

**Retailers and Manufacturers Liaison Committee Meeting (RMLC) 31  
Minutes and Actions  
Thursday 7 April 2016**

**The meeting opened at 10.00am**

**Item 1 and 2 Welcome, minutes and actions arising**

The Chair, Mr Steve McCutcheon (CEO FSANZ), welcomed participants to the meeting and noted that the actions arising from the previous meeting had all been completed.

Mr McCutcheon advised members about senior level staffing changes to FSANZ. The current organisation chart will be distributed to members.

<b>Action arising:</b> <b>FSANZ to circulate current organisation chart to the Committee</b>
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**Item 3 Food policy and regulations**

**Update from the Department of Agriculture and Water Resources**

Mark Phythian (Department of Agriculture and Water Resources) advised the committee that the Country of Origin Labelling reform had been agreed. There is a two year transition period and more information is available on the Department's website.

Members raised questions about the timing of a style guide and detail on the transition period. The Department advised the Committee to keep an eye on the website [www.industry.gov.au/cool](http://www.industry.gov.au/cool) and [business.gov.au](http://business.gov.au). A discussion was also held about possible additional engagement with industry to clarify aspects of the Information Standard. AFGC offered to assist with hosting such a meeting.

The Department is preparing to conduct a trial of a tiered FICA agreement where a subset of food is able to be imported under the agreement, with the remainder subject to the usual border inspection. An enhancement was required to the Integrated Cargo System to enable tiered FICAs, which was completed on 20 March 2016. Outcomes from the trial will support implementation of tiered FICAs.

Updates were also provided on coconut product testing for allergens; review of risk classified foods; and raw milk cheese trade.

The Department continues reviewing the testing of surveillance foods. During October 2015 testing of imported honey for evidence of sugar adulteration commenced. The Department is also progressing a review of antimicrobial testing of seafood with the focus on internationally farmed seafood.

The policy for a mandated requirement to declare the producers of food is coming into effect for all imported food. The Department is engaging with industry to roll out the policy on 1

June 2016 with the four digit tariff code being used as a basis to roll out the mandatory requirement progressively.

Recent food safety issues have highlighted the need to ensure that our imported food system provides a strong and flexible framework for managing food safety risks. To better inform the development of imported food reforms, the Department will be consulting with stakeholders to understand the potential impact of proposed reforms through a survey.

FSANZ and the AFGC expressed their ability to help promote the survey; FSANZ advised that it would publish the survey link in the next issue of Food Standards News.

**Action arising:**

- **FSANZ to publish survey link in next edition of Food Standards News.**
- **AFGC to discuss with the Department of Agriculture and Water Resources further face-to face-sessions for industry on country of origin labelling reform.**

**Update from the Department of Health**

Holly Jones (Department of Health) provided an update on:

- Front of pack labelling (health star rating)
- Health Food Partnership
- Low tetrahydrocannabinol (THC) Hemp as a Food
- An Australian Bureau of Statistics report on the consumption of added sugars in the population on 27 April 2016. Note: Members please note this report has now been released. Details at <http://bit.ly/1T4f2mA>
- Food Standards Australia New Zealand (FSANZ) Act Amendments
- Review of the 2006 Nutrient Reference Values
- Independent Review of Mandatory Fortification of Folic Acid and Iodine
- Marketing in Australia of Infant Formulas: Manufacturers and Importers Agreement
- Further details are available at [www.health.gov.au/maif](http://www.health.gov.au/maif).

Members noted their appreciation of the level of detail in the report and asked for a copy.

**Action arising: Department of Health to circulate the update report to the Committee.**

**Update from the Australian Food and Grocery Council (AFGC)**

Fiona Fleming (AFGC) advised that the food safety auditing project has been finalised. The report went to the Department of Industry and Food Innovation Australia Ltd (FIAL) and is on the FIAL website. The report found there was a lot of duplication and a big cost impost on industry. The next phase of the project will commence in May 2016, subject to final confirmation regarding funding.

The AFGC is updating the daily intake style guide. The updated version will go the AFGC Board in May before being publicly released.

The AFGC also advised that:

- a review of the Australian Consumer Law (ACL) consultation is due at the end of May 2016
- the Food and Grocery Code of Conduct comes in to effect on 1 July 2016
- the product information form is likely to move to a new platform
- Coeliac Australia was undertaking a Cochrane Review ahead of AFGC plans to submit a gluten free application to FSANZ. Once this has gone to the AFGC Board, the findings will be made public.
- the AFGC is considering updating its industry crisis management manual.

