equipment used to produce it, are safe, hygienic and free from contamination. Guidelines are set out for plant and equipment, cleaning and sanitising practices, pest control, sampling and testing, record keeping, and product tracing and recall practices.

1.44 With regard to ingredients, pet food manufacturers must ensure that all raw materials used in pet foods comply 'with the relevant Australian regulations'.<sup>27</sup> Additional information about pet food ingredients is available from the PFIAA, and includes adherence to the APVMA's Maximum Residue Limits (MRL), and the National Feed Standard (NFS).<sup>28</sup>

---

24 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 4.

25 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 4.

26 The Codex Alimentarius Commission (CAC) is an intergovernmental body that was established by the United Nations Food and Agriculture Organization and the World Health Organisation through the Food Standards Programme. The Commission's purpose is to protect the health of consumers and ensure fair practices in the food trade. Food and Agriculture Organization of the United Nations, *About Codex Alimentarius*, <http://www.fao.org/fao-who-codexalimentarius/about-codex/en/#c453333> (accessed 20 July 2018).

27 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 12.

28 Pet Food Industry Association of Australia, *AS5812 Purchasing Guidelines*, <https://www.pfiaa.com.au/TechnicalInfo/AS5812-Purchasing-Guidelines.aspx> (accessed 6 September 2018).

1.45 The sourcing and purchasing of raw materials must also be documented, and storage areas must be maintained to minimise the risk of damage, contamination, and unintended mixing or deterioration of ingredients or packaging materials.<sup>29</sup>

1.46 The Australian Standard provides further guidance on the heat treatment and process control of pet food. It states that where temperature control is critical to product safety and quality, temperatures must be controlled, monitored and recorded. Process controls should have identified parameters relating to the use of additives, adjustment of pH, water activity, commercial sterility, and the use of mould-growth inhibitors. Processes and procedures for the storage and handling of chilled and frozen ingredients should also be in place. All processes should be clearly identified in the HACCP plan.

### **Labelling**

1.47 The nutritional requirements of the Australian Standard dictate that pet food should follow the guidelines provided for in an international nutritional publication such as the Association of American Feed Control Officials (AAFCO) Official Publication or the FEDIAF (European pet food association) Nutritional Guidelines. The development of these publications is considered in the following chapter.

1.48 Labels should include an accurate description of the style, flavour or purpose of the pet food and should list all major ingredients and additive classes, with percentages included. For the purpose of naming, 'meat' signifies any part of an animal, other than feathers, which contains protein, and is ordinarily used in a food by dogs or cats, whether fresh, chilled, frozen or dried. The standard also provides details about the percentage of meat required in the food before a product can be labelled as a variety of meat, a meal containing meat, a product with meat components, or a product with meat flavour. Similar requirements apply across hermetically sealed or retorted pet food, wet pet food, and dry pet food. These labelling thresholds are detailed in the standard.<sup>30</sup>

1.49 Labelling requirements provided in AS5812:2017 also detail the manner in which pet food should be identified. Packaged pet food must be marked with an illustration of the whole of the body, or the head, of a dog or cat, with the words 'PET FOOD ONLY' clearly displayed in legible print.

1.50 Nutritional information should be presented in a nutritional information panel on the packaging, with a statement of guaranteed or typical/average composition. A measurement of metabolisable energy, as required by international nutritional

---

29 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 12.

30 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, pp. 19–22.

publications, should also be included. The stated composition of ingredients should be validated by a regular sampling and testing program.

1.51 The standard requires that the packaging display a statement of ingredients, presented in an informative and consumer-friendly manner. This includes food additives, which should be listed in accordance with the applicable Food Standards Australia New Zealand (FSANZ) Food Standards Code number, or by a specified class name.

1.52 Noting the importation requirements on certain pet foods, dog food that is irradiated should be labelled as such, with the inclusion of a warning that the food 'must not be fed to cats'. Any cat food or food intended for both cats and dogs must not be irradiated.<sup>31</sup>

### **Marketing**

1.53 This section of the standard requires that advertising does not contradict or negate any information that appears on the labelling of a product. Generally, marketing should not be misleading, misrepresentative or disparaging of competitors' products.<sup>32</sup>

### **Nutrition**

1.54 To adhere to the Australian Standard, pet food manufacturers must ensure that their pet food products comply with the recommended nutritive requirements set out in an international nutritional publication such as the AAFCO Official Publication or the FEDIAF Nutritional Guidelines. The pet food must be labelled as 'nutritionally complete', and products that are designed for a specific life stage should have labelling that clearly states its purpose. Examples include: 'nutritionally complete for the maintenance of adult dogs', or 'nutritionally complete pet food for growing kittens'.

1.55 Foods that do not meet the minimum recommended nutritive requirements for cats or dogs, as defined by an international nutritional publication, should be labelled as 'intended for occasional or supplemental feeding'. The label should clearly state that the food is 'not nutritionally complete', or is intended as a 'supplement', 'complementary food', 'snack' or 'treat'.<sup>33</sup>

1.56 Where the food is intended for therapeutic or dietary purposes, the product must comply with the provisions of the Agricultural and Veterinary Chemicals Code Regulations 1995. All therapeutic pet foods classified as excluded nutritional or

---

31 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 24.

32 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, pp. 24–25.

33 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 26.

digestive products must be labelled with advice that a veterinary opinion be sought before introducing the product to an animal. Therapeutic pet foods deemed veterinary chemicals must first be registered with the APVMA before being eligible for sale.<sup>34</sup>

### ***Adherence to the Australian Standard***

1.57 While adherence to the Australian Standard is voluntary for PFIAA members, compliance is strongly encouraged. The PFIAA indicated that the Australian Standard has been widely adopted by its manufacturing members and that estimates suggest that more than 95 per cent by volume of manufactured pet food sold in Australia is supplied by PFIAA members.<sup>35</sup> Put differently, PFIAA member companies, all of which adhere to the Australian Standard, provide an estimated 95 per cent or more prepared pet food sold in Australia.

### **Recent developments**

1.58 On 7 May 2018, the Minister for Agriculture and Water Resources, the Hon David Littleproud MP, wrote to states and territories asking them to support an independent review into the safety and regulation of pet food.<sup>36</sup> Noting a need to reconsider how the pet food industry operates, Minister Littleproud indicated that three states had voiced their support for such review.

1.59 The committee received updated information at a public hearing on 29 August 2018 that all state and territory governments had since provided their support for the review, and that DAWR is in the process of establishing a working group to undertake the review. Potential members of the working group include the AVA, the PFIAA, RSPCA Australia as well as the Animal Health Committee (AHC).<sup>37</sup>

1.60 To give further context to these recent developments, the next chapter will discuss a series of pet food safety incidents that have occurred locally and overseas. In particular, the spate of megaesophagus cases in dogs throughout 2017–18 is considered. The megaesophagus cases were consistently referred to in evidence to the committee; to highlight the shortcomings of the current system, and the need to consider enhanced safety and integrity measures.

---

34 Standards Australia, *Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017)*, September 2017, p. 27.

35 Pet Food Industry Association of Australia, *Submission 130*, p. 2.

36 The Hon David Littleproud MP, Minister for Agriculture and Water Resources, 'Littleproud welcomes pet food inquiry', *Media Release*, 20 June 2018. Also see: Angelique Donnellan, 'Having a pet die is an absolutely terrible thing': Senate announces inquiry into pet food industry', *ABC News*, 20 June 2018, <http://www.abc.net.au/news/2018-06-20/inquiry-to-be-held-into-pet-food-industry/9890398> (accessed 3 September 2018).

37 Dr Robyn Martin, Department of Agriculture and Water Resources, *Committee Hansard*, 29 August 2018, pp. 50–51.

# Chapter 2

## Pet food incidents

2.1 This chapter discusses a number of recent pet food safety incidents that have occurred in Australia and overseas. It includes a recent cluster of megaesophagus cases in dogs that had consumed commercial dry dog food, as well as incidents relating to thiamine deficiency, irradiation, kidney disease, and the chemical and physical contamination of pet foods. The chapter also considers the impact that these events have had on pet owners.

### Megaesophagus cases

2.2 Since 2017, there have been over 100 confirmed cases of megaesophagus in dogs that consumed Advance Dermocare dry dog food. In eight cases, the condition was considered so severe that the dogs had to be euthanased.<sup>1</sup>

2.3 Megaesophagus is a condition whereby the oesophagus becomes enlarged and loses its elasticity. Animals with megaesophagus lose the ability to move food down to their stomach and must be fed upright so the food does not get stuck in the oesophagus. Megaesophagus cannot be reversed, and treatment is essentially supportive. A large number of submitters presented evidence to the inquiry which detailed their personal experiences of caring for a pet with megaesophagus. The long-lasting impacts of this condition, on both pets and their owners, are discussed further in Chapter 4.

### *Timeline of events*

2.4 On 28 December 2017, Mars Petcare, the manufacturer of Advance Dermocare dry dog food received notice, through its customer care line, that a number of police dogs in Victoria had been diagnosed with megaesophagus.<sup>2</sup> That month, Mars Petcare commenced testing of Advance Dermocare products in its Bathurst factory to search for metals, pesticides and potential neurotoxins, all of which are known to trigger megaesophagus. In total, 160 different potential toxic agents were tested.<sup>3</sup> However, global advisers were unable to establish a causal link between Mars' dry dog food range and the symptoms associated with megaesophagus through these examinations. While Mars continued its own testing to support Melbourne

---

1 Angelique Donnellan, 'Dozens of dogs confirmed sick in investigation into popular dog food Advance Dermocare', *ABC News*, 30 April 2018, <http://www.abc.net.au/news/2018-04-30/popular-dog-food-suspected-of-making-dogs-sick-advance-dermocare/9699866> (accessed 25 June 2018). Also see: Angelique Donnellan, 'Pet food industry in the spotlight as number of megaesophagus cases jumps', *ABC News*, 6 June 2018, <http://www.abc.net.au/news/2018-06-06/number-of-megaesophagus-cases-soar-advance-dermocare/9839982> (accessed 25 June 2018).

2 Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, pp. 21–23.

3 Dr Roger Bektash, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 32.

University's U-Vet Animal Hospital, in early 2018, U-Vet became the lead investigator.<sup>4</sup>

2.5 Throughout January and February 2018, liaison between Mars Petcare, Victoria Police and the University of Melbourne continued.<sup>5</sup> While the nature of these discussions was not made clear to the committee, it is understood that U-Vet continued its investigation on behalf of Victoria Police.

2.6 On 8 March 2018, the AVA contacted its members to ensure that vets around the country were aware of the existing megaesophagus cases, and to seek information on behalf of the University of Melbourne's U-Vet clinic. The clinic was interested in cases of laryngeal paralysis or megaesophagus in dogs which did not have an underlying medical diagnosis. Dogs showing symptoms since September 2017 were of particular interest.<sup>6</sup>

2.7 Throughout March 2018, further reports of megaesophagus in dogs were reported. This included a number of correctional services dogs in South Australia, as well as two household dogs. On Saturday 24 March 2018, Mars Petcare announced a voluntary recall of Advance Dermocare dry dog food.<sup>7</sup> The recall announcement was published on the PFIAA website that afternoon, and was included on both its public site and its exclusive members section. The following day (25 March), the PFIAA sent a newsletter alert to all 160 registered members to advise them of the recall.<sup>8</sup>

2.8 On Monday 26 March 2018, a teleconference involving representatives from AVA and PFIAA took place to consider the recall.<sup>9</sup> The same day, the AVA published a media statement relating to the product recall and associated cases of megaesophagus.<sup>10</sup> Further information about megaesophagus was published on the AVA website on 28 March 2018.<sup>11</sup>

---

4 Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 21. Also see: Angelique Donnellan, 'Dozens of dogs confirmed sick in investigation into popular dog food Advance Dermocare', *ABC News*, 30 April 2018, <http://www.abc.net.au/news/2018-04-30/popular-dog-food-suspected-of-making-dogs-sick-advance-dermocare/9699866> (accessed 25 June 2018).

5 Mars Petcare Australia, *Dermocare recall timeline* (tabled at a public hearing on 29 August 2018).

6 Australian Veterinary Association, *AVA alerts and communication with members*, 8 March 2018 (tabled by Ms Rach Dola at a public hearing on 28 August 2018).

7 Mars Petcare Australia, *Dermocare recall timeline* (tabled at a public hearing on 29 August 2018).

8 Pet Food Industry Association of Australia, *Submission 130 – Attachment 2*, pp. 1–3.

9 Pet Food Industry Association of Australia, *Submission 130 – Attachment 2*, pp. 1–3.

10 Australian Veterinary Association, 'AVA advises dog owners to seek veterinary help if concerned about their pet's health', *Media statement*, 26 March 2018, <https://www.ava.com.au/node/101842> (accessed 31 August 2018).

11 Australian Veterinary Association, 'An update from AVA on reports of Megaesophagus in dogs', *Media statement*, 28 March 2018, <https://www.ava.com.au/node/101911> (accessed 31 August 2018).

2.9 The committee was informed by a number of witnesses that the investigation by the University of Melbourne U-Vet clinic is ongoing, and the root cause of the spate of megaesophagus cases had not yet been identified.<sup>12</sup> Associate Professor Caroline Mansfield, Director of U-Vet has led the investigation into the association between megaesophagus and Advance Dermocare on behalf of Victoria Police, which will make the decision as to whether to release the report to the public. The committee sought a copy of the report but it was not made available to it before the inquiry concluded.

2.10 It should be noted, however, that in May 2018, U-Vet confirmed megaesophagus in 74 dogs, all of whom had consumed Advance Dermocare dry dog food.<sup>13</sup> The committee understands that the number of dogs diagnosed with megaesophagus has subsequently risen and that the dogs were reported to have consumed Advance Dermocare. On the evidence available to the committee, it would appear that there is a strong association between megaesophagus and Advance Dermocare dry dog food. The committee believes that this association will be confirmed in the Victoria Police report.

### ***Megaesophagus cases in Latvia***

2.11 The Latvian series of megaesophagus cases occurred during 2014–16. Submitters highlighted that the Latvian regulatory context for these cases was similar to Australia in that pet food standards in Latvia were not enforced and the recall system was entirely voluntary.<sup>14</sup>

2.12 The Latvian Association of Veterinarians (LAV) informed the committee that in April 2015, the state veterinary department (SVD) noticed a 10-fold increase in the number of cases of the disease. It found that approximately 95 per cent of the 70 dogs registered with megaesophagus were being fed the same commercial diet that was manufactured locally in Latvia.<sup>15</sup>

2.13 According to the LAV, even though the number of registered cases continued to increase, the SVD resisted the call to conduct an epidemiological investigation. The view of the SVD was that it did not have a legal obligation to conduct such an investigation, given that dogs were not recognised as 'productive' animals and that megaesophagus was considered unlikely to be caused by an infectious agent.

---

12 Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 21. Also see: Associate Professor Caroline Mansfield, *Committee Hansard*, 29 August 2018, p. 10.

13 Tim Wall, '74 megaesophagus cases linked to Australian dry dog food', *Pet Food News*, 2 May 2018, <https://www.petfoodindustry.com/articles/7165-megaesophagus-cases-linked-to-australian-dry-dog-food?v=preview> (accessed 15 October 2018).

14 See, for example: Dr Ilze Matisse-VanHoutan, *Submission 95*, p. 2; Australian Veterinary Association, *Submission 68*, p. 6; Ms Maria Kuljanic, *Submission 142*, pp. 6–9 and Latvian Association of Veterinarians, *Submission 121*, pp. 1–2.

15 Latvian Association of Veterinarians, *Submission 121*, p. 1. Also see: Dr Ilze Matisse-VanHoutan, *Increased incidents of megaesophagus in dogs in Latvia 2014–2016*, February 2016, [https://www.kleintiermedizin.ch/images/aktuell/2016/ResultsofMEstudyFeb16\\_im02.pdf](https://www.kleintiermedizin.ch/images/aktuell/2016/ResultsofMEstudyFeb16_im02.pdf) (accessed 19 September 2018).

However, the LAV suggested that, because there was no epidemiological analysis undertaken, many pet owners were not informed about the possible link between the pet food and megaesophagus. It was argued that, as a result, the number of cases grew during 2016.<sup>16</sup>

2.14 In lieu of a state investigation, a group of independent scientists, led by Dr Ilze Matisse-VanHoutan, commenced their own investigation into the megaesophagus issue. The Latvian Ministry of Agriculture agreed to fund the study for six months, but after no results were found in this time, the Minister of Agriculture made the decision to cease funding.<sup>17</sup>

2.15 Submitters from Latvia, including the head of the Latvian megaesophagus investigation, Dr Ilze Matisse-VanHoutan, informed the committee that the manufacturer in question continues to deny that there is any connection between the dog food and the reported megaesophagus cases. Since first reported in April 2015, more than 256 cases of megaesophagus have been registered and radiographically confirmed by investigators in Latvia. Individual pet owners have also approached the manufacturing company directly.<sup>18</sup>

2.16 In response to the allegations, the manufacturing company has sued 17 veterinarians and their clinics, accusing them of 'spreading unsubstantiated claims' about the link between megaesophagus and its dog food, and for 'carrying out [a] slandering campaign' against it. The committee was advised that the law suit is ongoing, with the next court date set for February 2019.<sup>19</sup> Further discussion about the Latvian outbreak is provided in Chapter 4.

### **Other adverse incidents relating to pet food**

2.17 In addition to the megaesophagus cases associated with dry dog food, there have been a number of large-scale pet food safety incidents in Australia. These are detailed below.

#### ***Cat food toxicity (2017)***

2.18 In 2017, a large number of cat deaths and instances of severe illness were associated with an American pet food known as Weruva Best Feline Friend (BFF) cat food. Prior to death, many of these cats displayed symptoms of neurological disease,

---

16 Latvian Association of Veterinarians, *Submission 121*, pp. 1–2. Also see: Dr Ilze Matisse-VanHoutan, *Submission 95*, [p. 3].

17 Dr Ilze Matisse-VanHoutan, 'I did my research, blew the whistle and found myself at war', *Tedx Talks*, 26 October 2017, <https://www.youtube.com/watch?v=uNDWvejza4c> (accessed 19 September 2018).

18 Dr Ilze Matisse-VanHoutan, *Submission 95*, [p. 3].

19 Dr Ilze Matisse-VanHoutan, *Submission 95*, [p. 3]. Also see: Ms Maria Kuljanic, *Submission 142*, pp. 6–9.

as well as pyrexia or fever, gastrointestinal discomfort, and odd effusions.<sup>20</sup> The health issues reported were associated with a specific line of foodstuffs produced exclusively for the Australian market.

2.19 The first case of illness associated with BFF cat food appeared in April 2017.<sup>21</sup> On 5 May 2017, the manufacturer of Weruva BFF cat food announced that its Australian retailers had voluntarily removed all BFF items from shelves in Australia. The company President, Mr David Forman, published the following message on the Weruva website:

We have recently been made aware of select Best Feline Friend (BFF) canned foods, exclusive to the Australian market, which may have been produced outside of intended formulation guidelines. Out of an abundance of caution, and in partnership with our exclusive retailer of these goods, Petbarn and City Farmers have removed all BFF items from shelves in Australia until our analysis is complete.<sup>22</sup>

2.20 The pet food was subject to 'aggressive testing of ingredients and finished product'.<sup>23</sup> A small percentage of cases (approximately 40 in total) were reported on the PetFAST system, which was established by the AVA and PFIAA in February 2012. However, many cases were also reported on a pet owners' website and through social media sites.<sup>24</sup> By June 2017, there were approximately 300 suspected cases.<sup>25</sup>

2.21 The test results revealed that batches of Weruva BFF were deficient in thiamine, a vital component of a cat's diet.<sup>26</sup> This deficiency was said to cause the neurological symptoms displayed by the affected cats. While some veterinarians noted

---

20 Effusions are the presence of fluid within the sac surrounding the heart, the chest cavity (around the lungs) or in the abdominal cavity. Source: Edie Lau, 'Low thiamine suspected in cat illnesses linked to BFF food', *VIN News*, 9 June 2017, <http://news.vin.com/vinnews.aspx?articleId=45159> (accessed 30 August 2018).

21 Edie Lau, 'Low thiamine suspected in cat illnesses linked to BFF food', *VIN News*, 9 June 2017, <http://news.vin.com/vinnews.aspx?articleId=45159> (accessed 30 August 2018).

22 Weruva International Inc., Information regarding Weruva Best Feline Friends cat food, 5 May 2017 (tabled by Ms Rach Dola at a public hearing on 28 August 2018). Also see: Author unknown, 'Best Feline Friend recall: Cat food tins tested after widespread illness fears', *The Sydney Morning Herald*, 7 May 2017, <https://www.smh.com.au/business/consumer-affairs/best-feline-friend-recall-cat-food-tins-tested-after-widespread-illness-fears-20170507-gvzw23.html> (accessed 30 August 2018).

23 Weruva International Inc., Information regarding Weruva Best Feline Friends cat food, 5 May 2017 (tabled by Ms Rach Dola at a public hearing on 28 August 2018).

24 Edie Lau, 'Low thiamine suspected in cat illnesses linked to BFF food', *VIN News*, 9 June 2017, <http://news.vin.com/vinnews.aspx?articleId=45159> (accessed 30 August 2018).

25 Edie Lau, 'Low thiamine suspected in cat illnesses linked to BFF food', *VIN News*, 9 June 2017, <http://news.vin.com/vinnews.aspx?articleId=45159> (accessed 30 August 2018).

