

Senate Community Affairs Committee

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2010-2011, 20 October 2010

Question: E10-008

OUTCOME 1: Population Health

Topic: LABELLING OF GM FOODS

Written Question on Notice

Senator Siewert asked:

Do FSANZ and the ACCC apply the same requirements for honesty, fairness and equivalence to the labelling of GM and GM-free foods?

Answer:

FSANZ is responsible for developing and maintaining food standards within the *Australia New Zealand Food Standards Code* (the Code), including requirements for labelling of GM foods. Section 18(1) of the *Food Standards Australia New Zealand Act 1991* requires FSANZ to consider its third order objective 'the prevention of misleading or deceptive conduct' when developing or reviewing food regulatory measures. FSANZ does not enforce the Code.

In Australia, the Code is enforced by State and Territory Government agencies and, in relation to imports and exports, by the Australian Quarantine and Inspection Service. The provisions of the Code must also be read in conjunction with other applicable laws such as the State and Territory Fair Trading Acts and Food Acts. These Acts contain provisions governing representations about food that are misleading or deceptive.

Representations about food such as 'GM-free' or 'non-GM' are subject to the Trade Practices Act 1974 (TPA) as administered by the Australian Competition and Consumer Commission. The TPA prohibits businesses from engaging in false or misleading activities.