<b>Action arising:</b>	<b>Nil</b>
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#### **Item 4                   FSANZ Corporate Plan**

Steve McCutcheon (FSANZ) gave a presentation on the strategic directions of FSANZ's next (2016-17) Corporate Plan, noting that it was currently being considered by the FSANZ Board at the final approval stage. FSANZ advised the Committee that the Corporate Plan is reviewed annually and will be added as an agenda item at the next meeting for discussion.

<b>Action arising: FSANZ to circulate a copy of the presentation and place the Corporate Plan on the agenda for the next RMLC meeting.</b>
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#### **Item 5                   Food safety response activities**

##### **National response activities**

Amanda Hill (FSANZ) provided the committee with an update on FSANZ's national response activities. Resources have been developed including a simple infographic on responsibilities during a recall. (paper provided to members)

##### **Food recall statistics**

FSANZ advised that 28 recalls had been conducted between 1 January 2016 and 30 March 2016, predominantly for undeclared allergens and microbial contamination. Between 1 January 2015 and 31 December 2015, FSANZ coordinated 81 recalls, 39 of those recalls were for undeclared allergens.

##### **Food recall quick guide**

Following feedback at workshops with Safe Food Production Queensland and small dairy businesses, FSANZ has developed an infographic on recall response. This is aimed at SMEs, who have limited experience conducting a recall. The images provide information on what needs to be done, and by when. The guide will be available in A3 poster size print outs, and for download on the FSANZ website.

FSANZ is looking at revising the current draft of the food recall template for businesses to simplify the document.

The AFGC noted the template should be released as quickly as possible. In response, FSANZ indicated that is seeking to simplify the template before releasing it. The NSW Food

Authority (NSWFA) has also released a template which will be translated (see <http://www.foodauthority.nsw.gov.au/ip/recalls>).

Tony Beaver (FBIA) noted there were questions about recalls in a survey of importers and this would provide useful information.

### **Bi-National Food Safety Network**

FSANZ has coordinated 8 issues under the Bi-National Food Safety Network since 1 January 2016. Three of the issues were the result of food recalls including the Tripod lettuce recall and two have progressed to Multi-jurisdictional Outbreak Investigations (MJOI). In 2015, 11 issues were coordinated under the Bi-National Food Safety Network including the Hepatitis A in frozen berries and undeclared dairy in coconut milk products, both resulting in several recalls. (Attachment to be circulated)

### **Government-industry food incident forum**

The Food Incident Forum went live in February 2016 and FSANZ will be updating the national response landing page. At FSANZ's second National Food Incident Response Workshop on 8 December 2015, all participants supported the establishment of a government-industry group to discuss food incidents/issues.

The purpose of the Forum is for government and industry to share information and collaborate on key issues.

The rules of engagement will be in use for the next six months at which point FSANZ will seek comments and suggestions. FSANZ will formally review the rules of engagement at the next annual government-industry incident response workshop in the latter part of 2016.

The first issue to be considered was raised by the NSWFA and concerned an increase in *Salmonella* Saintpaul cases, particularly in South Australia, New South Wales, and the ACT.

Information was provided to members to circulate to their immediate networks and provide any data or information on possible sources of *Salmonella* Saintpaul; or information on product flows that may be common to SA and NSW. Members noted this was extremely useful to facilitate a calm and measured approach to dealing with such issues. There was discussion about this case as opposed to the handling of the lettuce recalls.

FSANZ encouraged the Committee to read the rules of engagement and advise their interest in participating in the Forum to Amanda Hill (FSANZ).

### **Coconut recalls**

FSANZ advised the Committee that it was working with the Department of Agriculture and Water Resources on the coconut recalls.

The Committee requested further information on statistics and figures for dairy in coconut milk, as well as information about FSANZ's role in coordinating and disseminating information. Amanda Hill (FSANZ) advised that the issues raised will be facilitated at a national discussion with regulators and the outcome of that discussion will be brought back to the RMLC meeting in October 2016.

There was also discussion about the need for a communication strategy on mandatory allergen labelling.

## **Food Safety Culture**

FSANZ advised that it is establishing a food safety culture landing page on its website with initial focus on what is meant by the term and key messages. This will be developed to include why and how to develop food safety culture; how it relates to food safety management systems and processes; how to measure it and importantly, what does a good food safety culture look like.

FSANZ advised that it would be communicating with businesses nationally regarding food safety culture and considering using the FSANZ website as a resource directed at government, industry and consumers.

**Action arising: FSANZ to circulate the food recall quick guide infographic and the food incident forum rules of engagement for feedback.**

## **Item 6 FSANZ Standards Matters**

### **Item 6.1 Labelling Review Recommendation 34 – review of mandatory labelling of irradiated food.**

Paper provided.

