

ANSWERS TO ESTIMATES QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

Supplementary Budget Estimates 2010-2011, 20 October 2010

Question: E10-009

OUTCOME 1: Population Health

Topic: GM FOOD

Written Question on Notice

Senator Siewert asked:

Is there a double standard in applying zero tolerance for any inadvertent use of GM techniques or GM products during processing to foods labelled GM-free or GMO-free while, in contrast, not requiring GM labelling of infant formulas or other foods found by laboratory test to routinely contain GM soy or corn?

Answer:

The *Australia New Zealand Food Standards Code* (the Code) does not explicitly regulate the use of negative claims such as 'GM free' and 'non-GM'. Such claims are made voluntarily by food manufacturers and are subject to relevant fair trading laws in Australia and New Zealand which prohibit representations about food that are, or likely to be, false, misleading or deceptive. Under both Australian and New Zealand fair trading legislation, 'free' is interpreted to mean 'zero' and it is considered misleading to include a 'free' claim on a product containing a detectable quantity of a specified nutrient or substance.

In the Code, labelling provisions and exemptions apply only to GM foods that have been approved as safe. Where approved GM material is unintentionally present in a food, including infant formula, GM labelling is only required if the approved GM material is present in a quantity of more than 1% per ingredient in the final food.

If higher levels of approved GM food are detected in unlabelled foods, and present unintentionally, this would be an issue of compliance for enforcement agencies to consider.