26 Tony Ibrahim, 'Testing of recalled BFF cat food reveals cause of illness', *CHOICE*, 25 May 2017, <https://www.choice.com.au/outdoor/pets/products/articles/test-results-of-recalled-bff-cat-food-250517> (accessed 6 September 2018).

that the cause could well be multifactorial, improvements were generally made when the affected pets were provided with a different diet.<sup>27</sup>

2.22 Concerns with regard to thiamine deficiency have been consistently raised amongst veterinary professionals for over 20 years.<sup>28</sup> Pet meat and pet food containing sulphur dioxide, sodium, and potassium sulphite preservatives have been known to destroy the vitamin thiamine (Vitamin B1), resulting in cat and dog mortalities. Thiamine deficiency reportedly causes an acute onset of neurologic impairment which can accelerate rapidly within days and result in death.<sup>29</sup> Cats are more susceptible to thiamine deficiency than dogs, as they require about four times more thiamine in their diet.<sup>30</sup>

2.23 Thiamine deficient pet food was a major point of discussion for the Pet Food Controls Working Group throughout 2009–2012. The Working Group was of the view that a 'regulatory gap' existed in relation to thiamine deficiency and that additional controls could assist in preventing further incidents. It noted that this could be done through harmonising the previously recognised pet meat standard (the Standard for the Hygienic Production of Pet Meat 2009 (PISC Technical Report 88)) with the standard for pet food.<sup>31</sup>

2.24 It is noted that the 2017 revision of the Australian Standard for pet food now includes a mandatory requirement that any product containing sulphur dioxide, sulphite or potassium sulphites must contain sufficient thiamine in accordance with the AAFCO guidelines, for the entire shelf-life of the product. However, concerns remain about products that do not comply with the voluntary pet food standard and which may contain sulphite or potassium sulphite – preservatives that trigger the release of sulphur dioxide thereby destroying thiamine content.<sup>32</sup>

#### ***Kidney disease in dogs (2007–2009)***

2.25 From 2007 to 2009, cases of acquired Fanconi-like syndrome were detected in small dogs in Australia and in a number of other countries. A common factor was the consumption of a particular brand of dog treats (Kramar dog treats) which were

---

27 Edie Lau, 'Low thiamine suspected in cat illnesses linked to BFF food', VIN News, 9 June 2017, <http://news.vin.com/vinnews.aspx?articleId=45159> (accessed 30 August 2018).

28 Dr Richard Malik, *Submission 86*, p. 1.

29 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, p. 13. Also see: R J S Steel, 'Thiamine deficiency in a cat associated with the preservation of 'pet meat with sulphur dioxide', *Australian Veterinary Journal*, vol. 75, no. 10, 1997, pp. 719–721.

30 Rural Industries Research and Development Corporation, *Building Confidence in Kangaroo Meat for Pet Nutrition*, March 2013, p. 3.

31 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, pp. 17–18.

32 RSPCA Australia, *How is the pet food industry regulated in Australia?*, [http://kb.rspca.org.au/how-is-the-pet-food-industry-regulated-in-australia\\_609.html](http://kb.rspca.org.au/how-is-the-pet-food-industry-regulated-in-australia_609.html) (accessed 20 June 2018).

manufactured in China. Some dental chews were also associated with the reported cases.<sup>33</sup>

2.26 A study published in the Australian Veterinary Journal found that, of the 108 dogs affected in Australia, most survived but that many required aggressive supportive care. The treats were suspected of containing a toxin that targets the proximal renal tubules, and which can result in severe kidney disease or Fanconi syndrome.<sup>34</sup>

2.27 In 2013, the United States Food and Drug Administration (USFDA) reported that over 3600 cases dogs and 10 cats (that had consumed jerky pet treats) had fallen ill. Of the affected animals, there were 580 deaths recorded. Despite numerous tests and visits to manufacturing facilities, the exact cause of the illness 'remains elusive'.<sup>35</sup>

2.28 In its 2012 submission to the PFCWG, the AVA stated that media exposure of the problem in Australia had led to a voluntary recall of Kramar dog treats. However, the recall was not enforced, and it is believed that some retailers may have continued to sell the product at reduced prices.<sup>36</sup> Alarming, however, the RSPCA informed the committee that as the treats have never been subject to a recall, they are still widely distributed and sold throughout Australia. As a result, many cases of Fanconi syndrome linked to pet treats continue to be reported to veterinarians.<sup>37</sup>

#### ***Neurological impairment in cats (2008)***

2.29 In late 2008, there were a number of reports of illness in cats that had consumed imported pet food. Symptoms included neurological impairment, and in some cases, death.

2.30 The Canadian pet food company, Champion Petfoods, stated that the problem appeared to be restricted to Australia. It suggested that an irradiation treatment applied to pet food for quarantine purposes, may have been a factor in causing depletion of vitamin A, and the formation and release of free radicals in the imported Orijen brand pet food. The conclusion reached by the manufacturer was due to the fact that 'Orijen sales in Australian account for less than one quarter of one percent of total sales' and yet, Australia accounts for '100 per cent of cases'.<sup>38</sup>

---

33 Australian Veterinary Association, *PetFAST shows pet food problems persist*, October 2012, <https://www.ava.com.au/12072> (accessed 30 August 2018).

34 M F Thompson et al., 'Acquired proximal renal tubulopathy in dogs exposed to a common dried chicken treat: retrospective study of 108 cases (2007–2009)', *Australian Veterinary Journal*, vol. 91, no. 9, 2013, pp. 368–373.

35 U.S. Food and Drug Administration, *Why Are Jerky Treats Making Pets Sick?*, 22 October 2013, <https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm371413.htm> (accessed 31 August 2018).

36 Australian Veterinary Association, *Enclosure 9 to the PIMC Pet Food Controls Working Group Report*, January 2012, p. 2.

37 RSPCA Australia, *Submission 59*, p. 10.

38 Champion Petfoods, 'Orijen Cat Food | Australia', *Voluntary withdrawal notice*, 26 November 2008, [https://www.ava.com.au/sites/default/files/documents/Other/Orijen\\_Australia\\_Consumer\\_Release.pdf](https://www.ava.com.au/sites/default/files/documents/Other/Orijen_Australia_Consumer_Release.pdf) (accessed 30 August 2018).

2.31 Australia has a favourable disease and pest-free status, partly due to quarantine measures, such as irradiation. Pet food products present a high quarantine risk as they have the potential to contain animal disease agents or pests that are exotic to Australia. Therefore, prior to issuing an import permit for pet food products, the Department of Agriculture and Water Resources must be satisfied that the products have undergone sufficient treatment to mitigate any potential risk.<sup>39</sup> According to Champion Petfoods, Australia is the only country that requires the irradiation treatment of its Orijen brand cat foods.<sup>40</sup>

2.32 Following these incidents, Champion Petfoods announced a voluntary recall of all Orijen brand cat food sold in Australia. The recall, declared on 20 November 2008, was said to be a 'precautionary measure' applicable to Australia alone.

2.33 In June 2009, the Australian Quarantine and Inspection Service (AQIS), under advice from Biosecurity Australia, withdrew gamma irradiation as a quarantine treatment option for imported cat food. Any imported dog food that is subject to gamma irradiation must now be labelled with a warning that it 'must not be fed to cats'.<sup>41</sup>

### ***Hepatotoxicosis in dogs (2011)***

2.34 During 2011, a small number of dogs in Western Australia were suspected to have been poisoned after being fed a feral camel meat diet. Two dogs were subsequently euthanased. The camel meat was found to contain varying levels of indospicine, a natural plant toxin which can cause liver toxicity. The same toxin has also been found in horse meat.<sup>42</sup>

2.35 Although the pet food industry is subject to restrictions regarding the origins of horse meat used in pet foods, the same restrictions do not apply to camel meat.<sup>43</sup>

---

39 RSPCA Australia, *What is RSPCA Australia's position on the irradiation of imported pet food products?*, [http://kb.rspca.org.au/what-is-rspca-australias-position-on-the-irradiation-of-imported-pet-food-products\\_307.html](http://kb.rspca.org.au/what-is-rspca-australias-position-on-the-irradiation-of-imported-pet-food-products_307.html) (accessed 4 July 2018).

40 Champion Petfoods, 'Orijen Cat Food | Australia', *Voluntary withdrawal notice*, 26 November 2008, [https://www.ava.com.au/sites/default/files/documents/Other/Orijen\\_Australia\\_Consumer\\_Release.pdf](https://www.ava.com.au/sites/default/files/documents/Other/Orijen_Australia_Consumer_Release.pdf) (accessed 30 August 2018).

41 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, p. 5. Also see: American Veterinary Medical Association, 'Australia halts irradiation of imported cat food after link with neurologic damage', *JAVMA News*, 15 August 2009, <https://www.avma.org/News/JAVMANews/Pages/090815g.aspx> (accessed 19 September 2018). There are no reports or scientific studies linking irradiation to health problems in dogs. This is likely due to the fact that cats and dogs have different nutritional needs.

42 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, p. 13. Also see: L M Fitzgerald et al., 'Hepatotoxicosis in dogs consuming a diet of camel meat contaminated with indospicine', *Australian Veterinary Journal*, vol. 89, no. 3, 2011, pp. 95–100.

43 Emma Sleath and Gail Liston, 'Camel meat scare', *ABC News Alice Springs*, 4 March 2011, <http://www.abc.net.au/local/stories/2011/03/04/3155169.htm> (accessed 31 August 2018).

However, in response to the 2011 incidents, the AVA reportedly increased its efforts to inform pet food manufacturers and other relevant industries about the potential problems associated with natural toxins.<sup>44</sup>

### ***Hypercalcaemia in cats (ongoing)***

2.36 In the past, there have been cases whereby cats in Australia have developed clinical hypercalcaemia due to hypervitaminosis D. The condition, which is attributed to excessive vitamin D concentrations, has been associated with the consumption of a complementary tinned cat food or 'cat grass'. In each case, the hypercalcaemia resolved relatively rapidly on withdrawal of the particular cat food.<sup>45</sup>

2.37 A report published in the *Journal of Feline Medicine and Surgery* stated that complementary foods 'may have the potential to induce nutritional toxicity' even when a cat is fed a complete, nutritionally balanced diet.<sup>46</sup> For this reason, the RSPCA continues to warn cat owners to be mindful of the amount of 'cat grass' consumed by their pet.<sup>47</sup>

### ***Melamine contamination causing renal failure (2007)***

2.38 Throughout 2007, there were a large number of incidents involving contaminants in pet food, leading to animal sickness and death. More than 8000 cat and dog mortalities in the US were linked to melamine and cyanuric acid in pet food imported from China.<sup>48</sup> A 2009 report estimated that over 39 000 cases of renal failure in dogs and cats in North America were due to the contaminants.<sup>49</sup>

2.39 Melamine is commonly found in coatings and laminates, wood adhesives, fabric coatings, ceiling tiles and flame retardants. Affected animals display symptoms including uremia, anorexia, vomiting, lethargy and hyperphosphatemia.<sup>50</sup> The AVA reported that the same toxicity was ultimately responsible for a number of human

---

44 Australian Bureau of Agricultural and Resources Economics and Sciences, *Pet food safety in Australia: economic assessment of policy options*, July 2012, p. 6.

45 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, pp. 13–14.

46 Victoria J Crossley et al., 'Vitamin D toxicity of dietary origin in cats fed a natural complementary kitten food', *Journal of Feline Medicine and Surgery Open Reports*, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5731632/> (accessed 31 August 2018).

47 RSPCA Pet Insurance, *Common feeding mistakes and foods to avoid for cats*, <https://www.rspcapetinsurance.org.au/pet-care/health/common-feeding-mistakes-and-foods-to-avoid-for-cat> (accessed 31 August 2018).

48 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, p. 13.

49 Carl A Osborne et al., 'Melamine and cyanuric acid-induced crystalluria, uroliths, and nephrotoxicity in dogs and cats', *Veterinary Clinics of North America: Small Animal Practice*, vol. 39, no. 1, 2009, pp. 1–14.

50 Cathy A Brown et al., 'Outbreaks of Renal Failure Associated with Melamine and Cyanuric Acid in Dogs and Cats in 2004 and 2007', *Journal of Veterinary Diagnostic Investigation*, vol. 19, no. 5, 2007, pp. 525–531.

mortalities in Asia, particularly China.<sup>51</sup> The melamine outbreak had significant ramifications for the regulation of pet food in a number of Asian countries.

2.40 In the US, the outbreak resulted in the recall of over 150 brands of cat and dog food.<sup>52</sup> Veterinarian Dr Andrew Spanner pointed out that while it was likely that the problem of melamine contamination existed worldwide, it was only detected and recalled in the US. He further noted that it was only following the recall in the US that voluntary recalls of the same food brands took place in Australia.<sup>53</sup>

2.41 Although melamine is no longer approved by AAFCO for use in pet food, the Australian Standard permits the minimum allowance of melamine in pet food as set out by the European Pet Food Industry Federation (FEDIAF). According to the PFIAA, this is a globally accepted limit.<sup>54</sup>

### ***Plastics contamination***

2.42 In addition to chemical contamination and toxicity concerns, there have been a number of recent reports relating to plastic contamination in pet food.<sup>55</sup> At rendering plants, a cooking and drying process is used to turn carcasses and offal into protein meal—a dry product used to make stock and pet food. During this process, ear tags that are still attached to an animal can be melted and ground into the protein meal, resulting in contamination. Other sources of plastic contamination in food may include plastic gloves worn by butchers and other meat handlers.<sup>56</sup>

2.43 Representatives of the rendering industry have stated that the issue of foreign contaminants is widespread. Reports suggest that Nestlé Purina Petcare received 295

---

51 Australian Veterinary Association, *Enclosure 9 to the PIMC Pet Food Controls Working Group Report*, January 2012, p. 3.

52 Mr Paul Terrett, *Submission 10*, p. 3.

53 Dr Andrew Spanner, *Submission 63*, [p. 3].

54 Ms Michelle Lang, Nestlé Purina Petcare Australia, *Committee Hansard*, 29 August 2018, p. 37.

55 See, for example: Ms Janine Price, *Submission 50*, [p. 1]; Ms Teresa Tassone, *Submission 89*, [p. 5]; Mrs Kate Bradbrook, *Submission 76*, [p. 2]; Mrs Christine Fry, *Submission 78*, [p. 3]; Pet Food Reviews Australia (Website), *Submission 114*, p. 1; Mr Terry Brooke, *Submission 120*, [p. 1]; Ms Jodi Burnett, *Submission 141*, [p. 9] and Angelique Donnellan, 'Animal ear tags among plastic and metal rubbish being ground up and put into pet food, insiders confirm', *ABC News*, 19 June 2018, <http://www.abc.net.au/news/2018-06-19/pet-food-insider-lifts-lid-on-plastic-and-rubbish-going-into-pe/9875184> (accessed 31 August 2018).

56 Angelique Donnellan, 'Animal ear tags among plastic and metal rubbish being ground up and put into pet food, insiders confirm', *ABC News*, 19 June 2018, <http://www.abc.net.au/news/2018-06-19/pet-food-insider-lifts-lid-on-plastic-and-rubbish-going-into-pe/9875184> (accessed 19 July 2018).

customer complaints about foreign objects found in pet food in 2015, primarily involving metal and plastics.<sup>57</sup>

2.44 The PFIAA stated that it is now working with its member companies to implement a range of procedures to minimise the potential for contaminants in pet food products. Checking systems include magnetic detection and removal of metals, strict vendor assurance programs and audit processes, and visual inspections of raw materials and finished products. However, it acknowledged that contamination can still occur through means including the failure to remove plastic ear tags from livestock or the inclusion of foreign matter in the rumen (stomach) of sheep and cattle.<sup>58</sup>

### **Impact of adverse events**

2.45 During its inquiry, the committee heard of the significant emotional distress experienced by pet owners who had lost a pet or were caring for one that had been impacted by pet food related illness. A large number of cases brought to the committee's attention related to the incidence of megaesophagus linked to dry dog food.

2.46 Dr Camilla Forss told the committee that her dog's deterioration from the disease was like 'watching my child die'.<sup>59</sup> Others revealed the impact that the diagnosis had on their day-to-day lives, including the hours spent preparing food, monitoring their pet's movements, countless visits to the vet, and even constructing apparatuses to assist their pet's digestion.<sup>60</sup>

2.47 Other pet owners, including Ms Shirley Benn, told the committee about the difficult decision to euthanase their pets after an extended period of suffering. Ms Benn shared her experience in losing her Maremma, Chief:

On 15 February 2018 we took our darling boy to the vet to have him euthanised. This was the hardest thing that I have ever done in my life... Chief stood by my side with his paw on my leg as if he was reassuring me that it is okay...I was holding back tears trying to be strong for him. My boy had only just turned 5 years old and here we are "giving up on him". I would never wish this on anyone.<sup>61</sup>

---

57 Angelique Donnellan, 'Animal ear tags among plastic and metal rubbish being ground up and put into pet food, insiders confirm', *ABC News*, 19 June 2018, <http://www.abc.net.au/news/2018-06-19/pet-food-insider-lifts-lid-on-plastic-and-rubbish-going-into-pe/9875184> (accessed 19 July 2018).

58 Pet Food Industry Association of Australia Inc., 'Pet food quality, media reports and regulation', *Media release*, 17 June 2018.

59 Dr Camilla Forss, *Submission 129*, [p. 1].

60 See, for example: Ms Rosemarie Mileham, *Submission 12*, [p. 3]; Miss Melissa Field, *Submission 13*, [pp. 2–3]; Mrs Christine Fry, *Submission 78*, [p. 2]; Mrs Debbie Guala, *Submission 93*, [p. 1] and Ms Elisia Nichol, *Submission 112*, p. 4.

61 Mrs Shirley Benn, *Submission 84*, p. 2.

2.48 Ms Rach Dola, who also made the tough decision to euthanase her afflicted dog, Zara, described the profound sense of 'emptiness and guilt' she felt after the procedure,<sup>62</sup> Another submitter, Mr David Passmore, described the experience as 'heartbreaking'.<sup>63</sup>

2.49 Submitters described the considerable distress and emotional toll such events have had on their lives, with many noting that they are still deeply affected by the experience. In addition, submitters noted the financial burden, resulting from countless visits to veterinarians and animal hospitals, coupled with the sacrifices that they have made in terms of the time and energy required to feed and care for a sick pet.

2.50 Dr Camilla Forss noted that her income had been 'negatively impacted' by the increased financial costs associated with the medical and dietary requirements of her ill dog. She also stated that it had become 'impossible...to work full time', given the supervised feeding regime that her dog now requires.<sup>64</sup>

2.51 Other submitters informed the committee that they had made the deliberate decision to feed their pets a premium brand of dry food, on the understanding that the financial impost was worth the health benefits derived from the food. In some instances, a particular pet food was given on the advice or recommendation of a veterinarian. For those owners whose dogs were diagnosed with megaesophagus, their decision ultimately resulted in a far more significant financial burden.<sup>65</sup>

2.52 During the inquiry, the committee was made aware of a compensation offer made by Mars Petcare to pet owners whose dogs had been adversely affected by its Advance Dermocare dry dog food. The company offered to repay vet bills and cover the cost of purchasing a replacement animal. However, submitters were indignant about the remedy suggested. Ms Lisa Dibbs stated:

[The compensation offer] does not come anywhere close to covering the pain, suffering, sleepless nights, time off work, endless washing of towels, purchase of numerous neck pillows, trial and error with different beds and cushions, different foods and thousands of dollars in exploratory vet bills trying to work out what was wrong with [my dog] and how we could treat him. I tried everything to make him comfortable and to eat and drink. [My dog] starved himself as it was too painful for him to eat or drink. It was heartbreaking to sit by and watch. I felt helpless.<sup>66</sup>

---

62 Ms Rach Dola, *Submission 117*, p. 2.

63 Mr David Passmore, *Submission 42*, [p. 1].

64 Dr Camilla Forss, *Submission 129*, [p. 1].

65 See, for example: Mrs Chantelle Hall, *Submission 4*, [p. 2]; Ms Rosemarie Mileham, *Submission 12*, [p. 1]; Miss Melissa Field, *Submission 13*, [p. 2]; Mr James Bayly, *Submission 40*, [p. 2] and Ms Lisa Dibbs, *Submission 71*, [p. 2].

66 Ms Lisa Dibbs, *Submission 71*, [p. 2].

2.53 Rather than financial compensation, the majority of submitters focused on the need for a regulatory solution, in order to ensure that their pets' lives were not 'lost meaninglessly'.<sup>67</sup>

2.54 In addition to the emotional and financial impacts caused by adverse pet food events, the committee was made aware of the potential human health impacts. Mrs Christine Fry shared her concerns, for example, about vulnerable pet owners who handle pet food. She explained that any toxins found in pet food would not only be bad for pets but also for pet owners who handle the food. In particular, she was concerned about owners who have autoimmune diseases, including her husband who had been diagnosed with Non-Hodgkin Lymphoma twice.<sup>68</sup> Ms Luise Pearson-Bernoth also expressed unease, noting that any bacteria and heavy metals found in pet food 'could easily affect...children's health as well as their pets'.<sup>69</sup>

2.55 Submitters' fears about human health impacts were legitimised by evidence from veterinarian Dr Andrew Spanner, who referred to a study conducted in the U.S. which investigated the link between salmonella infections and dry dog and cat food. The study found that 79 salmonella infections in small children across 21 states were caused by dry dog food.<sup>70</sup> Dr Spanner concluded:

I absolutely believe that if salmonella gets into pet foods it will make its way to the humans involved. That has been shown in the US, and I see it in my own clinic too.<sup>71</sup>

### **Processed pet food**

2.56 In addition to the incidents of illness associated with pet food, the committee heard from a number of submitters who opposed commercially produced pet food altogether. These submitters held the view that dogs and cats are essentially carnivores and are not suited to a commercial 'junk food' diet of processed pet food. Instead, they suggested that animals should maintain a diet of 'raw meaty bones' to ensure dental

---

67 See, for example: Ms Trudy Hollingsworth, *Submission 26*, [p. 1]; Ms Jodi Burnett, *Submission 141*, [pp. 11–12]; Mrs Dana Partington, *Submission 98*, [pp. 2–3] and Ms Rach Dola, *Submission 117*, p. 3.

68 Mrs Christine Fry, *Committee Hansard*, 28 August 2018, p. 10.

69 Ms Luise Pearson-Bernoth, *Submission 28*, [p. 1].

70 C B Behraves et al., 'Human *Salmonella* Infections Linked to Contaminated Dry Dog and Cat Food, 2006–2008', *Pediatrics*, vol. 126, no. 3, 2010, pp. 477–483.