Lisa Katzer (FSANZ) advised that FSANZ is preparing a report on this review. Subject to Board approval, it will be provided to the Food Regulation Standing Committee (FRSC) for consideration. FRSC is expected to provide the review report to ministers in mid-2017.

A number of issues were raised by FSANZ including on the effects of the mandatory labelling requirement on business decisions. There was also discussion on the implications for retailers regarding consumer views about irradiated foods.

**Action – Nil**

### **Item 6.2 Labelling logic – update on all projects**

Jenny Hazelton (FSANZ) updated the committee on labelling review recommendation 12 that where sugars, fats or vegetable oils are added as separate ingredients in a food, the terms 'added sugars' and 'added fats' and/or 'added vegetable oils' be used in the ingredient list as the generic term, followed by a bracketed list (e.g., added sugars (fructose, glucose syrup, honey), added fats (palm oil, milk fat) or added vegetable oils (sunflower oil, palm oil). In response to this recommendation, the Forum asked FSANZ to undertake a technical evaluation and provide advice on the recommended changes to the ingredient list.

It was noted that FSANZ is progressing work on the technical evaluation and advice. FSANZ's work on this recommendation has included targeted consultation with industry and consumer and public health groups, estimation of industry labelling costs using an in-house labelling costs model (direct costs only) and the relevant findings of a consumer label survey which was conducted by Roy Morgan Research on behalf of FSANZ. FSANZ is currently analysing the data from the consumer label survey.

FSANZ expects to report on this recommendation to the FSANZ Board in June this year. Subject to the Board's approval, the report will then be submitted to the Food Regulation Standing Committee (FRSC) to provide advice to the Forum.

<b>Action</b> - Nil
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### **6.3 Health Claims update (European Union approved claims)**

Jenny Hazelton (FSANZ) provided a short update to the committee on 32 EU-permitted health claims that are currently, or have been assessed by FSANZ. Members were encouraged to check the FSANZ websites for updates on this work. See <http://www.foodstandards.gov.au/industry/labelling/Pages/healthclaimsapprovedintheEuropeanUnion.aspx>

Members also asked whether FSANZ was monitoring newly approved claims in the EU. In response, FSANZ indicated that it is monitoring new claims and will continue to do this but current work is limited to the 32 claims being assessed.

### **6.4 Nuts and Novels**

Jonathon Kite (FSANZ) advised the Committee the public comment period for the 1<sup>st</sup> Call for Submissions for Proposal P1024 – Review of the Regulation of Nutritive Substances and Novel Foods closed just before Easter 2016.

A preliminary examination of the comments received in submissions indicates that industry is supportive of introducing a self-assessment pathway to market for certain nutritive substances and novel foods. Government submitters were generally less supportive of the self-assessment pathway, noting a preference for additional regulatory oversight of such a process or for the FSANZ application process to be amended to incorporate a more streamlined approach to assessments.

A number of submitters requested additional targeted consultation with FSANZ before the 2<sup>nd</sup> Call for Submissions is prepared which FSANZ agreed to do.

### **6.5 Allergen labelling exemption communication**

Jane Allen (FSANZ) updated the Committee on P1031 – Allergen labelling exemptions noting there had been some confusion about the labelling implications, due to the reference of gluten in association with 20ppm.

FSANZ is developing a communication plan and communication messages to be disseminated around the time of gazettal.

FSANZ has engaged a number of stakeholders to help disseminate this information. A teleconference will be held in April or May to discuss the communication plan.

There was unanimous support from the Committee for this Proposal.

**Action arising: Jane Allen to disseminate communication resources to RMLC once drafts are finalised.**

## **6.6 Benzoate and Sulphites**

Paper provided.

Ben Sutherland (FSANZ) advised the Committee that FSANZ will be recommending abandoning this proposal at the next Board meeting.

**Action arising: FSANZ to collaborate with industry to provide future guidance and develop an action list to discuss projects/issues updates.**

## **6.7 3-monochloro-1,2- propanediol esters (3-MCPD esters) in food**

Paper provided.

Dr Glenn Stanley (FSANZ) advised the Committee that the presence of 3-MCPD esters in food was first reported in 2007, when high levels were found in edible oils and in fat-containing foods including infant formula.

FSANZ has liaised with the Australian Oilseeds Federation to raise awareness of this issue and kept a watching brief on any new information by the International Food Chemical Safety Liaison Group (IFCSLG).

The New Zealand Ministry for Primary Industries (NZ MPI) will be conducting a survey on levels of 3-MCPD esters in infant formula and also oils and for a range of other foods such as margarines. The survey aims to determine whether there is a risk for Australian and New Zealand consumers from consumption of 3-MCPD ester-containing foods. NZ MPI would like to see the survey up and running by June 2016.

There were questions from industry about guidance and deodorising steps to manage the levels. FSANZ confirmed that food technologists are looking at how to lower the levels.

**Action – FSANZ to circulate a summary table of international considerations on 3-MCPD esters.**

## **6.8 Acrylamide**

Paper provided.

Ben Sutherland (FSANZ) advised the Committee that the European Food Safety Authority (EFSA) has released their scientific opinion on acrylamide, published guidance documents and indicated that it intends to announce further risk management measures soon. The United States Food and Drug Administration (USFDA) has recently published its guidance for industry.

FSANZ will continue to encourage industry to reduce levels of acrylamide in processed foods, build awareness through the NZFGC and the AFGC, promote the use of the acrylamide toolbox for industry guidance and has jointly conducted an updated “AA in food” survey with NZ MPI with the draft results received this month.

FSANZ will continue to update the website with the latest information supplied by other regulatory agencies and provide further advice to consumers.

There was a comment from RMLC that the size of the problem needs to be identified and clear ways of making a difference defined if action is warranted. Any guidance would need to be practical and achievable for industry to implement.

In response, FSANZ indicated that it would consider the latest acrylamide guidance provided in other regions of the world and by specific food producers, such as the coffee manufacturers, infant food manufacturers and other relevant industry sectors.

Members also asked about dietary advice to consumers. The FSANZ website currently contains some advice

<http://www.foodstandards.gov.au/consumer/chemicals/acrylamide/Pages/default.aspx>.

This page is also being reviewed.

**Action** – FSANZ to advise the Committee if and when the European Commission proposes any regulatory measure for acrylamide.

## 6.9 Aluminium

Paper provided.

Ben Sutherland (FSANZ) informed the Committee that the concentrations of aluminium in foods and beverages in Australia were investigated as part of the first phase of the ATDS.

A review of the use of aluminium in the Australian diet was provided in 2013 by the AFGC, following a working group on aluminium, which found that companies are already using alternatives or are reducing levels of aluminium-containing food additives.

The review recommended that FSANZ consider aligning with international standards and implementing a risk management plan.

FSANZ advised that it would liaise with industry representatives to determine whether current permissions for aluminium-containing food additives in the Code are still appropriate for the established technological need; or if they could be decreased to lower dietary exposures, particularly for young children.

FSANZ will reactivate discussions with the NZFGC and the AFGC to further build awareness in industry and keep a watching brief on actions by other regulatory agencies updating their website accordingly.

**Action** – The Committee requested that an action list is drawn up after each meeting to discuss project/issue updates ensuring that they are followed up on and don't fall off the radar.

## 6.10 Update on the Review of A1090 – Voluntary Addition of Vitamin D to Breakfast Cereal.

Kim Crawley (FSANZ) advised the Committee that the Ministerial Forum had asked FSANZ to review the decision to approve an application for the addition of vitamin D to breakfast cereal. The Forum also provided FSANZ with a clarification statement to the Policy Guideline Fortification of Food with Vitamins and Minerals to assist in the Review.



FSANZ has requested information from industry on the products currently on the market that don't meet the NPSC. Although the completion date for this project was set for May 2016, FSANZ has received an extension and anticipates completing the review by November 2016.

**Action – Nil**

## **7. Science, information and emerging issues**

### **7.1 MRL activities**

Jacinta Dugbaza (FSANZ) advised the Committee that MRL Proposal M1011 has been completed and approved, and is anticipated for gazettal in mid-May 2016 if no review is requested by Ministers.

The committee was also informed that an updated version of the guide for submission of requests for MRL harmonisation was published on the FSANZ website in February 2016.

FSANZ advised that there was a call for requests for the 2016 MRL harmonisation program in February 2016. Submissions will close on 29 April 2016. So far, one request for 5 chemicals has been received. After the closing date, FSANZ will consider the requests, prepare the proposal and release a call for submissions in November 2016 with a four week period for public consultation. FSANZ anticipates final approval by the Board in early March 2017.

FSANZ also updated the Committee on Proposal P1027 – Managing low level agvet chemicals without MRLs. The second Call for Submissions report for P1027 will be released for public comment by the end of April 2016. FSANZ's approval report is expected to be considered by the FSANZ Board in mid-October 2016, if approved and no review is requested by Ministers, it will be gazetted by the end of 2016.

Members asked whether the issue of concentrated juices had been considered given the MRL levels would be too high in the concentrate but not the juice as made up. FSANZ noted this had been identified as an issue.