71 Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 24.

and digestive health.<sup>72</sup> Mrs Jeannine Barnard provided the following assessment of commercial pet foods:

Cats are obligate carnivores but are being fed a low protein diet and processed carbohydrates (junk food) and our pets are just not getting enough hydration and proper nutrition from their diets, resulting in ill health and diseases like kidney disease.

Although dogs are a little bit flexible and may tolerate carbohydrates in small amounts, large amounts can lead to **allergies, behavior problems, upset stomachs, weight gain, bad teeth and health**. Still this tolerance for small amounts of carbohydrates, doesn't make them omnivores either.

Sadly and ironically their diseases are treated by conventional veterinarians prescribing dry food and are mostly the cause thereof.<sup>73</sup>

2.57 Proponents of the 'raw meaty bones' diet argued that they had seen vast improvements in their pets' health after making major changes to their diet. Mr Rolf Hauptmann informed that committee that his cat, once diagnosed with life-threatening diabetes, was put on a diet of raw meat and bones and is now 'disease-free, medication-free, and far healthier than previously'.<sup>74</sup> Another submitter, Ms Christine Lewis, stated that her dog, which had an inflammatory bowel disorder recovered when its diet changed to one of raw meat and bones. She submitted:

It is quite clear that my dog's previous ill health was entirely due to his diet of processed dog food. This is a particularly alarming insight when we take into account the fact that the expensive canned food that I was feeding him was specifically developed for dogs with digestive difficulties.<sup>75</sup>

2.58 Dr Tom Lonsdale, a veterinarian and a prominent advocate of the 'raw meaty bones' diet summarised his view:

Conceptually it's impossible to *manufacture* food that is safe for pets. There have never, to my knowledge, been published controlled studies

---

72 See, for example: Mr Jason Grubisic, *Submission 66*, [p. 1]; Miss Anna Rek, *Submission 67*, [p. 1]; Mrs Tracey Jackson, *Submission 75*, p. 2; Mr Rolf Hauptmann, *Submission 72*, [pp. 1–2]; Ms Maureen Powell, *Submission 116*, [p. 3]; Mr Cameron McAllister, *Submission 111*, 1p. 1]; Ms Tafline Gillespie, *Submission 109*, [p. 2]; Annie Robbie, *Submission 138*, [p. 2]; Ms Maria Kuljanic, *Submission 142*, pp. 10–13; Miss Emily Bush, *Submission 74*, [p. 1]; Mrs Jeannine Barnard, *Submission 77*, [pp. 1–3]; Ms Florence Watmore, *Submission 19*, [p. 1]; Pound Rescue Inc., *Submission 115*, [p. 1]; Ms Christine Lewis, *Submission 61*, [p. 1]; Ms CJ King, *Submission 22*, [pp. 1–2]; Miss Shonara Langley, *Submission 37*, p. 2; Mrs Melanie Christie, *Submission 62*, pp. 1–3; Mrs Carol O'Herlihy, *Submission 69*, [p. 2]; Mrs Margot Puehl, *Submission 87*, [p. 1]; Ms Anne Royle, *Submission 128*, [p. 1]; Mr Josh King, *Submission 110*, [pp. 2–3]; Ms Jessie Holt, *Submission 118*, [p. 1]; Mr Lachlan Kidd, *Submission 105*, [p. 1]; Christine Wattle, *Submission 136*, [pp. 2–3]; J Vale, *Submission 134*, [pp. 1–4] and Ms Sandra Sultana, *Submission 99*, [pp. 1–2].

73 Mrs Jeannine Barnard, *Submission 77*, p. 3. Bold in the original text.

74 Mr Rolf Hauptmann, *Submission 72*, [p. 1].

75 Ms Christine Lewis, *Submission 61*, [p. 1].

demonstrating that artificial, manufactured products are either suitable or safe for the feeding of domestic carnivores...

...*All* processed pet foods, whether directly or indirectly, injure the health of animals. From time to time identifiable additional hazards arise — for instance chemical or bacterial contamination and formulation deficiencies and excesses — that give rise to outbreaks of acute disease and death.<sup>76</sup>

---

76 Tom Lonsdale, *Submission 132*, pp. 6–7. Italicised in original text.



# Chapter 3

## Pet food safety controls in Australia

3.1 This chapter provides a more comprehensive overview of the main controls in place with regard to pet food safety in Australia. It includes a discussion of the differences between state and territory laws, as well as the interaction with import and export regulation, consumer law, and laws pertaining to therapeutic and medicinal goods. An overview of international regulatory frameworks for pet food is also provided.

### Self-regulatory model

3.2 Australia's pet food industry is self-regulated against a voluntary Australian Standard for pet food manufacturing and marketing. The standard is administered by the PFIAA through a Letter of Exchange Agreement with DAWR. The agreement is audited on an annual basis by the DAWR Compliance Integrity Unit to ensure adequacy for export arrangements with overseas markets.<sup>1</sup> This arrangement is similar to that adopted by the rendering industry.<sup>2</sup>

3.3 It is worth noting that the PFIAA has no staff, and consists of one part-time executive manager who provides all services relating to the administration of the standard. It also has an unpaid executive committee (described as 'honorary volunteers') drawn from industry:

Under that [standard certification] process, we provide documentation to auditors and companies. We answer inquiries regarding AS 5812 process and requirements. We do assessment of returned audit summaries—they're assessed by me, and then I personally issue those certificated to the companies and send copies to the government for companies that are exporters. I maintain the register of registered companies. I maintain a register of calendar-of-audit anniversaries...<sup>3</sup>

3.4 The Australian Standard applies to both domestic and imported manufactured pet food products. In order to prevent the introduction of foreign animal diseases, imported products are also subject to official animal and plant biosecurity risk assessments and associated import requirements.

3.5 Although compliance with the Australian Standard is encouraged, it is not mandatory. Companies wishing to comply and receive accreditation under the standard must undergo assessments conducted by an independent, qualified auditor.

---

1 Pet Food Industry Association of Australia, *Submission 130*, p. 5.

2 In their submission to the inquiry, the Australian Renderer's Association noted that, as part of its letter of exchange with DAWR, it has now removed itself from the management of its accreditation program and engaged a third party auditor to take on this role. Source: Australian Renderers' Association, *Submission 15*, p. 2.

3 Mr Duncan Hall, Pet Food Industry Association of Australia, *Committee Hansard*, 28 August 2018, pp. 25–26.

The auditor's role is to inspect the manufacturing premises and assess conformance with processes and labelling, as specified in the Australian Standard. The annual audit and accreditation program administered by the PFIAA includes:

- certification issued to members on receipt of the audit report, signed by an approved third party auditor;
- listing of accredited members on PFIAA's website; and
- approved use of AS 5812 compliance on marketing materials and products.<sup>4</sup>

3.6 As the Australian Standard is voluntary, it recognises that manufacturers may be able to achieve the same quality assurance through alternative means. However, all processes, whether achieved through the provisions of the standard, or an alternative, must be validated against a Hazard Analysis and Critical Control Points (HACCP) quality assurance system.<sup>5</sup>

### ***Compliance with the Australian Standard – Accreditation and audit procedures***

3.7 As previously noted, the PFIAA estimated that 95 per cent of prepared pet food (by volume) sold in Australia is made by its members. Its membership consists of 63 companies, including 29 manufacturing members, nine marketing members, and 25 allied industry members.<sup>6</sup> As part of its statement of purpose, the objective of PFIAA is to 'promote the prepared pet food industry in general and the interests of the members of the Association', amongst other things.<sup>7</sup>

3.8 Under the current arrangements, PFIAA provides oversight of the pet food industry. A key element of this oversight is the accreditation system provided to members which (by way of a third party independent audit) are able to demonstrate compliance with the Australian Standard. Once compliance is demonstrated, member manufacturers are entitled to declare their certification, and are listed on the PFIAA website.<sup>8</sup>

---

4 Australian Bureau of Agricultural and Resource Economics and Sciences, *Pet food safety in Australia: economic assessment of policy options*, July 2012, p. 10.

5 Hazard Analysis Critical Control Point (HACCP) is an international methodology used to recognise and minimise food safety risks during the production or packaging process. The seven key principles of the system include: hazard analysis, critical control points, critical limits, critical control monitoring, corrective action, procedures and record keeping. Source: Australian Institute of Food Safety, *Everything You Need to Know About HACCP*, <https://www.foodsafety.com.au/resources/articles/everything-you-need-to-know-about-haccp/> (accessed 20 July 2018).

6 Each manufacturing site is audited as a separate 'member' of the PFIAA. In total, there are 29 manufacturing 'members', owned by 26 companies. Source: Pet Food Industry Association of Australia, answers to questions on notice, 28 August 2018 (received 10 September 2018).

7 Pet Food Industry Association of Australia, *Statement of Purpose*, <https://www.pfiaa.com.au/About/StatementofPurpose.aspx> (accessed 14 September 2018).

8 Pet Food Industry Association of Australia, *Submission 130*, p. 5.

3.9 The AVA explained that the PFIAA's compliance certification is similar to the Heart Foundation tick, in that it operates as a means of gaining a market 'tick of approval'.<sup>9</sup>

3.10 Further, the committee was told that in circumstances where a breach of the standard is found, the PFIAA is required to report to DAWR under a Letter of Exchange agreement. Notification must occur within 24 hours of the breach being detected and the manufacturer is required to correct the critical defect prior to recertification.<sup>10</sup>

3.11 In addition to the audit requirements set out by the PFIAA, the committee was informed that individual manufacturing companies, particularly those with overseas affiliations, may conduct additional assessments of their pet food. At a public hearing in Sydney, Mars Petcare told the committee that it applies a globally consistent recall policy and process to all its business units around the world. In Australia, it is validated and accredited by Lloyd's Register Quality Assurance.<sup>11</sup>

3.12 Nestlé also advised the committee about the 3500 quality and safety tests it conducts on the factory floor each day. These include nutritional analysis, online testing, post-production testing and hygiene checks for personnel.<sup>12</sup> Both major manufacturers – Nestlé and Mars Petcare – noted that the recall process applied to their products is the same for both pet food and human food.<sup>13</sup>

3.13 In its submission to the inquiry, the PFIAA further clarified that that it was currently in the process of revising its auditing and document management processes for Australian Standard accreditation. According to the PFIAA, this work is being done in partnership with an external not-for-profit company and 'has the potential to enhance' the current accreditation process. The changes, to be implemented by late 2018, are expected to include a requirement for auditors to be Exemplar Global accredited, and audit operations to be JAS-ANZ accredited.<sup>14</sup>

### **State and territory legislation**

3.14 As state and territory governments retain primary responsibility for food safety regulation, there are some variances in how the regulation of pet food is administered across jurisdictions.<sup>15</sup> One reason for this is that pet meat was once subject to a different Australian standard—the Standard for the Hygienic Production

---

9 Australian Veterinary Association, *Submission 68*, p. 4.

10 Duncan Hall, Pet Food Industry Association of Australia, *Committee Hansard*, 28 August 2018, p. 33.

11 Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 28.

12 Ms Michelle Lang, Nestlé Australia Ltd, *Committee Hansard*, 29 August 2018, p. 35.

13 Dr Roger Bektash, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 32; Ms Nicole Battistessa, Nestlé Australia Ltd, *Committee Hansard*, 29 August 2018, p. 34.

14 Pet Food Industry Association of Australia, *Submission 130*, pp. 2, 9.

15 Standing Council on Primary Industries, *Managing the safety of domestically produced pet meat, and imported and domestically produced pet food*, January 2012, p. 21.

of Pet Meat (pet meat standard) developed through the Primary Industry Standards Committee Technical Report 88. As noted in Chapter 1, pet meat was incorporated into the pet food standard in November 2017.

3.15 While state and territory laws aim to ensure the safety of meat for human consumption, the legislation also includes provisions which consider the directing of animal products from the human food supply chain into the pet meat/food supply chain. Therefore, the requirement to label raw pet meat as 'unfit for human consumption' is consistent across all jurisdictions. However, no single jurisdiction has specific legislation in place to deal with manufactured pet food.

3.16 Pet food labelling requirements are regulated in some jurisdictions. However, with the exception of Queensland, no other jurisdiction has provisions in place to require manufacturers to state the actual ingredients or methods of processing pet food products on their product labels.<sup>16</sup>

3.17 As part of its 2012 review of pet food controls, the PFCWG received statements from state and territory members regarding a possible regulatory approach to processed pet food. An overview of these statements is provided below:

### ***Queensland***

3.18 A statutory agency, Safe Food Production Queensland, regulates the primary production and processing of meat, eggs, dairy, seafood and horticulture in Queensland through the Queensland *Food Production (Safety) Act 2000* and Food Production (Safety) Regulation 2014. The Regulation sets out the Food Safety Scheme for Meat and Meat Products, and the Dairy Food Safety Scheme, both of which reference pet food and set standards for labelling.<sup>17</sup>

3.19 The Food Safety Scheme for Meat and Meat Products requires that all meat must be handled and processed to a human consumption standard, until such time that a decision is made to divert the meat to the animal consumption supply chain.<sup>18</sup> In its submission to the inquiry, Safe Food Production Queensland reiterated that there is 'no "second class system" or less stringent standard' for producing meat for animal consumption, as opposed to meat for human consumption, in its jurisdiction.<sup>19</sup>

3.20 As a member of the PFCWG in 2009–12, Safe Food Production Queensland stated that it would not enforce the pet meat standard, as it conflicts with the state regulation already in place.<sup>20</sup>

---

16 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 7: Summary of Regulation Specific for Pet Meat and Pet Food in Australia*, January 2012, p. 2.

17 Safe Food Production Queensland, *Submission 85*, [pp. 1–2].

18 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members statements*, January 2012, p. 3.

19 Safe Food Production Queensland, *Submission 85*, [p. 1].

20 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members statements*, January 2012, p. 3.

## **Victoria**

3.21 In Victoria, the Meat Industry Regulations 2015 establish labelling requirements for pet food packaging. As per AS5812:2017, pet food that is prepared for retail sale must be labelled as 'pet food only', and display a picture of the whole of the body, or the head, of a dog or a cat. No additional regulations exist for the manufacture of meat used in pet foods.<sup>21</sup>

3.22 In its statement to the PFCWG, the Victorian Department of Primary Industries emphasised the need to consider the impact of a regulated approach to pet food safety, particularly for businesses. It suggested that a business impact assessment be undertaken, as well as a national regulation impact statement, in accordance with the Commonwealth Government's Office of Best Practice Regulation.<sup>22</sup>

## **New South Wales (NSW)**

3.23 The NSW Food Regulation 2015 makes a number of references to the pet meat standard. Knackeries are required to comply with the relevant standards specified in the pet meat standard, as are animal food processing plants, animal food field depots, animal food vans, and animal food field harvesting vans. In addition, general operational hygiene requirements also adhere to those set out in the pet meat standard.<sup>23</sup>

3.24 In response to the PFCWG, the NSW Department of Primary Industries advised that a critical review process was required before any new regulatory measures for pet food were initiated.<sup>24</sup>

## **Western Australia**

3.25 According to the Western Australian Department of Health, pet meat manufactured and distributed in Western Australia is produced and processed under lower standards than food produced for human consumption. Pet meat must therefore be clearly labelled as 'Pet Meat – Not For Human Consumption'. The food regulations also require pet meat to be stained with blue dye to distinguish it from meat for human consumption.<sup>25</sup>

---

21 *Meat Industry Regulations 2015* (Victoria), [http://classic.austlii.edu.au/au/legis/vic/consol\\_reg/mir2015287/](http://classic.austlii.edu.au/au/legis/vic/consol_reg/mir2015287/) (accessed 4 September 2018).

22 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members' statements*, January 2012, p. 2.

23 *Food Regulation 2015* (New South Wales), <https://www.legislation.nsw.gov.au/regulations/2015-622.pdf> (accessed 4 September 2018).

24 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members' statements*, January 2012, p. 1.

25 WA Department of Health, *Pet meat: Food Act 2008 fact sheet 13*, [https://ww2.health.wa.gov.au/Articles/N\\_R/Pet-meat](https://ww2.health.wa.gov.au/Articles/N_R/Pet-meat) (accessed 9 July 2018). Also see: *Food Regulations 2009* (Western Australia), [https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_s41122.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s41122.html) (accessed 4 September 2018).

3.26 Western Australian representatives on the PFCWG stated that there is a need for a more consistent approach to the management of pet food contamination. They acknowledged that, although the standard was likely to be a good marketing tool for pet food manufacturers, a self-regulated industry would not be able to address problems associated with imported goods. They also drew attention to the fact that imported products could not be regulated without established domestic pet food regulation.

3.27 Although conscious of the need for industry support and funding, Western Australia put forward the view that a recall framework would likely decrease the number of pets affected by pet food related disease/intoxication.<sup>26</sup>

### ***Tasmania***

3.28 In Tasmania, the Primary Produce Safety (Pet Food) Regulations 2014 require commercial pet food producers to be accredited. Producers that slaughter animals or birds, or process carcasses for the production of pet food are included in this category. Accredited producers must comply with relevant standards; hold an accreditation for their business which covers the supply, production or processing of pet food; and prepare and implement an approved food safety program which is audited at least once a year.<sup>27</sup>

3.29 In its statement to the PFCWG, Tasmanian representatives noted that self-regulation or co-regulation of the pet food industry is preferred. The need for a central reporting point to capture data on adverse pet food events, and the need for an efficient recall framework, were also highlighted.<sup>28</sup>

### ***Other jurisdictions***

3.30 The governments of South Australia, the Northern Territory, and the Australian Capital Territory (ACT) did not provide member statements to the Pet Food Controls Working Group. With the exception of the ACT, these jurisdictions require adherence to the existing pet meat standard.<sup>29</sup>

### **Related laws**

3.31 As part of its inquiry, the committee also considered the numerous laws that interact with the process of manufacturing, supplying, and selling pet food. These

---

26 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members' statements*, January 2012, pp. 1–2.

27 Australian Government, *Accreditation of a Pet Food Producer – Tasmania*, <https://ablis.business.gov.au/service/tas/accreditation-of-a-pet-food-producer/37096> (accessed 9 July 2018).

28 Standing Council on Primary Industries Pet Food Controls Working Group, *Enclosure 10: State and territory Pet Food Controls Working Group members' statements*, January 2012, p. 1.

29 *Primary Produce (Food Safety Schemes) (Meat) Regulations 2017* (South Australia), [https://www.legislation.sa.gov.au/LZ/C/R/PRIMARY%20PRODUCE%20\(FOOD%20SAFETY%20SCHEMES\)%20\(MEAT\)%20REGULATIONS%202017.aspx](https://www.legislation.sa.gov.au/LZ/C/R/PRIMARY%20PRODUCE%20(FOOD%20SAFETY%20SCHEMES)%20(MEAT)%20REGULATIONS%202017.aspx) (accessed 4 September 2018); *Meat Industries Regulations 2011* (Northern Territory), <https://legislation.nt.gov.au/Legislation/MEAT-INDUSTRIES-REGULATIONS> (accessed 4 September 2018).

include laws pertaining to importation and biosecurity, consumer goods, food safety, product safety, therapeutic and medicinal foods and pet treats.

### ***Importation***

3.32 The regulatory requirements imposed by DAWR under the *Biosecurity Act 2015* regarding imported pet food vary depending on the level of quarantine risk posed by the product. The biosecurity assessment is made as part of the import permit application process, and is based on the ingredients contained in the pet food, the country of origin and manufacture, and the heat treatment applied to the product.

3.33 According to DAWR, assessments of biosecurity risk in imported pet food products include consideration of:

- regulatory oversight of the overseas manufacturer;
- quality systems employed by the manufacturer and the components of these systems that contribute to biosecurity risk management;
- biological ingredients used to manufacture products;
- biological materials held on site but not used to manufacture products; and
- treatments applied during manufacture which manage contamination risks.<sup>30</sup>

3.34 Following an assessment of relevant documents, an on-site audit may be conducted. The objective of this type of audit is to verify that the manufacturer effectively embeds all relevant aspects of their quality management system into their production processes, thereby ensuring that the product exported to Australia meets requirements.<sup>31</sup>

3.35 Issues such as product shelf life, nutritional completeness, contamination with non-biological foreign bodies, or chemical residues are not taken into consideration during the department's biosecurity risk assessment.<sup>32</sup>

### ***Exportation***

3.36 DAWR is also responsible for providing certification for pet food products destined for export in accordance with the *Export Control Act 1982* and supporting export regulations. The regulations differ for pet foods, according to the type of food and destination. The department oversees a range of regulatory activities for prescribed and non-prescribed pet foods for export which may include:

- declarations of Australia's freedom from serious livestock diseases;
- an Australian Government certification of safety, labelling or chemical residue matters;
- establishment auditing and inspection;

---

30 Department of Agriculture and Water Resources, *Submission 31*, p. 2.

31 Department of Agriculture and Water Resources, *Answers to questions taken on notice*, 29 August 2018, p. 1.

32 Department of Agriculture and Water Resources, *Submission 31*, p. 2.

- verifying pre-export testing; and
- providing export documentation, which may include an export certificate.<sup>33</sup>

3.37 Some export markets require demonstrated compliance with the Australian Standard for the Manufacturing and Marketing of Pet Food (AS 5812). In these cases, DAWR will monitor the exporter's compliance with the standard by overseeing and auditing a third party accreditation system in partnership with the PFIAA.<sup>34</sup>

### **Consumer goods**

3.38 Australian Consumer Law provides the relevant Minister with the authority to order a compulsory recall of a consumer good if a mandatory standard is not met or the suppliers of the goods have not taken 'satisfactory action to prevent those goods causing injury to any person'. However, the policy does not make mention of the remedies available when injury is inflicted upon a pet, such as if a pet food is found to be mouldy or contaminated.<sup>35</sup>

3.39 In addition to the problems associated with pet food being considered a consumer product, there are also complications with regard to the way pets themselves are considered under the law. Australian Consumer Law covers the purchase of a pet in the same way that other consumer goods are covered. This requires the seller to ensure the pet is of acceptable quality, fit for purpose, and accurately described. If there is a problem with a pet, such as a terminal or serious health issue, the consumer is entitled to particular remedies.<sup>36</sup> However, submitters pointed out that the law as it stands does not operate in a way that is logical to consumers. Ms Sarah Agar from CHOICE explained:

When you buy a toaster, if it's faulty, you can take it back to the store and get a refund, and that's a good remedy, but, when your pet food is faulty, your pet can die, and there are not appropriate remedies in place for consumers and pet owners who are in that situation. People should be able to trust that the pet food they buy is safe and won't harm their pets, but we can see that this currently isn't the case.<sup>37</sup>

3.40 Notwithstanding these limitations, Australian Consumer Law does:

- contain prohibitions in relation to false and misleading statements (which extend to labelling, advertising and consumer guarantees made in relation to pet food products);

---

33 Department of Agriculture and Water Resources, *Submission 31*, p. 3.

34 Department of Agriculture and Water Resources, *Submission 31*, p. 3.

35 CHOICE, *Submission 143*, [pp. 2–3].

36 Western Australian Department of Mines, Industry Regulation and Safety, *A Consumer's guide to buying a pet*, [https://www.commerce.wa.gov.au/sites/default/files/atoms/files/aconsumersguidetobuyingapet\\_0.pdf](https://www.commerce.wa.gov.au/sites/default/files/atoms/files/aconsumersguidetobuyingapet_0.pdf) (accessed 19 September 2018).

37 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, pp. 1–2.

- require that products are fit for purpose (and that manufacturers or suppliers in breach of these provisions may be subject to relevant penalties and remedies); and
- set out a framework for voluntary recall of products by manufacturers or suppliers.<sup>38</sup>

### ***Therapeutic and medicinal foods***

3.41 Foods that are designed to help pets with certain medical conditions, such as kidney disease and diabetes, but do not contain any medicine, are considered therapeutic foods. Previously, the APVMA regulated therapeutic pet foods and conducted testing to verify the claims made by pet food manufacturers and to ensure that the evidence regarding the benefits of the food was sound. However, as part of changes introduced in 2015, therapeutic pet foods now fall under the voluntary standard for pet food and are no longer regulated separately.

3.42 The APVMA does however retain regulatory oversight over supplements and medicines consumed by pets. These include pharmaceutical products, complementary medicines and supplements (e.g. vitamins or glucosamine), and pesticides (e.g. worm and flea treatments).<sup>39</sup>

### **Other industries**

#### ***Rendering industry***

3.43 The rendering industry is self-regulated under a Code of Practice first developed in 1996 and most recently reviewed in 2017 through the Primary Industry Ministerial Council and the Primary Industries Standing Committee.<sup>40</sup>

3.44 To build on the Code of Practice, the rendering industry is now developing the code into a recognised Australian Standard for administration by the Australian Meat Regulators Group.<sup>41</sup>

3.45 A number of state and territory regulators enforce the rendering standards through the Australian Standard for the Hygienic Rendering of Animal Products. For example, the NSW Food Authority requires rendering plants to meet the relevant standards, apply for a licence, and consent to routine inspections or audits.<sup>42</sup>

---

38 The full text of the Australian Consumer Law is set out in Schedule 2 of the *Competition and Consumer Act 2010*, and can be found at website: <http://consumerlaw.gov.au/the-australian-consumer-law/legislation/> (accessed 25 September 2018).

39 CHOICE, *Pet food regulation*, <https://www.choice.com.au/outdoor/pets/products/articles/pet-food-regulation> (accessed 10 July 2018).

40 Australian Renderers' Association, *Submission 15*, p. 1.

41 Australian Renderers' Association, *Submission 15*, p. 2.

42 NSW Food Authority, *Rendering plants*, <http://www.foodauthority.nsw.gov.au/industry/meat/rendering-plants> (accessed 11 September 2018).

### ***Feed industry***

3.46 The Feed Ingredients and Additives Association of Australia (FIAAA) is the peak industry organisation representing suppliers of feed ingredients and additives. It provides 'stewardship' to the industry by administering the FIAAA Code of Practice, a formal recall procedure, and acting as a contact point for the FAMI-QS scheme, which is an internationally recognised feed certification system.<sup>43</sup>

3.47 With regard to the pet food industry, the PFIAA guidelines recommend adoption of the FIAAA Code of Practice, which is referred to in the pet food standard. Additionally, the Stock Feed Manufacturers Council of Australia automatically accepts FIAAA accredited suppliers on the basis that they have fulfilled the APVMA's requirements on suppliers for self-assessment.<sup>44</sup>

3.48 The FIAAA is working with DAWR on a proposal for a National Feed Standard to underpin the existing Code of Practice. The FIAAA stated in this regard:

While the industry does not want any unnecessary increase in regulation, a standard would be a means of addressing risks along the supply chain to both pet and human food.<sup>45</sup>

3.49 While concluding that 'it is not necessary for regulation to be complicated', the FIAAA suggested that there 'may be benefit in strengthening self-regulation' without adding to the regulatory burden.<sup>46</sup>

3.50 Having explored the suite of legislation and regulation impacting on the pet food industry in Australia, the remainder of this chapter will focus on regulatory frameworks for pet food around the world.

### **International models of pet food regulation**

3.51 Evidence provided by submitters drew the committee's attention to the operation of regulatory frameworks in the US, Europe, and Japan. The common factors across these systems include the existence of an established regulator of pet food, reporting and tracking systems, and requirements for business and licencing permits.

#### ***United States***

3.52 In the United States, the Food and Drug Administration (USFDA) has responsibility for regulating pet food. Under the *Food, Drug and Cosmetic Act*, all food for animals must be safe to eat, produced under sanitary conditions, contain no harmful substances, and be truthfully labelled. Some states also regulate the licencing

---

43 Feed Ingredients and Additives Association of Australia, *Submission 92*, pp. 1–3.

44 Feed Ingredients and Additives Association of Australia, *Submission 92*, p. 2.

45 Feed Ingredients and Additives Association of Australia, *Submission 92*, p. 3.

46 Feed Ingredients and Additives Association of Australia, *Submission 92*, p. 3.

of manufacturers and labelling of pet food in accordance with to their respective state laws and rules.<sup>47</sup>

3.53 Like the PetFAST system in Australia, the USFDA administers the Pet Event Tracking Network (PETNet), which allows the USFDA, as well as federal and state agencies, to share information about pet food related incidents to determine a regulatory response. The purpose of PETNet is to prevent or limit adverse effects associated with harmful pet food products.<sup>48</sup>

3.54 The USFDA has powers to investigate customer complaints and conduct inspections of pet food business facilities. Business operators can have their registration suspended if their products are found to pose a serious health threat. The USFDA can also enforce recalls if pet foods are found to be harmful.

3.55 In the US, pet food recalls are covered under the same regulatory process as human food through the Code of Federal Regulations, Title 21, Part 7. Recalls are categorised into Class I, II or III, based upon the severity or health implication. Companies are legally required to provide notification of a Class I recall event through the Reportable Food Registry, which usually initiates contact with the USFDA and results in a subsequent recall of the product in question.<sup>49</sup>

3.56 There are three types of recalls. Recalls can be conducted on the initiative of a company, by USFDA request, or by order under statutory authority. The USFDA must first establish that there is a 'reasonable probability' that the food is adulterated or misbranded, and that the use of, or exposure to, such food will cause serious adverse health consequences to humans or animals.<sup>50</sup>

3.57 According to some submitters, the mere existence of a recall authority has encouraged US manufacturers to pull products from shelves before government intervention is required.<sup>51</sup> In 2018 alone, more than 20 pet foods were recalled from American retail shelves, with the large majority of them initiated by the manufacturers. By way of comparison, there have been only two voluntary recalls of pet food in Australia in two years.<sup>52</sup>

---

47 United States Food and Drug Administration, *Pet Food*, <https://www.fda.gov/animalveterinary/products/animalfoodfeeds/petfood/default.htm> (accessed 23 July 2018).

48 United States Food and Drug Administration, *PETNet: An Information Exchange for Pet Food Related Incidents*, <https://www.fda.gov/animalveterinary/products/animalfoodfeeds/petfood/ucm278278.htm> (accessed 3 July 2018).

49 Nestlé Australia Ltd, *Submission 119*, pp. 8–9.

50 United States Food and Drug Administration, *Recalls and Withdrawals*, <https://www.fda.gov/AnimalVeterinary/SafetyHealth/RecallsWithdrawals/default.htm> (accessed 28 June 2018). Also see: Mars Petcare Australia, *Submission 106*, p. 7.

51 See, for example: Dr Andrew Spanner, *Submission 63*, [pp. 2–3]; Ms Teresa Tassone, *Submission 89*, [p. 6] and Nestlé Australia Ltd, *Submission 119*, pp. 8–9.

52 Angelique Donnellan, 'Having a pet die is an absolutely terrible thing': Senate announces inquiry into pet food industry', *ABC News*, 20 June 2018, <http://www.abc.net.au/news/2018-06-20/inquiry-to-be-held-into-pet-food-industry/9890398> (accessed 26 June 2018).

3.58 In addition to these measures, direct consumer reporting is available through an online portal ([www.safetyreporting.hhs.gov](http://www.safetyreporting.hhs.gov)).<sup>53</sup> According to Nestlé, this mechanism has proven to be a 'measured approach' that can be implemented 'at reasonable cost' and can 'help sustain both transparency and pet owner confidence'. The portal also allows the USFDA to maintain visibility of potential problems in order to take action before they become widespread.<sup>54</sup>

3.59 While the USFDA has federal regulatory authority, pet food and treats are also regulated in individual states by respective departments of agriculture. To facilitate uniform interpretation and enforcement of state regulations, many of the states follow the model laws and regulations set out by the Association of American Feed Control Officials (AAFCO).

3.60 Through a memorandum of understanding with the USFDA, AAFCO provides definitions for all pet food and animal feed ingredients and sets nutrient profiles for dogs and cats. The profiles are updated periodically, with the last revision occurring in 2016. Under the AAFCO guidelines, pet food manufacturers can achieve nutritional adequacy by meeting its Dog and Cat Food Nutrient Profile standards; or by conducting feeding trials in accordance with standardised feed testing methodology.<sup>55</sup>

3.61 As an organisation of state and federal regulators, the AAFCO provides a forum for control officials, industry associations and consumer groups to meet in partnership and discuss issues such as:

- uniform and equitable laws;
- standards and regulations;
- definitions and enforcement policies for manufacturers; and
- labelling, distribution and sale of pet food products.<sup>56</sup>

3.62 AAFCO remains the recognised information source for pet food labelling standards, ingredient definitions, official terminology, and standardised feed testing methodology.<sup>57</sup> The Pet Food Committee of AAFCO meets biannually to monitor, review and recommend appropriate revisions to the AAFCO Official Publication – the

---

53 United States Food and Drug Administration, *Safety Reporting Portal*, <https://www.safetyreporting.hhs.gov/SRP2/en/Home.aspx?sid=58cf7d10-58b8-45ef-ba4f-dea63559e563> (accessed 6 September 2018).

54 Nestlé Australia Ltd, *Submission 119*, p. 9.

55 Pet Food Industry Association of Australia, *Submission 130 – Attachment 1*, p. 4.

56 Association of American Feed Control Officials, *Welcome to AAFCO*, <https://www.aafco.org/> (accessed 18 July 2018).

57 Pet Food Industry Association of Australia, *Submission 130 – Attachment 1*, pp. 2–3.

founding document for animal feed regulation in the US, which is now officially recognised in the Australian pet food Standard.<sup>58</sup>

### **Europe**

3.63 Europe operates a co-regulated system for pet food, whereby industry works with government and other stakeholders to develop requirements for the manufacturing of pet food.

3.64 Pet food safety is overseen by the European Commission Directorate General for Health and Food Safety, and Regulation (EC) No. 882/2004 provides an official control to ensure the verification of compliance with animal feed and food law, animal health, and animal welfare rules. Additional regulations covering the sample and analysis of feed for control purposes are also in place.<sup>59</sup>

3.65 The European Commission requires pet food businesses engaged in the production, processing, storage and distribution of pet food products to register with the relevant authority in their country. A set of hygiene and quality control requirements regarding the manufacturing facility, equipment, personnel, record keeping, complaints handling and recall of products must be met.<sup>60</sup> If the manufacturer knows or 'has reasons to believe' that a product is unsafe, a recall of the product in question is mandatory.<sup>61</sup>

3.66 The EU Rapid Alert System for Food and Feed (RASFF) provides an early warning and reporting system for human and animal food products. However, unlike PetFAST alerts, which are only available to members of the PFIAA and AVA, RASFF alerts are available to the public and are published on a website.<sup>62</sup> In 2016, RASFF reported over 14 alert notifications of serious health risks related to pet food products; 20 border rejection notifications; eight information notifications; and eight follow-up notifications.<sup>63</sup>

---

58 Association of American Feed Control Officials, *Pet Food Committee*, <https://www.aafco.org/Regulatory/Committees/Pet-Food> (accessed 18 July 2018).

59 Regulation (EC) No. 882/2004 has been in force since 17 June 2004, and will be repealed and replaced by Regulation (EU) 2017/625 on 13 December 2019. The new regulation seeks to simplify the overall legislative framework for the agri-food chain. Source: European Commission, *Animal Feed*, [https://ec.europa.eu/food/safety/animal-feed\\_en](https://ec.europa.eu/food/safety/animal-feed_en) (accessed 23 July 2018).

60 FEDIAF, *Safety*, <http://www.fediaf.org/self-regulation/safety.html> (accessed 4 September 2018).

61 Mars Petcare Australia, *Submission 106*, pp. 7–8.

62 European Commission, *RASFF – Food and Feed Safety Alerts*, [https://ec.europa.eu/food/safety/rasff\\_en](https://ec.europa.eu/food/safety/rasff_en) (accessed 4 September 2018).

63 European Commission, *RASFF Annual Report 2016*, June 2017, pp. 6–7, 41. Products subject to an 'alert notification' have been withdrawn or are in the process of being withdrawn from the market. A 'border rejection notification' is issued if a food product is refused entry to the European Union for reason of a risk to human or animal health. An 'information notification' or 'follow-up notification' refers to a concern raised about a food product that does not require rapid action.

3.67 To avoid pet food safety incidents, pet food companies in Europe are legally required to inform the relevant government authority of any adverse events. The government authority then informs the European Commission of such events and of instances where non-compliance is discovered. While the government authority of each country (typically the department of agriculture) can force mandatory product recalls, the European Commission cannot.<sup>64</sup>

3.68 The European Pet Food Industry Federation, known as FEDIAF, has a complementary role in the regulatory system. The European Commission recognises and endorses the standard developed by FEDIAF with regard to the manufacture of safe pet foods.<sup>65</sup> FEDIAF also monitors RASFF alerts and can be involved in discussions with European authorities if the alert is relevant to the pet food industry. It may then work with the European Commission to develop a workable outcome for the industry.<sup>66</sup>

3.69 Additional nutritional information about pet food is available through FEDIAF's 'Guidelines for Complete and Complementary Pet Food for Cats and Dogs' publication. Although the guidelines are neither mandatory nor enforced, they are considered a complementary resource for manufacturers and consumers.<sup>67</sup>

### **Japan**

3.70 Following a series of safety incidents involving melamine contamination of dog food, the Japanese Government passed the *Law for Ensuring the Safety of Pet Food* in June 2008.<sup>68</sup> The law requires pet food manufacturers and importers to notify the Ministry of Agriculture, Forestry and Fisheries, and the Minister of the Environment, before initiating business operations.

3.71 The responsible ministries have established standards, including requirements for the production of pet food, prevention of harmful substances and product labelling to which such businesses must adhere. On-site inspections are permitted through legislation, as is the sample testing of pet food products. If standards are not met, fines and/or imprisonment may apply.<sup>69</sup>

---

64 European Commission, *Animal Feed*, [https://ec.europa.eu/food/safety/animal-feed\\_en](https://ec.europa.eu/food/safety/animal-feed_en) (accessed 23 July 2018).

65 Mars Petcare Australia, *Submission 106*, pp. 7–8. Also see: European Commission, *Guides to Good Practice*, [https://ec.europa.eu/food/safety/animal-feed/feed-hygiene/guides-good-practice\\_en](https://ec.europa.eu/food/safety/animal-feed/feed-hygiene/guides-good-practice_en) (accessed 4 September 2018).

66 Nestlé Australia Ltd, *Submission 119*, p. 8.

67 FEDIAF, *Nutritional Guidelines*, <http://www.fediaf.org/self-regulation/nutrition.html> (accessed 23 July 2018).

68 *Law for Ensuring the Safety of Pet Food (Law No. 83 of 2008)* (Japan), 18 June 2018, [http://www.famic.go.jp/ffis/pet/obj/sub1e\\_houritu.pdf](http://www.famic.go.jp/ffis/pet/obj/sub1e_houritu.pdf) (accessed 4 September 2018).

69 Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China, 'Information Note: Regulation of pet food in selected overseas places', *IN02/15–16*, pp. 5–6.

---

## **Singapore**

3.72 In Singapore, the Agri-Food and Veterinary Authority has responsibility for regulation of human and animal food. It administers a mandatory licencing scheme for local manufacturers and importers of animal feed, and imposes strict controls on imported pet food through the *Feeding Stuffs Act* (Singapore). Conditions on licencing include ensuring that pet food products are wholesome, safe for feeding, and free from prohibited substances. Licensees must also comply with product labelling requirements, maintain relevant product records, and keep facilities clean and tidy.<sup>70</sup>

3.73 Import permits are required of all importers prior to importation of pet food products. Products containing meat or meat products are subject to additional requirements, such as a health certification provided by a veterinary professional, or certification that the product is free from biosecurity hazards and diseases. Breaches of the specified legislation can result in licence suspension, revocation of a business licence (without prior notice), fines or imprisonment.<sup>71</sup>

## **New Zealand**

3.74 Ministerial responsibility for pet food in New Zealand is held by the Minister for Primary Industries. Under the *Agricultural Compounds and Veterinary Medicines Act 1997* (New Zealand), pet food is classed as an oral nutritional compound and must comply with a set of requirements for manufacture, sale, import, export, and use.<sup>72</sup> Other requirements set out in the *Animal Products Act 1999* (New Zealand) and the *Biosecurity Act 1993* (New Zealand) may also apply.

3.75 With regard to a recall framework, the *Animal Products Act 1999* (New Zealand) states that the Director General is able to direct a recall if a product is deemed not fit for purpose, or where a product's fitness is in doubt, such as through mislabelling.<sup>73</sup>

---

70 Agri-Food and Veterinary Authority of Singapore, *Local Manufacturing & Processing of Animal Feed*, <https://www.ava.gov.sg/explore-by-sections/pets-and-animals/bringing-animals-into-singapore-exporting/animal-feed> (accessed 6 September 2018).

71 Legislative Council of the Hong Kong Special Administrative Region of the People's Republic of China, 'Information Note: Regulation of pet food in selected overseas places', *IN02/15–16*, pp. 6–7.

72 New Zealand Food Safety, *Requirements for pet food, animal feed, and supplements*, <https://www.mpi.govt.nz/processing/pet-food-inedibles-animal-feed-and-supplements/requirements-for-pet-food-animal-feeds-and-supplements/> (accessed 4 September 2018).

73 Mars Petcare Australia, *Submission 106*, p. 4.



## Chapter 4

### Enhancing the safety and integrity of pet food in Australia

4.1 This chapter explores methods and mechanisms to strengthen the safety and integrity of pet food in Australia, with a focus on the Australian Standard.

4.2 Nestlé argued that the standard to which pet food is made in Australia is high, and that pet owners 'have every reason to be confident in the quality and safety of foods sold in Australia'. It noted that the Australian Standard was developed in consultation with key stakeholders, and whilst the pet food industry was involved, it was 'not dominant'.<sup>1</sup>

4.3 Another benefit of the Australian Standard, according to Nestlé, is that pet food made to this standard is accepted by a wide range of export markets, including Japan, Malaysia, Indonesia, Singapore, Korea, Hong Kong and New Zealand. Nestlé further argued that equivalent international standards are also recognised under the Australian Standard, which allows for a simpler import and export pathway.<sup>2</sup>

4.4 However, a considerable number of submitters, many of whom were pet owners, expressed the view that the industry was no longer capable of self-regulation and argued that the Australian Standard should be mandatory.<sup>3</sup> Ms Rach Dola, for example, argued that the current system is 'failing in a catastrophic way' and is akin to 'involuntary animal testing'.<sup>4</sup> Mrs Christine Fry told the committee that the current system does not meet community expectations:

People want pet food companies to be held accountable and pets to be seen as more than a commodity. We as [Australian National Kennel Council] members have to abide by rules and regulations. I assume parliament has a set of rules and regulations. We as a human race abide by laws. Why, then, is the pet food industry not regulated, and why are companies not held accountable for their actions?<sup>5</sup>

4.5 The fact that the pet food industry operates under a self-regulated model came as a surprise to many submitters, who had assumed that the pet food industry is, and

---

1 Nestlé Australia Ltd, *Submission 119*, p. 3.

2 Nestlé Australia Ltd, *Submission 119*, p. 4.

3 Ms Elisia Nichol, *Submission 112*, p. 2. Also see: Ms Rosemarie Mileham, *Submission 12*, [p. 2].

4 Ms Rach Dola, *Committee Hansard*, 28 August 2018, pp. 1, 10.

5 Mrs Christine Fry, *Committee Hansard*, 28 August 2018, p. 2.

has always been, subject to stringent regulation.<sup>6</sup> For these reasons, many submitters argued for greater compliance, transparency and enforcement of the Australian Standard for pet food.<sup>7</sup>

### ***Access to the Australian Standard***

4.6 There were a number of concerns raised in evidence regarding the Australian Standard. The fact that the standard is not freely available to the public, and cannot be shared for reasons of copyright restrictions, was recognised as a major barrier to transparency, compliance and accountability.<sup>8</sup> Pet owners, as consumers, are prevented from accessing the information that they require to establish whether the pet food products that they buy are fit for purpose.