**Action – Nil**

### **7.2 Packaging**

Dr Barbara Butow (FSANZ) updated the committee on the packaging proposal (Proposal P1034) examining the migration of chemicals from packaging into food.

FSANZ's analysis indicated that most chemicals used to produce food packaging would not be expected to pose a public health and safety concern, predominantly because of their low levels of migration into food.

Two phthalates were identified for further work and a survey on these will be undertaken. FSANZ is planning to release a 1<sup>st</sup> Call for Submissions in May. FSANZ encouraged feedback from the Committee to the questions posed in the call for submissions to enable them to form a considered appropriate risk management approach.

**Action – Nil**

### **7.3 Nanotechnology**

Dr Barbara Butow updated the Committee on FSANZ's work on nanotechnology. In late 2014, FSANZ sought expert scientific opinion on the use and safety of nanotechnologies in relatively insoluble food additives and in food packaging.

Two reports were commissioned:

1. Investigation on whether there is scientific evidence to support the potential application of nanotechnologies to existing food additives (in Standard 1.3.1 of the Code) and whether this poses a risk to public health and safety, following oral ingestion in foods.
2. A study of the potential effects of nanotechnologies on the safety of food packaging due to the migration of nanomaterials into food.

The reports are expected to be published on the FSANZ website by mid-2016.

**Action – Nil**

### **7.4 Science Strategy**

Katinka Mitchell (FSANZ) updated the Committee on the progress of the Science Strategy 2015-2019.

FSANZ advised that the new strategy is simpler and more concise than previous editions, and is aligned more closely to the FSANZ Corporate Plan.

The strategy focuses on three key strategic areas which contribute to the aim of advancing scientific capabilities, tools and partnerships.

**Action – FSANZ will send a link to the RMLC once the Science Strategy is available on the FSANZ website. (Action Completed – 12 April 2016)**

### **7.5 BSE**

#### **Paper provided**

Steve Crossley (FSANZ) updated the Committee on the BSE country assessments undertaken by FSANZ on behalf of the Australian Government.

The BSE assessment for Japan had been completed, resulting in a category one classification. An in-country inspection in Sweden had also been completed with a draft assessment report written.

**Action – Nil**

## 8. Communications Update

Lorraine Haase (FSANZ) advised the Committee that FSANZ is close to reaching 20,000 followers on social media.

FSANZ advised that it is taking a more hard line approach when responding to issues that are misleading and may cause unnecessary angst to consumers i.e. PA's in honey and the shelf life of eggs.

The Committee members commended FSANZ's response on these issues and advised that they were helpful.

**Action – Nil**

## 9. Industry Matters

Melissa Hodd (FoodstuffsNZ) advised the Committee that the new Food Act for New Zealand came into effect on 1 March 2016.

## 10. Other business

Steve McCutcheon (FSANZ) advised the Committee of the upcoming 20<sup>th</sup> anniversary of the Australia and New Zealand Food Treaty and FSANZ's 25<sup>th</sup> Anniversary. The 20<sup>th</sup> anniversary event will be held on 1 July 2016 in Wellington and the 25<sup>th</sup> anniversary event in Canberra from 17-19 August 2016.

Committee members were invited to attend the two day symposium in Australia and the one day event in New Zealand. Details at <http://www.foodstandards.gov.au/about/Pages/Celebrating-25-years-of-food-standards-setting.aspx>

**Action – Nil**

## Next meeting

**TBC**

## Attendees:

FSANZ: Steve McCutcheon (CEO), Peter May, Lorraine Haase, Lucinda Barlow, Amanda Hill, Jenny Hazleton, Lisa Katzer, Jonathon Kite, Ben Sutherland, Glenn Stanley, Kim Crawley, Jacinta Dugbaza, Barbara Butow, Steve Crossley, Jane Allen, Katinka Mitchell.

Australian Department of Health: Holly Jones

Australian Department of Agriculture and Water Resources: Mark Phythian

AFGC: Fiona Fleming

Parmalat Australia Ltd: Kim Staples

Australian Beverages: Colin Felder, Geoff Parker

Lion: Bree Pagonis

Dairy Australia: Helen Mair, Julie Iommi

Coles: Andrea Currie

Woolworths: Marianne Tegel

Unilever: Lucy Briscoe

FoodStuffsNZ: Melissa Hodd

Nestle: Stephanie Rajczyk

Food and Beverage Importers Association: Tony Beaver

**Apologies:**

Retail Kiwi: Fiona Mulder, Greg Harford

Coles: James Whittaker

NZFGC: Katherine Rich

Metcash: George Passas

Fonterra: Sarah Counsell

AI Group: Jennifer Thompson

Mars Food Australia: Anne Porta