4.7 Members of the public wishing to purchase a copy of the standard must do so through the SAI-Global website, and make a payment of approximately \$128.19.<sup>9</sup> To many submitters, this posed a 'substantial financial barrier' and has consequently 'hampered' pet owner trust.<sup>10</sup> In this regard, Ms Ruth Quick stated:

This in itself is a major obstacle to the public consumer. How can people comment on these standards when they have to first pay a large amount of money before they can even see it??? And what is the point of having a 'standards' system when it is purely voluntary such that if there is a problem then there is no obligation or penalty is given when they are breached??<sup>11</sup>

4.8 Similarly, Ms Elisia Nichol questioned the efficacy of a costly standard, stating that the accreditation label 'means nothing to a consumer who isn't even able to access AS5812:2017 to understand what it means'.<sup>12</sup>

---

6 See, for example: The Cat Protection Society of NSW Inc., *Submission 29*, [p. 1]; Ms Darci Hutchinson, *Submission 70*, [p. 1]; Canine Welfare Alliance of Australia., *Submission 100*, p. 3; Mrs Kate Bradbrook, *Submission 76*, [p. 2]; Australian National Cats Inc., *Submission 101*, [p. 1]; Ms Stephanie Shaw, *Submission 102*, [p. 2]; Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 19 and Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 3.

7 See, for example: Ms Ruth Quick, *Submission 8*, [p. 3]; Animal Welfare Coalition WA, *Submission 94*, pp. 3–4; RSPCA Australia, *Submission 59*, p. 4; Ms Christine Darby, *Submission 21*, [p. 2] and Ms Rach Dola, *Committee Hansard*, 28 August 2018, p. 1.

8 Animal Welfare Coalition of WA, *Submission 94*, p. 3.

9 The cost of the standard may vary according to the product format requested. At the time of writing, the price for a hard copy was \$128.19, and the price for a PDF copy was \$115.38, including GST.

10 See, for example: Ms Karin Strehlow, *Submission 57*, [p. 1]; RSPCA Australia, *Submission 59*, p. 4; Animal Welfare Coalition WA, *Submission 94*, pp. 3–4; Nestlé Australia Ltd, *Submission 119*, p. 4; Pet Food Reviews Australia, *Submission 114*, p. 2 and Ms Nicole Battistessa, Nestlé Australia Ltd, *Committee Hansard*, 29 August 2018, p. 34.

11 Ms Ruth Quick, *Submission 8*, [p. 3].

12 Ms Elisia Nichol, *Submission 112*, pp. 5–6.

4.9 Nestlé also acknowledged that there was a lack of transparency with regard to the standard as it is not available without payment of a fee and described the consequences:

This means that pet owners and others lack a way to see and understand the requirements of the Standard and the expectations on pet food manufactures, and likewise, lack a means to know whether the food they buy meets that standard.<sup>13</sup>

4.10 The Animal Welfare Coalition of WA expressed the view that the Australian Standard was both comprehensive and highly prescriptive with regard to product labelling and content. It noted, however, that as the industry is self-regulated, consumers must be able to trust that the claims being made are true.<sup>14</sup> Similarly, CHOICE indicated that the standard appears that 'it could be a good standard to apply', but noted that it would like to see more investigation done into whether or not it does what consumers need it to do.<sup>15</sup>

4.11 As a first step, consumers must be able to easily access and discuss the standard in order to be able to draw on it to hold the industry to account.

4.12 In the past, the Senate Economics References Committee also raised the issue of the availability of Australian Standards. In its interim report into non-conforming building products (aluminium composite cladding), the Economics Committee noted that making Australian Standards freely available would have a 'significant impact on building compliance'. In addition, it stated that the:

...Commonwealth government should give serious consideration to engaging with Standards Australia to explore possible options to providing free access to Australian Standards, including reinstating online access to the Standards through Australian libraries.<sup>16</sup>

4.13 The Government Response, provided in February 2018, gave in-principle support to the Economics Committee's recommendation to make all Australian Standards and codes freely available. However, it noted that doing so could pass the cost of the standards on to the taxpayer or the consumer. It also noted that improving access to standards would require 'the support of Standards Australia and SAI-Global in facilitating greater flexibility and cost options available to government'.<sup>17</sup>

4.14 The need for publicly accessible standards has also been raised by Senate scrutiny committees in the context of regulation. The need to ensure that regulation does not incorporate documents that are not readily and freely available (without cost)

---

13 Nestlé Australia Ltd, *Submission 119*, p. 4.

14 Animal Welfare Coalition of WA, *Submission 94*, p. 2.

15 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 2.

16 Senate Economics References Committee, *Non-conforming building products. Interim report: aluminium composite cladding*, September 2017, pp. 50–51.

17 Australian Government, *Australian Government response to the Interim Report: Aluminium Composite Cladding*, February 2018, p. 12.

to the public has been highlighted by the Senate Standing Committee on Regulations and Ordinances and the Senate Standing Committee for the Scrutiny of Bills. In delegated legislation monitor 8 of 2017, the Regulations and Ordinances Committee noted that:

A fundamental principle of the rule of law is that every person subject to the law should be able to access its terms readily and freely. The issue of access to material incorporated into the law by reference to external documents, such as Australian and international standards, has been one of ongoing concern to Australian parliamentary scrutiny committees.<sup>18</sup>

4.15 The issue of accessibility therefore remained at the forefront of submitters' concerns about the efficacy and transparency of the pet food industry in Australia.

### ***Strengthening labelling requirements***

4.16 The committee received a substantial amount of evidence relating to the labelling and nutritional requirements for manufactured pet food. While the Australian Standard provides some degree of scrutiny for pet owners, many submitters expressed concern that the labels are not sufficiently comprehensive in their description of the ingredients, by-products, and heat treatments of the pet food.<sup>19</sup>

4.17 This is particularly problematic for animals with specific dietary requirements.<sup>20</sup> Ms Karin Strehlow shared her concern that:

In practice, most canned food will have labels stating "meat/meat by products", but as a consumer I am unable to discern the percentage of meat and the percentage of by product. For someone with a dog experiencing food allergies, these generic labels are not useful.<sup>21</sup>

4.18 One submitter described pet food labels as 'virtually impossible to decipher'.<sup>22</sup> Another submitter went as far as to say that the wording used on labels demonstrates 'creative ways' to imply a food 'is something that it's not'.<sup>23</sup> Terms such as 'complete and balanced', 'veterinary prescribed', and 'scientifically formulated' were perceived to be particularly confusing and misleading. For this reason, the committee was told by

---

18 Senate Standing Committee on Regulations and Ordinances, *Delegated legislation monitor 8 of 2017*, 9 August 2017, p. 6.

19 See, for example: Ms Teresa Tassone, *Submission 89*, [p. 4]; Ms Ildi Ehsman, *Submission 30*, [p. 1]; Ms Janina Price, *Submission 50*, [p. 1]; Mr John Carter, *Submission 33*, p. 2; Mr Michael Dilworth, *Submission 27*, [pp. 1–2]; R C & J C Parr, *Submission 44*, [p. 1]; Mr John Fisher-Smith, *Submission 53*, [p. 1] and Ms Rach Dola, *Submission 117 – Attachment 1*, p. 1.

20 See, for example: NSW Greyhound Breeders, Owners and Trainers' Association, *Submission 104*, [pp. 2–3] and Mr Michael Dilworth, *Submission 27*, [pp. 1–2].

21 Ms Karin Strehlow, *Submission 57*, [p. 1].

22 Mr John Fisher-Smith, *Submission 53*, [p. 1].

23 Mrs Jeannine Barnard, *Submission 77*, [p. 2].

pet owners that they would like to see more 'clear and honest' labelling of pet food, similar to the standard that is required for human food.<sup>24</sup>

4.19 To provide for greater transparency, submitters called for comprehensive labelling which identifies all preservatives, ingredients and additives included in pet food.<sup>25</sup> To achieve this aim, it was suggested that input from nutritionists, veterinarians, toxicologists and microbiologists be sought to inform the standard.<sup>26</sup>

4.20 A number of witnesses also suggested the adoption of feeding trials to ensure that the nutritional information provided in the guidelines is tried and tested. Dr Richard Malik noted that this practice has already been adopted in New Zealand.<sup>27</sup> Similarly, Professor Caroline Mansfield expressed the view that feeding trials are an essential aspect of the AAFCO guidelines that have not been pursued in Australia. If conducted, feeding trials would allow for the detection of issues that may develop over a longer period of feeding but are not noticeable in one-off batch testing or assessment.<sup>28</sup> This would allow for the ability to 'confidently exclude' potential toxins from pet food prior to sale.<sup>29</sup>

4.21 Another labelling concern raised in evidence was the heat treatment or irradiation of pet food.<sup>30</sup> As detailed in Chapter 2, irradiation treatment has been shown to alter the nutritional content of cat foods to such a degree that neurological impairment or death has occurred. For this reason, Dr Andrew Spanner advocated for the inclusion of all ingredients, including preservatives, and a declaration of treatments such as irradiation on pet food labels for all pet food, both domestically manufactured and imported.<sup>31</sup>

### ***A mandatory and enforceable Australian Standard***

4.22 A substantial number of submitters called for the establishment of an independent pet food regulator with the power to oversight and enforce the Australian Standard as well as recall unsafe pet food products. The general view held by many was that voluntary adoption of the Australian Standard has undermined consumer trust in commercially available pet food, and it was argued that the Australian Standard should be mandatory. The Animal Welfare Coalition of WA explained that the main

---

24 See, for example: Ms Eve Wetherell, *Submission 6*, [p. 1]; Ms Sylvia Rolih, *Submission 51*, [p. 1]; Mrs Nikki Gilbert, *Submission 39*, [p. 3]; Miss Shonara Langley, *Submission 37*, [p. 4] and Mr Jack Claff, *Submission 32*, [p. 1].

25 Mr Michael Dilworth, *Submission 27*, [pp. 1–2]; Ms Ildi Ehsman, *Submission 30*, [p. 1]; Mr Brad Clinch, *Submission 48*, [p. 2] and Ms Karin Strehlow, *Submission 57*, [p. 2].

26 Dr Richard Malik, *Committee Hansard*, 29 August 2018, p. 12.

27 Dr Richard Malik, *Committee Hansard*, 29 August 2018, p. 12.

28 Associate Professor Caroline Mansfield, *Submission 88*, [p. 1].

29 Dr Richard Malik, *Submission 86*, [p. 1].

30 See, for example: Pet Food Reviews Australia, *Submission 114*, p. 2; RSPCA Australia, *Submission 59*, pp. 8–9 and Dr Andrew Spanner, *Submission 63*, [p. 1].

31 Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 20.

problem with the Australian Standard is the absence of enforcement, auditing or penalties for non-compliance.<sup>32</sup> It continued:

Simply trusting that products made by a self-regulating industry are as represented is scarcely acceptable at any time, but when pet owners are choosing particular products for health reasons (e.g. kitten/puppy nutrition, low allergen, recovery from illness formulations) and paying a premium for those products, it becomes an issue of potentially playing consumers for fools and not delivering the expected benefits to animals when they most need it.<sup>33</sup>

4.23 Similarly, CHOICE expressed the view that the Australian Standard appeared to be a good standard to apply, but that further investigation was required to establish whether it 'does what consumers need it to do'.<sup>34</sup> CHOICE's representative, Ms Erin Turner, further noted that enforcement of the standard would provide for independent testing to give consumers 'that sense of rigour, monitoring and enforcement that we expect from other food we buy in the supermarket'.<sup>35</sup>

4.24 Ms Christine Darby told the committee that her trust in processed pet foods had been 'eroded' as a result of the megaesophagus incidents.<sup>36</sup> Ms Jodi Burnett summarised submitters' exasperation with the current system:

...what is the point of having standards if you don't have to follow them? That's like saying: 'We have road rules, but it's up to you if you follow them. Okay, a lot of people die in crashes, but that's neither here nor there.'<sup>37</sup>

4.25 In contrast, Nestlé suggested that 'most reputable companies' would not only adhere to the standard but also issue a recall of any product that posed a threat to pet health.<sup>38</sup> Similarly, Mars Petcare Australia informed the committee that it was important for companies to have a proper regime of oversight and enforcement, as is the case with Mars.<sup>39</sup>

4.26 Mr James Green, General Manager of Raw Feeders Kitchen, argued that the current system provides an 'uninhibited pathway' for manufactures to commercialise products with limited or no legal obligation to their customers regarding the origin, source, quality, volume, or synthetic attributes of raw materials included in pet food.

---

32 Animal Welfare Coalition WA, *Submission 94*, p. 1.

33 Animal Welfare Coalition WA, *Submission 94*, p. 2.

34 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 2.

35 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 3.

36 Ms Christine Darby, *Submission 21*, [p. 1].

37 Ms Jodi Burnett, *Committee Hansard*, 28 August 2018, p. 7.

38 Nestlé Australia Ltd, *Submission 119*, p. 7. Also see: Dr Joanne Sillince, Pets Australia, *Committee Hansard*, 28 August 2018, p. 14.

39 Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 28.

He suggested that ethical producers of animal nutrition are at a commercial disadvantage due to the costs associated with delivering high standards and that:

This can be directly attributed to the absence of strong regulatory controls and enforceable legislation to ensure all animal nutrition products meet the same stringent standards.<sup>40</sup>

4.27 However, the AVA cautioned that making the standard compulsory would require careful consideration as to the method and timeframe for implementation. It further noted that enforcing the Australian Standard for pet food as a mandatory measure within a short period of time could cause financial imbalances; whereby smaller local companies that lack the financial capacity to comply, may exit the pet food market. At the same time, larger pet food companies that are already compliant, and supply a large majority of Australian pet food, would experience a market advantage. The AVA suggested that this could have a wider impact on pets more broadly:

A loss of food diversity can be associated with increased toxicity risk. Some of these smaller companies provide specific prescription foods important for the health and welfare of Australian pets (such as specific elimination diets), so there needs to be careful consideration of how to prevent these types of unintended consequences of any new regulatory system.<sup>41</sup>

4.28 While the committee acknowledges the audit and accreditation process established by PFIAA witnesses repeatedly noted the voluntary nature of the process. As there were widespread concerns regarding the self-regulated system, underpinned by voluntary adherence to the Australian Standard, the committee considered other regulatory options. These included the prospect of enforcing the Australian Standard under a co-regulatory regime and the alternative option of establishing a new national standard as part of a comprehensive government regulatory regime.

### **Regulatory options**

4.29 In light of the strong support amongst individual submitters for a pet food regulator with powers to enforce a mandatory Australian Standard, the committee considered other regulatory options. The three primary options for regulating the pet food industry considered by the committee include: the current model of self-regulation, a co-regulation model, and a comprehensive framework of government regulation.

4.30 As it was made clear that the current self-regulatory framework was no longer acceptable by community standards, the committee considered the benefits and challenges of the other two options.

---

40 Mr James Green, *Submission 36*, pp. 1–2.

41 Australian Veterinary Association, *Submission 68*, p. 3.

### **Co-regulation**

4.31 Under a co-regulatory model, industry standards are enforced through legislation or as a condition of industry operations. Under such an arrangement, the Australia Standard would provide the basis for nationally consistent regulation of domestically produced and imported pet food.

4.32 CHOICE suggested that, as a first step, the Australian Standard be made mandatory with a regulator responsible for monitoring and enforcing it.<sup>42</sup>

4.33 Industry stakeholders, including Mars Petcare, also voiced support for a co-regulation model for pet food. Mars Petcare stated:

We support the creation of a co-regulatory model for the pet food industry and believe it will lift the standards across our industry, increase the trust of pet owners in the foods our industry produces, and ensure that all companies do the right thing.<sup>43</sup>

4.34 The PFIAA acknowledged the benefits that may accrue from a co-regulatory model; including industry oversight, uniformity of quality standards and a prescribed requirement to have efficient product recall management systems in place.<sup>44</sup>

4.35 In line with this approach, RSPCA Australia expressed the view that the government should 'focus on the standards themselves and making them a regulatory instrument that is mandatory'. Thereafter, members of the community could come together to address gaps in pet food safety, including the promotion of, and access to, information about pet nutrition. It was argued that this model would ensure a community-driven approach to regulation, rather than one reliant on comprehensive government intervention.<sup>45</sup>

4.36 The 2012 ABARES report commissioned by the PFCWG described the co-regulation model as a way of 'augmenting generic consumer protection measures' without relying on comprehensive government regulation. ABARES continued:

Enforcement problems under self-regulation can sometimes be effectively addressed through co-regulation where industry standards are enforced through legislation or as a condition of operating in the industry...Since co-regulation continues to utilise industry expertise, it may retain some of the advantages of a self-regulatory regime, including minimising unintended consequences and costs.<sup>46</sup>

4.37 However, the PFCWG noted that while the standard could be developed as the basis for nationally consistent regulation, it would then have to be put to the Standing Council on Primary Industries (SCoPI) for endorsement and a commitment

---

42 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 3.

43 Mars Petcare Australia, *Submission 106*, p. 2.

44 Pet Food Industry Association of Australia, *Submission 130*, p. 10.

45 Dr Bronwyn Orr, RSPCA, Australia, *Committee Hansard*, 28 August 2018, p. 23.

46 Australian Bureau of Agricultural and Resource Economics and Sciences, *Pet food safety in Australia: economic assessment of policy options*, July 2012, pp. 16–18.

to regulate the standard in all jurisdictions.<sup>47</sup> In addition, the PFCWG noted that relevant state and territory as well as Commonwealth requirements with regard to justifiable, proportional and effective regulation would need to be met.<sup>48</sup>

4.38 The PFCWG further cautioned that implementing the relevant regulations across all Commonwealth, state and territory jurisdictions (including regulating to the standard, any associated testing and the power to mandate product recalls) would 'take an extended period of time, possibly several years'.<sup>49</sup>

4.39 Under a co-regulatory arrangement, adverse event reporting, tracking and investigation programs would operate through a partnership between government, industry and the veterinary profession. At the same time, official mechanisms would have to be created to enable pet food recalls in the event that a producer was considered to have failed in its duty.<sup>50</sup>

4.40 However, an alternative option was suggested to the committee. The Animal Welfare Coalition WA suggested that by empowering the ACCC to regulate pet food, the Australian Standard could be attached to the existing *Competition and Consumer Act 2010* and subsequently enforced.<sup>51</sup> It noted the ACCC's demonstrated ability to accept consumer reports and complaints, announce product recalls, and oversee a range of products relating to animals. This option is further considered in the following chapters.

### ***Comprehensive regulation***

4.41 Under a comprehensive regulatory regime, government would develop a national standard with or without regulations and 'no account' would be taken of industry standards, quality assurance schemes and third party audits.<sup>52</sup>

4.42 Numerous submitters argued that an independent regulator, with recall powers akin to the system in the US is now needed.<sup>53</sup>

---

47 SCoPI was established by the Council of Australian Governments (COAG) to oversee a national approach to agriculture, fisheries and forestry. It comprised the relevant portfolio ministers from New Zealand as well as the federal, state and territory government ministers.

48 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 15.

49 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 15.

50 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 15.

51 Animal Welfare Coalition WA, *Submission 94*, p. 2.

52 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 15.

4.43 As previously noted, under the US system, the USFDA is empowered to require that all animal foods are safe to eat, produced under sanitary conditions, contain no harmful substances and are truthfully labelled.<sup>54</sup> The US model was repeatedly identified as an example of best practice.<sup>55</sup> Dr Andrew Spanner, for example, noted that the US system, which encompasses a government regulator and a mandatory recall regime, is effective because 'legislation is there to act as a stick'.<sup>56</sup> He noted that, while the USFDA has the power to prompt product recalls, the mere existence of a 'watchdog with teeth' has encouraged many companies to self-initiate recalls of pet food products when deemed a risk to pet safety before being mandated to do so.<sup>57</sup> He suggested that were a regulator to be established:

The observed 'laissez faire' safety culture in our pet food industry is also likely to undergo rapid change in the face of a watchdog with teeth.<sup>58</sup>

4.44 However, the introduction of an FDA-type model in Australia would be extremely complicated, protracted, and costly with no guarantee of a strong, workable and effective system. This is because of the division of legislative authority between the Commonwealth and the states and territories.

4.45 Under the Australian Constitution, legislative authority in Australia is divided between the Commonwealth and state/territory governments. If a matter is not one which has been allocated to the Commonwealth under the Constitution, it is for the states and territories to legislate. The regulation of the manufacture of pet food appears to fall within state and territory responsibilities.

4.46 In terms of the practical steps that would be required to establish a comprehensive regulatory regime, the PFCWG noted that SCoPI endorsement would be required, together with a commitment for adoption and enforcement of the national standard and legislative scheme. Furthermore, relevant state and territory as well as commonwealth requirements for justifiable, proportionate and effective regulation would need to be met.

4.47 In addition to these steps, for the Commonwealth to be able to regulate imported pet food beyond quarantine, similar to human food imports, state and territories would need to agree to refer such powers to the Commonwealth. As

---

53 See, for example: Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 19; Miss Melissa Field, *Submission 13*, [p. 3]; Ms Christine Darby, *Submission 21*, [p. 2]; Ms Ildi Ehsman, *Submission 30*, [p. 2] and Ms Karin Strehlow, *Submission 57*, [p. 3].

54 CHOICE, *Submission 143*, [p. 4]. Also see: US Food and Drug Administration, *Pet Food*, <https://www.fda.gov/animalveterinary/products/animalfoodfeeds/petfood/default.htm> (accessed 16 September 2018).

55 CHOICE, *Submission 143*, [p. 4].

56 Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 24.

57 Dr Andrew Spanner, *Submission 63*, [pp. 2–3].

58 Dr Andrew Spanner, *Submission 63*, [p. 3].

previously noted, this is because the Australian Constitution 'does not provide any express legislative power for the Commonwealth to engage in such activities'.<sup>59</sup>

4.48 In its submission, the Animal Welfare Coalition WA emphasised the point that any regulatory framework would be 'only as strong as the resourcing and conscientiousness put into its enforcement'.<sup>60</sup> The point was made that a key aspect of the system would be the appropriate management and use of the PetFAST reporting system, including the provision of adequate funding for investigation.<sup>61</sup> This matter is considered further in Chapter 6.

---

59 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 21.

60 Animal Welfare Coalition WA, *Submission 94*, p. 3.

61 Australian Veterinary Association, *Submission 68*, p. 5.



## Chapter 5

### Strengthening pet food recall and reporting arrangements

5.1 A substantial proportion of the evidence received by the committee focused on the need for stronger pet food recall provisions for unsafe pet food.<sup>1</sup> In support for such a system, submitters argued in favour of a central information register or portal whereby notice can be provided of recalls and information can be provided to pet owners and the wider community.<sup>2</sup> This chapter explores the types of mechanisms which could provide the framework for pet food recalls, and improve reporting in relation to recalled products.

5.2 To support the argument for stronger recall provisions, submitters drew to the committee's attention the small number of pet food recalls that have been undertaken in Australia over the last decade. Submitters advised that, without a central authority to publish recall information, it is difficult to confirm the exact number of recalls that have taken place. What is clear, however, is that there have only been a few. These include: the recall of Kramar dogs treats in 2009; Weruva BFF cat food in 2017; and Advance Dermocare dry dog food in 2018. By way of comparison, in the US there were approximately 20 pet food recalls undertaken in 2017 alone.<sup>3</sup>

5.3 CHOICE noted that the difference in the number of recalls (between Australia and the US) was not because pet food in Australia is any safer than pet food in the US. Rather, it was because 'there's not a strong enough regulatory environment to encourage businesses to proactively conduct voluntary recalls' in Australia.<sup>4</sup>

5.4 Submitters made the point that consumers assume that if or when pet food products are deemed unsafe, there are regulatory systems in place which would mandate appropriate recall action.<sup>5</sup> It was noted, however, that many consumers are surprised – if not shocked – to learn that under the current self-regulatory regime, recall of pet food products is voluntary. Product recalls are not managed by the PFIAA itself or by way of the PetFAST reporting system, but rather, remain a matter for individual businesses which make up the PFIAA membership.<sup>6</sup>

---

1 Mr Paul Terrett, *Submission 10*, p. 3; Ms Jacinta Simpson, *Submission 43*, [p. 1]; Ms Karin Strehlow, *Submission 57*, [p. 3] and RSPCA Australia, *Submission 59*, p. 7.

2 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 5.

3 RSPCA Australia, *Submission 59*, p. 6; Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 5 and Angelique Donnellan, 'Having a pet die is an absolutely terrible thing': Senate announces inquiry into pet food industry', *ABC News*, 20 June 2018, <http://www.abc.net.au/news/2018-06-20/inquiry-to-be-held-into-pet-food-industry/9890398> (accessed 26 June 2018).

4 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 5.

5 The Cat Protection Society of NSW Inc., *Submission 29*, [p. 2].

6 Ms Michelle Lang, Nestlé Purina PetCare Australia, *Committee Hansard*, 29 August 2018, p. 36.

5.5 Noting that the absence of mandatory recall provisions serves as a 'gap in the current system', Nestlé recommended that such provisions be introduced in line with international best practice.<sup>7</sup> However, given that the coverage and reporting of adverse pet food events is not consistent, Nestlé also pointed out that requirements for a recall would need to be clearly stated. Emphasising the need for mandatory recall provisions that cover all adverse pet food events (which have an impact on pet health) Nestlé described various provisions for recall which make up the current 'inconsistent' system:

- Therapeutic pet diets are covered under the *Agricultural and Veterinary Chemicals Code Act 1994* (AgVet Code), which includes a mandatory reporting requirement for product that is not fit for purpose or for off-label use.
- A food safety issue in pet food that would also be an issue for human food (for example – the presence of salmonella or listeria) is covered under Australian Consumer Law and would trigger a recall.
- A food safety issue in pet food that would impact pet health but not human health (for example – the presence of chocolate in dog food) is not covered, and would not trigger a mandatory recall under Australian Consumer Law. It would be up to the company to enact a voluntary recall.
- A nutritional deficiency in a nutritionally complete pet food would not trigger a mandatory recall, whereas a nutritional deficiency in a nutritionally complete human food would.<sup>8</sup>

### **Protections for consumers**

5.6 CHOICE explained to the committee that some pet food companies (which have attempted to issue voluntary recalls in the past) have not had the support of the type of regulatory system that other food products benefit from. Because there is currently no centralised site on which they can place relevant information, some companies have chosen to provide information directly to veterinarians, while others have attempted to publicise the situation on Product Safety websites, or via public notices.<sup>9</sup>

5.7 CHOICE noted that the pet food industry was not taking advantage of the regulatory system already in place, which provides support for businesses seeking to conduct product recalls. As Ms Turner indicated, existing regulators – including FSANZ and the ACCC – provide support to companies conducting recalls by publishing recall information on a central website and prescribing obligations with regard to notification.<sup>10</sup>

---

7 Ms Nicole Battistessa, Nestlé Australia Ltd, *Committee Hansard*, 29 August 2018, p. 34.

8 Nestlé Australia Ltd, *Submission 119*, p. 7.

9 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 5.

10 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 5.

5.8 Australia's recall system in relation to general consumer groups is largely voluntary; with state, territory and federal governments able to order businesses to undertake recalls under certain circumstances. As noted, under section 122 of the Australian Consumer Law, a compulsory recall can be ordered by the Minister responsible if the goods 'will or may cause injury to any person'. Alternatively, a compulsory recall can be ordered if a mandatory safety standard has not been met and it appears to the Minister that the suppliers of the goods have not taken 'satisfactory action to prevent those goods causing injury to any person'.<sup>11</sup> However, as CHOICE indicated, Australia's existing system for product safety relies heavily on voluntary recalls as Ms Sarah Agar explained:

The law provides that the minister can conduct a mandatory recall. It would appear that that threat in the background does encourage businesses to act and conduct voluntary recalls fairly frequently. That's in relation to goods that may injure humans, where the litigation risk—the damages that could be sought—would be quite high. The balance seems to be being struck there. I would suspect that, with pet food, the litigation risk would be lower due to the types of damages that could be sought in comparison to a product safety case. Introducing a system where a regulator does have the power to request a recall, with some penalties placed behind that if businesses don't comply, would certainly provide stronger incentives for businesses to more swiftly conduct voluntary recalls for a pet food.<sup>12</sup>

5.9 CHOICE indicated that there remains a significant gap in relation to pet food. As problems with pet food generally result in injuries to pets, not to 'persons', under the law, even if a mandatory standard for pet food were introduced:

...it is unlikely that a compulsory recall could be ordered for a product that failed to meet the standard unless it also posed as a threat to human health.<sup>13</sup>

5.10 In the context of product safety, CHOICE called for three minimum protections for consumers with regard to pet food. These included:

- greater incentives for businesses to conduct voluntary recalls – with a regulator empowered to request or require that a recall be conducted;
- notification requirements on businesses that choose to conduct a recall that are similar to product safety recall requirements; and the
- establishment of a central register to enable the general public to view what pet food has been recalled and why.<sup>14</sup>

5.11 With regard to incentives for businesses, CHOICE noted that most recalls of unsafe consumer goods are voluntary, with only a small number of compulsory recalls

---

11 CHOICE, *Submission 143*, [pp. 2–3].

12 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 6.

13 CHOICE, *Submission 143*, [pp. 2–3].

14 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 2.

having to be ordered. This is because of the incentives in place that encourage businesses to recall consumer goods that may harm people. Yet, as CHOICE explained, these same incentives do not exist, or are certainly not as strong, in relation to pet food:

If a number of people are injured or killed by a product and the business fails to take appropriate steps to recall that product, that business could face very serious, costly court action. If pets are injured or killed by substandard pet food, the financial risk for a business is lower. A person could sue a pet food company for the cost of the poor quality food, and the cost of either their vet bills, if the pet became sick, or the market value of a new pet, if the pet died. This means that a business selling contaminated pet food may be less likely in all the circumstances to choose to conduct a voluntary recall than a business selling contaminated or dangerous food intended for people.<sup>15</sup>

5.12 CHOICE suggested that an independent regulator be given the power to request or to require businesses to conduct recalls of pet food, if it has reason to believe that the food could cause injury to any person or animal, or if they have failed to meet the standard that they are required to meet. In addition, businesses should be required to notify the regulator when action is taken to remove a pet food product from the market, and all pet food recall notifications should be published in a central location. Finally, CHOICE argued in favour of the imposition of strong penalties for businesses that do not comply with these requirements.<sup>16</sup>

5.13 RSPCA Australia added that recalls can be extremely damaging to manufacturers, costing 'millions of dollars' and having large 'reputational costs'. As such, there is little incentive for pet food manufacturers to issue recalls without a mandatory requirement.<sup>17</sup> Rather than relying on 'good corporate citizens' to take action, submitters recommended a stronger regulatory regime to fill 'a key gap in the current system'.<sup>18</sup>

### ***Timeliness of recalls***

5.14 Alongside the need for clearer recall provisions, witnesses drew the committee's attention to other issues with regard to the current system including the timeliness of recalls and the timely reporting of recalled product. Many witnesses were of the view that as part of a recall framework, companies should be required to recall products to facilitate investigation into the food.<sup>19</sup> The point was repeatedly

---

15 CHOICE, *Submission 143*, [p. 3].

16 CHOICE, *Submission 143*, [p. 4].

17 RSPCA Australia, *Submission 59*, p. 7.

18 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 3. Also see: Nestlé Australia Ltd, *Submission 119*, p. 7 and Ms Teresa Tassone, *Submission 89*, [p. 4].

19 Ms Rach Dola, *Submission 117*; Ms Jodi Burnett, *Submission 141* and Ms Shirley Benn, *Submission 84*.

made that such timely action would prevent potential harm to pets whilst investigations are underway.

5.15 In the case of Advance Dermocare, a number of submitters argued that the recall should have taken place as soon as the first cases of megaesophagus were reported.<sup>20</sup> According to the manufacturer of Advance Dermocare, Mars Petcare, the recall took place within 24 hours of advice regarding two household dogs with megaesophagus.<sup>21</sup> The committee was told that:

Mars Petcare was first notified in late December 2017 that a small number of service dogs in Victoria had been diagnosed with megaesophagus and had consumed ADVANCE Dermocare dry dog food. We immediately began investigations together with U-Vet, Victoria Police and consulted with the AVA. As a result of the unique environment in which service dogs operate, we believed this issue was an isolated one.

On 23 March 2018, we were advised by the AVA that two household dogs that had consumed our product had become sick with megaesophagus. We recalled ADVANCE Dermocare dry dog food within 24 hours of this notification. Our investigations continue at pace to support the independent investigation by U-Vet, and additional external veterinary experts. No root cause has been identified.

This recall was the right thing to do. We support increased regulation for pet food that strengthens our local industry and demands the very best for pets.<sup>22</sup>

5.16 Despite Mars' response, however, many submitters pointed out that the recall occurred three full months after the initial reports of megaesophagus. Dr Richard Malik commented that Mars' decision to recall the product in March 2018 was 'just too slow',<sup>23</sup> while Mrs Melanie Christie referred to the response as 'an utter failure'.<sup>24</sup>

5.17 Others questioned whether the recall would have been conducted at all had the media not reported on the story.<sup>25</sup> Ms Jodi Burnett noted:

The police went public with their story in a radio interview on 23<sup>rd</sup> March...Am I being cynical, or is it not a coincidence that Mars Petcare Australia issued a voluntary recall the very next day?<sup>26</sup>

---

20 See, for example: Miss Jasmine Erhard, *Submission 73*, [p. 2]; Miss Melissa Field, *Submission 13*, [p. 3]; Mrs Laura Faulkner, *Submission 16*, [p. 1]; Mrs Christina Fry, *Submission 78*, [p. 2]; Ms Jodi Burnett, *Submission 141*, [p. 10] and Ms Rach Dola, *Submission 117*, pp. 3–4.

21 Mars Petcare Australia, *Dermocare recall timeline* (tabled at a public hearing on 29 August 2018).

22 Mars Petcare, *Submission 106*, p. 6.

23 Dr Richard Malik, *Committee Hansard*, 29 August 2018, p. 18.

24 Mrs Melanie Christie, *Submission 62*, [p. 5].

25 See, for example: Mrs Christine Fry, *Submission 78*, [p. 2]; Ms Stephanie Shaw, *Submission 102*, [p. 4] and Ms Rosemarie Mileham, *Submission 12*, [p. 1].

5.18 The point was also made that a specific and transparent, time frame for recalls would 'certainly provide stronger incentives for businesses to more swiftly conduct voluntary recalls for a pet food'.<sup>27</sup>

5.19 In terms of timely intervention, Dr Malik suggested a staged approach whereby an early quarantine regime would underpin the recall system. Drawing on the recent cases of listeria found in rockmelon,<sup>28</sup> Dr Malik recommended a process whereby products could be removed immediately from sale where there is a risk to pet health. Thereafter, further testing and evidence-gathering could be conducted to identify the exact cause, with a complete recall initiated where necessary.<sup>29</sup> Similarly, Ms Karin Strehlow made the point that recalls should be based on the 'precautionary principle', whereby products are taken off the shelf even if the scientific data confirming correlation and causation is not yet available.<sup>30</sup>

5.20 This approach was also supported by Dr Andrew Spanner who explained that:

We don't need to know the cause. The history of cholera is a good example. The pump in London that caused cholera was closed down 30 years before anyone knew what cholera did and how it happened. They just knew that that pump caused cholera. This product causes kidney failure. We don't need to know why. We hopefully will find out why one day; we don't know right now.<sup>31</sup>

### Central information portal

5.21 To ensure consumers are adequately informed about pet food recalls in a timely manner, a number of submitters recommended the publication of all recall notifications on a central register or information portal.<sup>32</sup>

5.22 Such a system would avoid the experience of pet owners with regard to the Advance Dermocare recall. According to Ms Rach Dola, Advance Dermocare was advertised as 'sold out' by one major pet food retailer three months after its recall, without any explanation as to the circumstances.<sup>33</sup>

---

26 Ms Jodi Burnett, *Submission 141*, [p. 10].

27 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 6. Also see: Ms Rach Dola, *Submission 117 – Attachment 3*, p. 1 and Ms Teresa Tassone, *Submission 89*, [p. 8].

28 Guy Stayner. 'Rockmelon listeria outbreak: Fourth person dies from eating contaminated fruit', *ABC News*, 7 March 2018, [www.abc.net.au/news/2018-03-07/rockmelon-listeria-outbreak-fourth-person-dies/9522832](http://www.abc.net.au/news/2018-03-07/rockmelon-listeria-outbreak-fourth-person-dies/9522832) (accessed 16 September 2018).

29 Dr Richard Malik, *Committee Hansard*, 29 August 2018, p. 16.

30 Ms Karin Strehlow, *Submission 57*, [p. 3].

31 Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 19.

32 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 2; Mrs Jenny Kent, Pets Australia, *Committee Hansard*, 28 August 2018, pp. 13–14 and Ms Kristina Vesik, The Cat Protection Society of NSW Inc., *Committee Hansard*, 28 August 2018, p. 16.

33 Ms Rach Dola, *Submission 117 – Attachment 3*, p. 2.

5.23 Ms Teresa Tassone went further to recommend that there be a requirement on pet food stores to notify and communicate any recalls to their database of consumers—a view that was also supported by Ms Rach Dola who stated that it should be 'legally required to provide urgent information via this resource' in the case of a recall.<sup>34</sup>

5.24 According to a number of submitters, an information portal would also assist. It would alleviate confusion about the delineation between pet food and pet treats, and promote greater public education about overall animal nutrition. Such an information hub would also reduce the continued reliance on social and media communication, which can often lead to misinformation and the 'muddling' of facts.<sup>35</sup>

5.25 Submitters also noted that an 'unbiased' source of information would ensure that pet owners are educated about 'species-appropriate diets' and pet nutrition, without the influence of pet food companies and others with an interest in promoting particular pet food products.<sup>36</sup>

5.26 Ms Sarah Agar from CHOICE remarked that the information could be managed in a way that is similar to the USFDA website which lists both human products and pet food products. While the issues around how to format the information (and how it would be presented) was debated in evidence, it was agreed that a key objective would be: 'that consumers and pet owners are aware that there is one spot where they can go and find out whether or not any pet food currently on the market may endanger their pets'.<sup>37</sup>

### **A way forward**

5.27 The committee considered the evidence regarding an appropriate agency to manage pet food recalls and have the authority to report on recalls and related matters.

5.28 In its 2012 report, the PFCWG noted that a report and tracking system could be accommodated by the ACCC or FSANZ. It explained that such a system could be established by way of legislative amendment and additional funds to enable such agencies to fulfil recall functions for pet food.<sup>38</sup>

5.29 Drawing on arrangements currently in place in relation to human food, many submitters identified FSANZ as the appropriate recall authority. However, FSANZ's General Manager, Mr Peter May, explained that it does not have recall powers with

---

34 Ms Teresa Tassone, *Submission 89*, [p. 8]; Ms Rach Dola, *Submission 117 – Attachment 3*, p. 2.

35 Ms Rach Dola, *Submission 117*, p. 4. Also see: Dr Joanne Sillince, *Pets Australia, Committee Hansard*, 28 August 2018, p. 14; Ms Kristina Vesik, *The Cat Protection Society of NSW Inc., Committee Hansard*, 28 August 2018, p. 16.

36 See, for example: Mrs Melanie Christie, *Submission 62*, [p. 4]; Mr Jason Grubisic, *Submission 66*, [p. 1]; Mrs Carol O'Herlihy, *Submission 69*, pp. 3–4.

37 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 2.

38 Standing Council on Primary Industries Pet Food Controls Working Group, *Managing the Safety of Domestically Produced Pet Meat, and Imported and Domestically Produced Pet Food*, January 2012, p. 23.

regard to human food, and that these powers essentially rest with the states and territories. Mr May explained the organisation's role:

FSANZ does not have the capability or capacity to develop standards for products that are not in the human food supply chain. FSANZ is not the food regulator. It has no regulatory powers. FSANZ's functions include, in addition to the power to develop food standards, which are then subject to legislative approval by the Ministerial Forum, a power to coordinate recalls in cooperation with state and territory authorities. FSANZ does not have recall powers itself, and almost all recalls are initiated by the supplier after consultation with a state authority. Very rarely, a recall will rely on the exercise of a state's recall powers. FSANZ does not initiate recalls and has no authority to do so.<sup>39</sup>

5.30 As FSANZ is underpinned by two intergovernmental agreements, any suggested change, such as a change to the definition of food from that for 'human consumption', would require the agreement of all parties to these agreements. Furthermore, New Zealand already has its own legislation to deal with pet food, and does not have to deal with pet food under its food acts. These factors, and a number of others, make the utilisation of FSANZ extremely difficult for the purposes of pet food regulation.

5.31 The Animal Welfare Coalition of WA argued that Product Safety Australia, a website managed by the ACCC, which already has oversight of a range of products, including many related to animals may be better suited to take on the role than FSANZ.<sup>40</sup> Similarly, CHOICE held the view that the existing ACCC Product Safety Australia website would be a suitable place to display pet food recall information.<sup>41</sup>

5.32 It became clear to the committee that under Australian Consumer Law, there are a number of provisions that already apply to the pet food industry, including both manufacturers and suppliers of pet food. Where a manufacturer or supplier has breached one of the prohibitions, they may be subject to a civil penalty under section 224 of the Australian Consumer Law.

5.33 In addition, a number of consumer guarantees already apply to pet food under the law. Furthermore, once a pet food manufacturer initiates a voluntary recall, they are then subject to the normal recall processes as stipulated by the ACCC.<sup>42</sup> In addition, and as previously noted, the ACCC can recommend that the responsible Commonwealth Minister initiate a compulsory recall in order to protect the public from an unsafe product. In this circumstance, the ACCC would direct the manner in which the compulsory recall was to occur and would enforce compliance. Under these

---

39 Mr Peter May, Food Standards Australia New Zealand, *Committee Hansard*, 29 August 2018, p. 49.

40 Animal Welfare Coalition WA, *Submission 94*, p. 2.

41 Ms Sarah Agar, CHOICE, *Committee Hansard*, 29 August 2018, p. 8.

42 RSPCA Australia, *Submission 59*, p. 7.

circumstances, the product safety recall process would involve a series of steps; as detailed in the ACCC Product Safety Recall Guidelines.<sup>43</sup>

5.34 It should be noted that some pet food products that have been subject to voluntary recall have been listed on the Product Safety Australia website. One of them was a Mars Petcare Australia recall of Whiskas adult aged 1–7 years chicken and rabbit flavour dry cat food (1 kg box) which took place in September 2013.<sup>44</sup> The recall notice explained that the reason for the recall was the possibility that a small number of boxes could contain pieces of hard plastic, suspected to be between 5 to 25 mm in size.

5.35 Australian Consumer Law does, therefore, already provide a mechanism for voluntary recall, the prospect of mandatory recall under certain circumstances, as well as offences and civil penalties (which are applicable to suppliers and manufacturers – including pet food processors).

5.36 The suggestion was made therefore, that the current mechanisms should be used without introducing further regulation. To this end, the Animal Welfare Coalition WA suggested that the ACCC's track-record demonstrated an ability to accept consumer reports and complaints, announce product recalls, and oversee a range of products relating to animals. It was argued that by empowering the ACCC to regulate pet food, the Australian Standard could be attached to the existing *Competition and Consumer Act 2010* and subsequently enforced.<sup>45</sup> The committee appreciates that, for reasons including practicality, cost-effectiveness and efficiency, this prospect should be fully explored.

---

43 Australian Competition and Consumer Commission, *Consumer product safety recall guidelines*, 11 February 2011, <https://www.productsafety.gov.au/publication/consumer-product-safety-recall-guidelines> (accessed 25 September 2018).

44 Australian Product Recall, 'Whiskas Adult Aged 1-7 Years Chicken & Rabbit Flavour Dry Cat Food', [https://www.productsafety.gov.au/system/files/recall/Recall%20Notice\\_290.pdf](https://www.productsafety.gov.au/system/files/recall/Recall%20Notice_290.pdf) (accessed 25 September 2018).

45 Animal Welfare Coalition WA, *Submission 94*, p. 2.



## Chapter 6

### Transparent adverse pet food reporting and investigation

6.1 This chapter considers the evidence presented to the committee in relation to improved communication about adverse pet food events – including to the PetFAST system – as well as the provision of a direct consumer complaints process.

#### Reporting adverse events

6.2 Evidence to the committee indicated that there is no formal mechanism available to members of the public who want to report an incident or concern in relation to pet food.<sup>1</sup> Indeed, one of the primary lessons emanating from the recent megaesophagus cases, is the need for a direct communication channel for consumers who have concerns about pet food. According to the evidence before the committee, consumers with concerns about megaesophagus were unable to provide information through an official channel. They were therefore, unable to report adverse pet food events in a formalised manner to a professional body that could collect, assess and act upon that information.

6.3 In fact, the committee received a considerable volume of evidence which detailed the efforts of pet owners, who, without any other recourse, contacted manufacturers directly. A number of submitters detailed the steps they undertook in seeking redress from manufacturers after purchasing substandard pet food, and of their attempts to alert other consumers through social media.<sup>2</sup>

6.4 Ms Dola explained the context in relation to the megaesophagus cases and the consequences for pet owners:

An issue with the public relying on social and media guidance is the vast range of interpretation and muddling of vital information. I watched as many owners joined support groups, and were given inaccurate information around reporting cases to PetFAST, being told that it was no longer required because it was clear that the system had already identified the minimum 3 cases. What if those new cases had slightly varying records of vital information, or if this message was mixed in with different food concerns and so went unreported? Some owners were even confused about who they needed to report to, was it PetFAST? Was it Melbourne U-Vet? Was it the pet food manufacturer? Pet owners in this instance have been publicly ridiculed for their assertion that they suspected the food to be the cause of their pet's condition and were discriminated against for making this public for fear of unsubstantiated legal implications by sharing the information that industry associations delayed in communicating.<sup>3</sup>

---

1 Dr Bronwyn Orr, RPSCA Australia, *Committee Hansard*, 28 August 2018, p. 22.

2 Ms Ruth Quick, *Submission 8*; Ms Cathy Nesbitt, *Submission 11* and Ms Rach Dola, *Submission 117*.

3 Ms Rach Dola, *Submission 117*, p. 4.

## Improving PetFAST

6.5 In 2012, the Pet Food Adverse Event System of Tracking (PetFAST) was launched to keep track of adverse events relating to pets. As a joint initiative of the AVA and the PFIAA, PetFAST enables veterinarians to log health problems associated with pet food and treats, for the purpose of identifying any trends or patterns that might point to a cause. The system is managed and administered by the AVA, and reports generated by the system are provided to the PFIAA for its information. When a pattern is identified, a joint committee of AVA members is convened to discuss what action should be taken.<sup>4</sup> The individual manufacturer of the pet food product in question is also notified.<sup>5</sup>

6.6 PetFAST can only be used by veterinarians, and access is limited to AVA members. According to the AVA, this is a key aspect of the system's 'integrity and efficiency'.<sup>6</sup> Pet owners who suspect a problem with pet food or treats are not able to report a concern directly on the PetFAST system but rather, must take their pet to a veterinarian for examination. The veterinarian will then determine whether to log the health problem on PetFAST.

6.7 The PFIAA and AVA informed the committee that the system is well regarded by other countries, with a number of jurisdictions indicating an interest in establishing a similar reporting regime.<sup>7</sup> While the AVA was of the view that PetFAST has been a 'successful initiative', other witnesses were more circumspect.<sup>8</sup> RSPCA Australia stated that PetFAST has been 'working well' in the absence of a mandatory recall system, and has contributed to the recall of pet food on a number of occasions, including both the Weruva BFF cat food recall in 2017 and the Mars Advance Dermocare dog food recall in 2018.<sup>9</sup> However, Professor Caroline Mansfield observed that the system was a 'vast improvement on what was previously there (nothing)'.<sup>10</sup>

6.8 There were a range of concerns expressed regarding the management, effectiveness and efficacy of PetFAST.<sup>11</sup> Specifically, concerns were raised in relation to matters of accessibility, underutilisation and onerousness. Questions were also raised about the system's ability to facilitate the identification of chronic and long-term illnesses, as well as to trigger and facilitate investigation.

---

4 Australian Veterinary Association, *PetFAST shows pet food problems exist*, <https://www.ava.com.au/12072> (accessed 6 September 2018).

5 Ms Michelle Lang, Nestlé Australia Ltd, *Committee Hansard*, 29 August 2018, p. 37.

6 Australian Veterinary Association, *Submission 68*, p. 4.

7 Pet Food Industry Association of Australia, *Submission 130*, pp. 8–9 and Australian Veterinary Association, *Submission 68*, p. 5.

8 Australian Veterinary Association, *Submission 68*, p. 5.

9 RSPCA Australia, *Submission 59*, pp. 6–7.

10 Associate Professor Caroline Mansfield, *Submission 88*, [p. 2].

11 RSPCA Australia, *Submission 59*, pp. 6–7 and Dr Andrew Spanner, *Submission 63*, [p. 2].

---

## Accessibility

6.9 A key issue for submitters was the fact that PetFAST is only accessible to registered veterinarians. The AVA website states:

Only veterinarians can use this system. If you are a pet owner and suspect a problem with pet food or treats, you need to ask your vet to examine your pet and lodge a report if they too suspect an adverse event associated with pet food.<sup>12</sup>

6.10 The AVA indicated that exclusive veterinarian access to PetFAST had ensured that the data is 'cleaned'.<sup>13</sup> Indeed, the AVA suggested that the restriction of accessibility and reporting is a key part of the system's 'integrity and efficiency'. Furthermore:

As only veterinarians can use this system, a pet owner who suspects a problem needs to engage a veterinarian to first examine the pet, and then lodge a report if they suspect an adverse event associated with the food. In this way all, the data obtained is relatively "clean data" with reports that incorporate a veterinarian's opinion before a report is made.<sup>14</sup>

6.11 Pet food manufacturer, Nestlé Purina Petcare, noted that the 'veterinarian-to-veterinarian' aspect of PetFAST ensures that there is a level of professional expertise provided when assessing the health of an animal, and identifying a link to pet food.<sup>15</sup> Mars Petcare held the view that the existing system in the US allows consumers to report adverse events without first visiting a veterinarian, which 'can increase the quantity of information collected, while undermining the quality of the data collected'.<sup>16</sup>

6.12 However, concerns were raised by RSPCA Australia, that there are 'several thousand veterinarians' who are neither members of an associated organisation, nor receive communications regarding the PetFAST system.<sup>17</sup> Ms Jodi Burnett also pointed out that many veterinarians are unaware of the existence of the PetFAST

---

12 Australian Veterinary Association, *PetFAST – Pet Food Adverse Event System of Tracking*, <https://www.ava.com.au/petfast> (accessed 13 September 2018).

13 Dr Linda Fleeman, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 32.

14 Australian Veterinary Association, *Submission 68*, pp. 4–5.

15 Nestlé Australia Ltd, *Submission 119*, p. 5.

16 Mars Petcare Australia, *Submission 106*, p. 4.

17 RSPCA Australia, *Submission 59*, p. 7. Also see: Ms Rach Dola, *Committee Hansard*, 28 August 2018, p. 7; Ms Stephanie Shaw, *Submission 102*, [p. 3] and Ms Teresa Tassone, *Submission 89*, [p. 4].

system.<sup>18</sup> This was corroborated by a number of veterinarians who appeared before the committee, including the ex-president of the AVA.<sup>19</sup>

6.13 As PetFAST is reliant upon registered veterinarians and is not accessible to pet owners, it requires owners to seek professional advice for a matter to be reported. It was argued that this factor, as well as the lack of an appropriate communication channel for consumers, has led to a proliferation of online commentary amongst pet owners groups; which in turn has increased the level misinformation and confusion.<sup>20</sup>

6.14 The point was also made that the costs involved in seeking professional help from a veterinarian were cost-prohibitive for low-income households. The 2016 AMA report into pet ownership revealed that the owners who don't take their pet to the vet at all are likely to be those living in lower-income households (earning less than \$30 000).<sup>21</sup> Noting this evidence, Ms Stephanie Shaw concluded that PetFAST was 'biased towards low income families' for whom a veterinarian examination of their sick pet is cost-prohibitive.<sup>22</sup>

### ***Underutilisation and onerousness***

6.15 In addition to accessibility concerns, RSPCA Australia noted that PetFAST relies on veterinarians to be both 'aware and empowered' to report incidents.<sup>23</sup> However, the discretionary nature of the reporting system can contribute to lower numbers of veterinarians utilising the system and logging reports.

6.16 Another matter seen by submitters as problematic is the system's dependence on veterinarians to voluntarily report matters. This was raised as a concern for a number of reasons including a reliance on individual veterinarians (often in small or isolated practices) to make an association between a condition and a pet food. Professor Mansfield continued:

When there is acute onset of disease associated with feeding something this is an easier association to make. But with more chronic disease this is not so intuitive. The system also relies on vets physically entering in detail on a web-site, and volunteers that man this responding, logging and when necessary mobilising an investigation.<sup>24</sup>

6.17 This concern was exemplified by the number of megaesophagus cases reported in 2018. Mr Duncan Hall, Executive Manager of the PFIAA indicated that 46 of the 52 cases reported in PetFAST in the last 12 months occurred only *after* the

---

18 Ms Jodi Burnett, *Committee Hansard*, 28 August 2018, p. 7.

19 Dr Joanne Sillince, Pets Australia, *Committee Hansard*, 28 August 2018, p. 13. Also see: Dr Bronwyn Orr, RSPCA Australia, *Committee Hansard*, 28 August 2018, p. 22.

20 Dr Joanne Sillince, Pets Australia, *Committee Hansard*, 28 August 2018, p. 14.

21 Animal Medicines Australia, *Pet Ownership in Australia*, 2016, p. 41.

22 Ms Stephanie Shaw, *Submission 102*, [p. 3]. Also see: Animal Medicines Australia, *Pet Ownership in Australia*, 2016, p. 42.

23 RSPCA Australia, *Submission 59*, p. 7.

24 Associate Professor Caroline Mansfield, *Submission 88*, [p. 2].

Advance Dermocare recall announcement, rather than before.<sup>25</sup> According to Dr Sue Foster of the AVA, only one report relating to megaesophagus was logged in PetFAST prior to the recall, and this was from a 'very, very top specialist...dealing with a highly confidential group of dogs'.<sup>26</sup> Witnesses attributed this to both the underutilisation and lack of awareness of the PetFAST system, as well as the rarity of the condition.<sup>27</sup>

6.18 The committee was also told that veterinarians may choose not to report at all because the process of logging a report on PetFAST was 'extremely onerous'.<sup>28</sup> When logging such a report, veterinarians are required to provide the following information:

- detailed medical records of affected animals;
- detailed diet history of affected animals;
- product consumptions details and documents;
- product name, type, and manufacturing information;
- food samples for analysis; and
- serum and tissue samples (if pertaining to a deceased animal).<sup>29</sup>

6.19 Ms Karin Strehlow argued that the amount of data required for each report, coupled with the potential costs and time associated with obtaining, preparing and sorting tissue samples, means that many vets may not be inclined to lodge a report.<sup>30</sup>

6.20 Similarly, in noting the detail required by the system, Ms Jodi Burnett questioned the inclination of veterinarians to submit a report without prompting from clients:

The other thing with PetFAST is that it's up to the vets' discretion as to whether they log a report through PetFAST. In my case, I went back after my dog was officially diagnosed by Melbourne uni and requested that the vet log with PetFAST, and I was there while she did that. Had I not done that, it probably would not have been logged.<sup>31</sup>

---

25 Mr Duncan Hall, Pet Food Industry Association of Australia Inc., *Committee Hansard*, 28 August 2018, p. 30.

26 Dr Sue Foster, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 31.

27 See, for example: Associate Professor Caroline Mansfield, *Committee Hansard*, 29 August 2018, p. 10 and Mr Duncan Hall, Pet Food Industry Association of Australia, *Committee Hansard*, 28 August 2018, p. 31.

28 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 8 and Associate Professor Caroline Mansfield, *Committee Hansard*, 29 August 2018, p. 10. Also see: Mrs Melanie Christie, *Submission 62*, [p. 5].

29 Australian Veterinary Association, *PetFAST checklist for veterinarians*, <https://www.ava.com.au/veterinarians/technical-information/petfast> (accessed 13 September 2018).

30 Ms Karin Strehlow, *Submission 57*, p. [3].

31 Ms Jodi Burnett, *Committee Hansard*, 28 August 2018, p. 9.

6.21 To 'strengthen' the utilisation of the PetFAST system, Mars Petcare suggested that a communication campaign be developed to target all Australian veterinarians. The campaign could educate veterinarians, particularly those that are not members of the AVA, about when and how to access the PetFAST system, what information to provide, and how the data is managed by the AVA. According to Mars Petcare, this would ensure that PetFAST 'continues to provide the most robust foundation to underpin decisions made by industry and government' regarding pet food safety and sale.<sup>32</sup>

### ***Identifying chronic and long-term illness***

6.22 Another issue raised in relation to the PetFAST system was the difficulty that it poses in reporting chronic and long-term illness associated with pet foods. Some submitters argued that the PetFAST system focuses on single events or outbreaks, and does not capture relevant long-term data.<sup>33</sup> In light of the megaesophagus cases, Ms Jodi Burnett noted that it is unclear whether the PetFAST system can retain sufficient data to identify trends or patterns over just a six month period.<sup>34</sup>

6.23 Professor Caroline Mansfield raised a similar concern, noting that:

A contemporary association between eating a food and being sick within 30 to 60 minutes is a fairly apparent one and quite easy to notify, but, when we're talking about more chronic disease, particularly with a food that's not widespread in use, one clinic, one veterinarian, is unable to make that connection.<sup>35</sup>

6.24 Indeed, Ms Christine Wattle submitted that the system 'does nothing' to address chronic ill-health caused by unsuitable pet foods.<sup>36</sup> At the same time, however, Professor Mansfield also indicated that PetFAST was not equipped to detect sporadic problems in a timely fashion or to identify emerging new conditions.<sup>37</sup> She suggested that there are better options including databases that could be developed to provide a better suited monitoring tool to detect trends in conditions that are typically unusual, but are increasing in incidence over time.<sup>38</sup>

---

32 Mars Petcare Australia, *Submission 106*, p. 4. Also see: Royal Canin Australia, *Submission 97*, [p. 3]; Dr Anne Fawcett, *Submission 140*, [p. 2]; Mrs Tara Bonitz, *Submission 79*, p. 1 and Canine Welfare Alliance of Australia, *Submission 100*, p. 2.

33 See, for example: Mrs Melanie Christie, *Submission 62*, [p. 5]; Mrs Tracey Jackson, *Submission 75*, p. 5 and Dr Ilze Matise-VanHoutan, *Submission 95*, [pp. 2–3].

34 Ms Jodi Burnett, *Committee Hansard*, 28 August 2018, p. 9.

35 Associate Professor Caroline Mansfield, *Committee Hansard*, 29 August 2018, p. 10. Also see: Professor Caroline Mansfield, *Submission 88*, [p. 2].

36 Ms Christine Wattle, *Submission 136*, [p. 2]. Also see: Tom Lonsdale, *Submission 132*, p. 7.

37 Associate Professor Caroline Mansfield, *Submission 88*, [p. 2].

38 Associate Professor Caroline Mansfield, *Submission 88*, p. 2.

### ***Efficacy, management and investigation***

6.25 The point was made that once veterinarians had logged a report, the system relies on volunteers to respond, and where necessary, mobilise an investigation. However, as Professor Mansfield noted, there are no independent or 'sufficiently resourced groups' affiliated with PetFAST to investigate any potential food toxicity. She noted in this regard that investigations of potential pet food issues are expensive:

They require a lot of expertise. They require statistical assessment, toxicological and nutritional assessment and bacteriological assessment, all of which cost money and all of which take a significant amount of time and expertise to put together. It is probably therefore only the very large pet food companies that have the capacity to finance that—and, again, if they are financing that, it's not a truly independent investigation.<sup>39</sup>

6.26 Dr Andrew Spanner suggested that the PetFAST system was ineffective in improving pet food safety for various reasons; including the lack of reporting of submissions on the system, the voluntary nature of adverse findings, or the recommendations made to pet food manufacturers.<sup>40</sup> Similarly, Ms Karin Strehlow argued that under the current arrangements, lodged reports are viewed by AVA and PFIAA and that these bodies then determine whether to make recommendations and initiate discussions.<sup>41</sup>

### ***Inability to mandate or enforce recalls***

6.27 Under the current system, where a problem is 'obvious and severe enough and very likely to be associated with a pet food', the AVA can seek the agreement of PFIAA to request from a manufacturer, the recall of a product.<sup>42</sup> The fact that the PetFAST system cannot mandate or enforce a pet food recall was a primary concern for many submitters.<sup>43</sup>

6.28 Submitters questioned the efficacy of the system, which is only able to prompt voluntary recalls on the basis of negotiations between the AVA, PFIAA, and manufacturers, with no legislated authority to mandate them.<sup>44</sup> Ms Karin Strehlow argued that for this reason, PetFAST is a 'toothless voluntary tiger'.<sup>45</sup>

6.29 Despite criticisms of the PetFAST system, some witnesses cautioned that the system was never designed to pick up 'every single adverse event' relating to pet

---

39 Associate Professor Caroline Mansfield, *Committee Hansard*, 29 August 2018, p. 10.

40 Dr Andrew Spanner, *Submission 63*, [p. 2].

41 Ms Karin Strehlow, *Submission 57*, [p. 3].

42 Dr Sue Foster, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 33.

43 Associate Professor Caroline Mansfield, *Submission 88*, p. 2.

44 See, for example: Dr Andrew Spanner, *Submission 63*, [p. 2]; RSPCA Australia, *Submission 59*, p. 6; Ms Rach Dola, *Submission 117 – Attachment 3*, p. 1; Animal Welfare Coalition WA, *Submission 94*, p. 2.

45 Ms Karin Strehlow, *Submission 57*, [p. 3].

food.<sup>46</sup> Dr Sue Foster of the AVA noted that it 'depends on the type of problem' as to whether PetFAST is likely to detect it. However, she reiterated submitters' views that, while the PetFAST system is useful, 'it is certainly not the same as having regulation for mandatory recall'.<sup>47</sup>

### **Direct consumer reporting mechanism**

6.30 A large volume of evidence to the inquiry supported a direct consumer reporting system, which would allow pet owners to log pet food related issues on a central register. As Dr Malik indicated, the 'first people who are going to see something wrong are the public'.<sup>48</sup>

6.31 A clear and direct consumer reporting mechanism was supported by a range of submitters for a number of reasons, including the fact that it would provide a reporting mechanism for pet owners who rarely visit the vet (or who visit a veterinarian that is not a member of the AVA).<sup>49</sup>

6.32 Ms Kristina Vesk of The Cat Protection Society of NSW highlighted the importance of a direct consumer reporting system:

There needs to be capacity for consumer input into surveillance. We're not suggesting that people do their own veterinary diagnosis at home. Obviously, if your pet's sick you need to take them to see the vet. But if you open a tin of food and you see that it's spoiled or mouldy or you find foreign objects in it, there's no reason for you to go to the vet. You can take a photo, upload it and put it in some kind of portal. I made a complaint the other day about a water leak. Sydney Water has this fantastic reporting system you can do online. In terms of surveillance and gathering epidemiological data, we need to have consumer input and I think it's very limited by restricting it only to veterinarians.<sup>50</sup>

6.33 RSPCA Australia noted that as a large percentage of pet owners 'either never or rarely' visit a veterinarian, there is no outlet for them to report pet food safety concerns other than through a direct complaint to a manufacturer.<sup>51</sup> According to Miss Jasmine Erhard, this is problematic as many pet owners 'can't afford to individually

---

46 Dr Linda Fleeman, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 32.

47 Dr Sue Foster, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 33. Also see: Dr Linda Fleeman, Australian Veterinary Association, *Committee Hansard*, 28 August 2018, p. 32.

48 Dr Richard Malik, *Committee Hansard*, 28 August 2018, p. 15.

49 RSPCA Australia, *Submission 59*.

50 Ms Kristina Vesk, The Cat Protection Society of NSW Inc., *Committee Hansard*, 28 August 2018, p. 12.

51 RSPCA Australia, *Submission 59*, p. 7. Also see: Mr Barry O'Sullivan, Mars Petcare Australia, *Committee Hansard*, 29 August 2018, p. 30 and Dr Camilla Forss, *Submission 129*, [p. 2].

fight big companies'. She added that pet owners are further disadvantaged by the fact that the standards are not mandatory.<sup>52</sup>

6.34 CHOICE noted that another disadvantage of reporting directly to manufacturers was that complaints, and how they are handled, are not made public.<sup>53</sup> Reflecting on these arrangements, CHOICE's Ms Erin Turner stated that there 'doesn't seem to be a strong, transparent connection between complaints and any activity or recalls' because the information is not held on a central, publically available register. Ms Turner considered this to be particularly shocking as pet owners 'know their pets best' and want to alert others when incidents with pet food occur.<sup>54</sup>

6.35 Indeed, Mrs Jenny Kent of Pets Australia noted that there is no facilitated communication mechanism which allows veterinarians who have observed pet food related issues to share this information with pet owners. As such, 'the only person who knows it is not working is the person who it is not working for'.<sup>55</sup>

6.36 In comparison, the USFDA maintains the Safety Reporting Portal, which allows consumers to log or report complaints about any food product intended for human or animal consumption.<sup>56</sup> CHOICE noted that the USFDA's reporting portal is both clear and accessible and allows consumers, vets, and other interested parties to make complaints.<sup>57</sup> The effectiveness of this system was also highlighted by The Cat Protection Society of NSW and Australian National Cats Inc.<sup>58</sup>

6.37 Dr Andrew Spanner expressed the view that a direct reporting system would 'get the right stuff off the market' through relying on statistics and data rather than social media scare campaigns.<sup>59</sup> Another veterinarian, Dr Camilla Forss, stated that a simple reporting process could increase the likelihood of detecting pet food related disease early, and contribute to saving the lives of pets that would otherwise be at risk.<sup>60</sup> She suggested that all pet food labels be required to include information about how to report a complaint. According to Dr Forss:

This would simplify the reporting process and improve the monitoring system, increasing the likelihood that food-related disease outbreaks were

---

52 Miss Jasmine Erhard, *Submission 73*, [p. 3].

53 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, p. 8.

54 Ms Erin Turner, CHOICE, *Committee Hansard*, 29 August 2018, pp. 7–8. Also see: Miss Jasmine Erhard, *Submission 73*, [p. 3].

55 Mrs Jenny Kent, Pets Australia, *Committee Hansard*, 28 August 2018, p. 13.

56 US Food and Drug Administration, *Safety Reporting Portal*, <https://www.safetyreporting.hhs.gov/SRP2/en/Home.aspx?sid=47daf619-3c01-47e6-ad36-ca3dc0dcc83b> (accessed 16 September 2018).

57 CHOICE, *Submission 143*, [p. 4].

58 Australian National Cats Inc., *Submission 101*, [p. 2] and The Cat Protection Society of NSW Inc., *Submission 29*, [p. 2].

59 Dr Andrew Spanner, *Committee Hansard*, 28 August 2018, p. 20.

60 Dr Camilla Forss, *Submission 129*, [p. 2].

detected earlier, saving the lives and improving the health outcomes of many animals.<sup>61</sup>

---

61 Dr Camilla Forss, *Submission 129*, [p. 2].

# Chapter 7

## Committee view and recommendations

7.1 With over 24 million pets in Australia today, Australian households have one of the highest rates of pet ownership in the world. As pets become an increasing part of our lives, consumer demands for quality pet food and guarantees regarding its safety have risen. However, recent adverse events have demonstrated the extent to which the current self-regulatory framework no longer meets community expectations.

### **Publication and public oversight of the Australian Standard**

7.2 As a first and fundamental step, the committee strongly advocates for free and uninhibited access to the Australian Standard (AS5812:2017). Currently the standard can be purchased at a cost of approximately \$128.19. The committee contends that this financial barrier has not only hampered pet owners' trust in the regulatory system, but has also made it difficult for pet owners to scrutinise the standards to which pet food is held.

7.3 The committee holds the view that transparency, brought about by the publication of the standard, will encourage greater accountability on the part of the pet food industry and improve its performance. Furthermore, publication and knowledge of the standard will enable consumers, otherwise unable to access and share it for reasons of expense and copyright, to hold the industry to account. It will also enable consumers to scrutinise the standard's labelling requirements, which should be transparent and informative for the buyer. It is fundamentally important, therefore, that the Australian Standard be made accessible to the public at no cost.

### **Recommendation 1**

**7.4 The committee recommends that the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017) be made publically available on the Department of Agriculture and Water Resources' website for download and distribution.**

### **Regulatory pathways**

7.5 During the inquiry, the prospect of establishing an independent regulatory body, on the basis of a recommendation from the committee, was widely supported. However, the manufacture of pet food falls within the responsibility of states and territories. Given the federal nature of the Australian Constitution, any such suggestion of establishing an independent regulatory body would require the enactment of legislation by state and territory governments.

7.6 The Minister for Agriculture and Water Resources, the Hon David Littleproud has already secured the support of his state and territory counterparts for an independent review into the safety and regulation of pet food. The committee recognises this initiative as a key pathway to achieve a stronger, nationally consistent regulatory regime for pet food in Australia.

7.7 Noting the considerable effort made by many submitters, the committee encourages the working group given responsibility for reviewing the regulation of pet food, to take into account the evidence provided to the inquiry, with particular focus on the evidence regarding the need for a stronger regulatory model.

7.8 While the committee does not hold a view on the precise framework that should be pursued, it is clear that self-regulation of the pet food industry is no longer acceptable by community standards. Therefore, the committee strongly encourages the states and territories to engage with the Minister for Agriculture and Water Resources and the respective working group to strengthen the regulatory regime for pet food in Australia.

## **Recommendation 2**

**7.9 The committee recommends that, as part of its review into the safety and regulation of pet food, the working group focus on mechanisms to mandate pet food standards and labelling requirements in Australia. In particular, it should give serious consideration to amending the *Food Standards Australia New Zealand Act 1991* to expand the responsibilities of Food Standards Australia New Zealand (FSANZ) to include pet food standards and labelling requirements.**

**7.10 The committee further recommends that the working group draft a national pet food manufacturing and safety policy framework for the consideration and endorsement of an appropriate forum such as the Australia and New Zealand Ministerial Forum on Food Regulation.**

**7.11 To inform its deliberations, the committee recommends that the working group take into account the evidence provided to this inquiry.**

## **Improving the Australian Standard**

7.12 The committee acknowledges the substantive work undertaken by the pet food industry over many years to develop and review the Australian Standard.

7.13 However, that there are a number of improvements that must be made. First of all, the conduct of feeding trials in relation to target animals must be undertaken alongside extensive testing of pet food prior to sale. Feeding trials allow the detection of issues that may develop over a longer period of time and enable the exclusion of potential toxicities. Furthermore, if pet food manufacturers are to make health claims about their products, such claims should be scientifically tested and assessed in the target population.

7.14 With regard to labelling requirements, alongside the full disclosure of ingredients, including preservatives and additives, the committee also recommends that the Australian Standard require a declaration of heat treatments, such as irradiation, on all labels. The committee acknowledges that changes have been made since the recall of imported cat food in 2008 to ensure that pet owners are instructed not to feed irradiated foods to cats. However, this information should be displayed on both dog and cat food more explicitly, so as to avoid future incidents relating to thiamine deficiency.

7.15 Given the anticipated independent review of pet food, the committee recommends that the proposed working group focus in particular on pet food labelling, the declaration of heat treatments such as irradiation, as well as the inclusion of feeding trials and scientific testing.

### **Recommendation 3**

**7.16 The committee recommends that the independent review working group identify specific measures to improve the efficacy of the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017). These measures should include specific requirements with regard to feeding trials and other testing prior to pet food sale as well as mandatory labelling standards that detail all ingredients including preservatives, additives, and which disclose heat, irradiation or other treatments to the product.**

### **Pet food product recall and reporting framework**

7.17 Throughout the inquiry, the committee consistently heard that there is a need for a mandatory pet food recall and reporting framework.

7.18 However, the committee recognises that there is already a system in place for voluntary recalls under Australian Consumer Law. In addition, there are offences and penalties applicable to suppliers and manufacturers, including pet food processors, which act as an incentive for them to comply with the general prohibitions and the consumer guarantees that are set out in Australian Consumer Law.

7.19 The committee recognises that the use of the ACCC's Australian Product Safety website will meet the needs of pet owners for a centralised information system on pet food recalls and the reasons for them. As is the case with human consumer products, the communication of safety information regarding pet food is essential to prevent or minimise the impact of future adverse incidents.

7.20 Reflecting on evidence from witnesses, the committee is of the view that pet food manufacturers should take a precautionary approach to pet food safety. If there is even a slight risk that a pet food product may cause negative health impacts, recall procedures should be immediately undertaken. Thereafter, investigations can be conducted to identify the exact cause, and compensation provided to consumers. However, the period during which the investigation is taking place should not allow the opportunity for more animals to contract illness.

7.21 In addition to utilising Australian Consumer Law recall arrangements, which would enable the publication of recall details on the Australian Safety Product website for pet owners to read and understand, the committee strongly encourages consideration of mandating the Australian Standard under Australian Consumer Law.

7.22 When considering whether to introduce a mandatory standard, the Australian Government conducts research and consults with industry and consumers to develop a regulation impact statement. As a first step, however, the committee suggests that the ACCC review the proposal to make the Australian Standard mandatory under Australian Consumer Law. The ACCC should produce a published report, or make public its findings and any recommendations to inform the independent review

working group in its consideration of methods to mandate and enforce the Australian Standard.

7.23 To this end, the committee recommends that the ACCC consider this proposal, and the process by which the Australian Standard could provide the basis of a mandatory standard.

#### **Recommendation 4**

**7.24 The committee recommends that the Australian Competition and Consumer Commission review the process by which the Australian Standard for the Manufacturing and Marketing of Pet Food (AS5812:2017) could become a mandatory standard under Australian Consumer Law and make public its review findings and any recommendations.**

#### **Adverse event reporting**

7.25 The committee acknowledges that the current system for reporting adverse pet food events has not been effective in detecting adverse trends relating to pet food. The evidence to the committee revealed that the Australian Pet Food Adverse Event System of Tracking (PetFAST) played almost no role in the detection of megaesophagus in dogs consuming Advance Dermocare dry dog food, as the majority of cases were logged only after the recall was announced.

7.26 The committee heard that the PetFAST system was underutilised. Evidence indicated that an estimated 40 per cent of all veterinarians in Australia are not members of the AVA and are, therefore, probably not aware of PetFAST's existence. In addition, not all AVA members are aware that they can use the system:

I am an ex-AVA president and I am an ex-AVA member, and I did not know that the PetFAST system existed. We need communication, education and reporting even if a self-regulation system is maintained.<sup>1</sup>

7.27 Whilst the committee recognises that the PetFAST system was intended to gather veterinary advice, rather than individual pet owner reports, the system cannot be effective if it is not utilised across the veterinary community. In addition, consideration should be given to updating the system to ensure that it is user-friendly and utilises better monitoring tools to detect trends.

7.28 The committee recommends, therefore, that as a first step, the Australian Veterinarian Association (AVA) review and update the reporting requirements of the PetFAST system. To this end, the committee strongly encourages the AVA to work with the ACCC to strengthen and streamline the PetFAST system and to enable its operation in complementarity to a consumer complaints mechanism for pet food.

#### **Recommendation 5**

**7.29 The committee recommends that the Australian Veterinary Association, in cooperation with the Australian Competition and Consumer Commission explore measures to improve data capture in the PetFAST system.**

---

1 Dr Joanne Sillince, Pets Australia, *Committee Hansard*, 28 August 2018, p. 13.

---

## **Consumer complaints and reporting mechanism**

7.30 The committee recognises that consumers should be given the opportunity to share their concerns, and report to an appropriate authority when issues with pet food arise.

7.31 The committee recognises that the US Food and Drug Administration's Safety Reporting Portal is an example of industry best practice. The central site allows consumers to report issues in relation to human food, animal food, drugs, tobacco and therapeutic biologics. The committee suggests that a similar reporting system in Australia would ensure that consumers can raise their concerns about pet food quickly and easily.

7.32 As a comparable mechanism is already available for ordinary consumer goods through the ACCC's Product Safety Australia website, the committee recommends that the ACCC provide a system of consumer reporting with regard to pet food on the same website.

7.33 It is envisaged that the proposed consumer complaints process will complement the PetFAST tracking system.

### **Recommendation 6**

**7.34 The committee recommends that the Australian Competition and Consumer Commission establish a system for consumer reporting on its Product Safety Australia website, to enable members of the public to lodge complaints and concerns associated with pet food.**

### **Investigation and education**

7.35 The committee is also cognisant of the need for a transparent and resourced mechanism to investigate reports made on PetFAST as well as consumer complaints of adverse pet food events. Furthermore, the committee appreciates that consumers, veterinarians and the wider industry should be informed of the proposed pet food product reporting, investigation and recall systems.

7.36 To this end, the committee encourages the Australian Government to work with the states and territories to establish an adverse pet food investigation mechanism and to develop a complementary education campaign to inform consumers and the industry about the product reporting, investigation and recall regime.

### **Recommendation 7**

**7.37 The committee recommends that the Australian Government work with the states and territories to establish a mechanism to investigate adverse pet food events and develop a complementary education campaign to raise awareness of the adverse pet food reporting, investigation and recall regime.**

7.38 The committee holds the view that these recommendations provide for cost-effective measures that can be agreed to and implemented within a short period of time. The committee believes that these measures will provide for greater transparency and oversight of pet food manufacturing in Australia.

7.39 Alongside publication of the Australian Standard, the committee has focused on key practical and fundamental steps that would improve consumer oversight of the pet food industry. With this objective in mind, the committee has recommended a suite of measures to raise the standard of pet food, implement stronger safeguards to respond to adverse pet food incidents, and provide greater transparency and oversight of the pet food standard in Australia.

# Appendix 1

## Submissions received

### Submission Number

### Submitter

1	Ms Heather Jones
2	Ms Jennifer Downes
3	Ms Suzanne Burow
4	Mrs Chantelle Hall
5	Mrs Julie O'Toole
6	Ms Eve Wetherell
7	Ms Carolyn Spresser
8	Ms Ruth Quick
9	Mr Mark O'Toole
10	Mr Paul Terrett
11	Ms Cathy Nesbitt
12	Ms Rosemarie Mileham
13	Miss Melissa Field
14	Dr Tamara Perchyonok
15	Australian Renderers Association
16	Mrs Laura Faulkner
17	Mrs E Danine
18	Ms Angela Watson
19	Ms Florence Watmore
20	Ms Sheree Venables
21	Ms Christine Darby
22	Ms CJ King
23	Ms Orlita Santos
24	Ms Christine Durrant
25	Mr Clive Riseam
26	Ms Trudy Hollingsworth
27	Mr Michael Dilworth
28	Ms Luise Pearson-Bernoth
29	The Cat Protection Society of NSW Inc
30	Ms Ildi Ehsman
31	Department of Agriculture and Water Resources
32	Mr Jack Claff
33	Mr RJohn Carter
34	Mr Rupert Russell
35	Ms Jennette Metcalfe
36	Mr James Green
37	Miss Shonara Langley
38	Ms Jeanette Treble
39	Mrs Nikki Gilbert

40	Mr James Bayly
41	Ms Jessica Simpson
42	Mr David Passmore
43	Ms Jacinta Simpson
44	R C & J C Parr
45	Ms Sue Vetma
46	Mr Mark Durston
47	Nell Stetner
48	Mr Brad Clinch
49	Phoenix Fox
50	Ms Janina Price
51	Ms Sylvia Rolih
52	Mr Adrian Cooke
53	Mr John Fisher-Smith
54	Ms Claire Ridgway
55	Mr Chris Trigg
56	Ms Casandra Steer
57	Ms Karin Strehlow
58	Ms Carla North
59	RSPCA Australia
60	Association for Truth in Pet Food
61	Ms Christine Lewis
62	Mrs Melanie Christie
63	Dr Andrew Spanner
64	Hanni Wienkoop
65	Ms Ailsa Kuiper
66	Mr Jason Grubisic
67	Miss Anna Rek
68	Australian Veterinary Association
69	Mrs Carol O'Herlihy
70	Ms Darci Hutchinson
71	Ms Lisa Dibbs
72	Mr Rolf Hauptmann
73	Miss Jasmine Erhard
74	Miss Emily Bush
75	Mrs Tracey Jackson
76	Mrs Kate Bradbrook
77	Mrs Jeannine Barnard
78	Mrs Christine Fry
79	Mrs Tara Bonitz
80	MPM Products Limited
81	Mrs Louise Warren
82	Mrs Susan Ferguson
83	Mrs Margaret Lamerton
84	Mrs Shirley Benn
85	Safe Food Production Queensland
86	Dr Richard Malik
87	Mrs Margot Puehl
88	Assoc Prof Caroline Mansfield
89	Ms Teresa Tassone

---

90	Mrs Marion Aitken
91	Dr Ian Billingham
92	Feed Ingredients and Additives Association of Australia (FIAAA)
93	Mrs Debbie Guala
94	Animal Welfare Coalition WA
95	Dr Ilze Matise-VanHoutan
96	Mrs Marion Nickels
97	Royal Canin Australia
98	Mrs Dana Partington
99	Ms Sandra Sultana
100	Canine Welfare Alliance of Australia
101	Australian National Cats Inc
102	Ms Stephanie Shaw
103	Ms Anne Tredenick
104	NSW Greyhound Breeders, Owners and Trainers' Association
105	Mr Lachlan Kidd
106	Mars Petcare Australia
107	Ms Rachele Streich
108	Mr Keith Ross-Anderson
109	Ms Tafline Gillespie
110	Mr Josh King
111	Mr Cameron McAllister
112	Ms Elisia Nichol
113	Sentient, The Veterinary Institute for Animal Ethics
114	Pet Food Reviews Australia (Website)
115	Pound Rescue Inc
116	Ms Maureen Powell
117	Ms Rach Dola
118	Ms Jessie Holt
119	Nestle Australia Ltd
120	Mr Terry Brooke
121	Latvian Association of Veterinarians
122	Ms Kathryn Braden
123	Ms Danielle Joyner
124	Mr Shahabuddin Khan
125	Ms Janelle Mannell
126	Ms Sally Stubbs
127	Mr Roger Meacock
128	Ms Anne Royle
129	Dr Camilla Forss
130	Pet Food Industry Association of Australia
131	Mrs Cheryl Williams
132	Tom Lonsdale
133	Irene Hordicek
134	J Vale
135	Renee Hymas
136	Christine Wattle
137	Dr Breck Muir
138	Anne Robbie
139	Mr Robert Nichol

140	Dr Anne Fawcett
141	Ms Jodie Burnett
142	Ms Maria Kuljanic
143	CHOICE
144	Mr Cush Allison
145	Ms Debbie Hill
146	Mr Brian Cox
147	Ms Alice Bacon
148	Miss Ellie Horsburgh
149	Mr Ryan Richardson
150	Ms Ann-marie Drew
151	Fionnuala Dixon

## **Additional information received**

### **Additional information**

- Additional information provided by Woolworths Group Ltd. Received 6 September 2018;
- Received on 7 September 2018, from the Pet Food Industry Association of Australia. Answers to Questions taken on Notice at a public hearing in Sydney on 29 August 2018.
- Received on 11 September 2018, from the Department of Agriculture and Water Resources. Answers to Questions taken on Notice at a public hearing in Sydney on 29 August 2018;
- Received on 12 September 2018, from Nestlé Australia Ltd. Answers to Questions taken on Notice at a public hearing in Sydney on 29 August 2018;
- Received on 14 September 2018, from Mars Petcare Australia. Answers to Questions taken on Notice at a public hearing in Sydney on 29 August 2018;
- Received on 20 September 2018, from the Australian Renderers' Association. Answers to Questions taken on Notice at a public hearing in Sydney on 29 August 2018;
- Received on 26 September 2018, from the Australian Veterinary Association. Answers to Questions taken on Notice on 11 September 2018;
- Received on 5 October 2018, from Mars Petcare Australia. Answers to Questions taken on Notice on 21 September 2018;
- Received on 5 October 2018, from Mars Petcare Australia. Annexure to Answers to Questions taken on Notice on 21 September 2018;

---

## **Tabled documents**

- Tabled by Mr Tom Lonsdale on 29 August 2018 in Sydney. Raw meaty bones essentials article;
- Tabled by Ms Kristina Vesk, Chief Executive Officer, The Cat Protection Society of NSW at a public hearing in Sydney, NSW on 28 August 2018. One Welfare - a platform for improving human and animal welfare;
- Tabled by Ms Kristina Vesk, Chief Executive Officer, The Cat Protection Society of NSW at a public hearing in Sydney, NSW on 28 August 2018. Raw pet food as a risk factor;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Advance Next Generation Promotion;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Advance Pet Facebook correspondence;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Australian Canine Megaesophagus Group;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. AVA alerts and communication with members;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Ilze Matise-VanHoutana TEDx Talk;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Information regarding Weruva Best Feline Friends cat food;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Investigation of oesophagitis and recurrent regurgitation;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Location of megaesophagus cases;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. Orijen cat food statement;
- Tabled by Ms Rach Dola at a public hearing in Sydney, NSW on 28 August 2018. PetFAST frequently asked questions;



# Appendix 2

## Public hearings and witnesses

### Tuesday, 28 August 2018, Sydney, New South Wales

- BURNETT, Ms Jodi Maree, Private capacity
- DOLA, Ms Rach, Private capacity
- FLEEMAN, Dr Linda, Adviser on Pet Food Issues, Australian Veterinary Association
- FOSTER, Dr Sue, Veterinary Specialist and Consultant To PetFAST, Australian Veterinary Association
- FRY, Mrs Christine Elaine, Private capacity
- HALL, Duncan, Executive Manager, Pet Food Industry Association of Australia Inc.
- KENT, Mrs Jenny, Advisory Board Director, Pets Australia
- NEIL, Mrs Heather, Chief Executive Officer, RSPCA Australia
- ORR, Dr Bronwyn, Scientific Officer (Companion Animals), RSPCA Australia
- SILLINCE, Dr Joanne, Managing Director, Pets Australia
- SPANNER, Dr Andrew, Private capacity
- VESK, Ms Kristina, Chief Executive Officer, The Cat Protection Society of NSW Inc

### Wednesday, 29 August 2018, Sydney, New South Wales

- AGAR, Ms Sarah, Head of Campaigns and Policy, CHOICE
- BATTISTESSA, Ms Nicole, General Manager, Nestle Purina PetCare Australia
- BEKTASH, Dr Roger, Director, Scientific and Regulatory Affairs, Mars Petcare Australia
- BENNETT, Mr Andrew, President, Australian Renderers Association
- KING, Mr Dennis, Executive Officer, Australian Renderers Association
- LANG, Ms Michelle, Quality and Regulatory Affairs Manager, Nestle Purina PetCare Australia
- LANG, Ms Michelle, Quality and Regulatory Affairs Manager, Nestle Purina PetCare Australia
- LONSDALE, Dr Tom, Private Capacity
- MALIK, Dr Richard, Private Capacity
- MANSFIELD, Associate Professor Caroline, Private capacity
- MARTIN, Dr Robyn, Assistant Secretary, Animal Health Policy Branch, Department of Agriculture and Water Resources
- MAY, Mr Peter, General Manager, Food Safety and Corporate, Food Standards Australia New Zealand
- O'SULLIVAN, Mr Barry, General Manager, Mars Petcare Australia
- SPOONCER, Mr William (Bill), Technical Consultant, Australian Renderers Association
- STUART, Ms Margaret, Head of Corporate and External Relations, Nestle Australia
- TURNER, Ms Erin, Director, Campaigns and Communications, CHOICE

