COVER SHEET FOR SUBMISSIONS

REVIEW OF FOOD LABELLING LAW AND POLICY

This completed form must be included with your submission. If completing by hand, please ensure your writing is clear and legible.

DETAILS FOR PUBLICATION	
Individual name/group name/organisation name for publication on the website	

CONTACT DETAILS	
We need to collect your contact details should further information or clarification be required on your submission. Contents of your submission may be included in subsequent publications. Please provide at least one contact address. If you are making a submission for a group or organisation, please provide contact information for one member of your group or organisation.	
Title	
First Name	
Surname/Family Name	
Postal Address	
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INTERNET PUBLICATION	
Please tick this box if you wish for your submission to remain confidential and **do not consent** to having your submission published on the internet.	
If you wish for only parts of your submission to remain **confidential** and not be published on the website, please outline the confidential sections clearly below (with page numbers where possible). If you wish for only parts of your submission to be treated as confidential, it would be appreciated if you could provide the confidential parts of your submission as a separate document.	

ANONYMITY	
Please tick this box if you want your submission to be treated as anonymous and you **do not consent** to having your name, or the name of your organisation, published on the internet with your submission.	

THIRD PARTY PERSONAL INFORMATION	
Please tick this box if your submission contains **personal information of third party individuals.**	

EVIDENCE OF CONSENT	
You should not include personal information about a third party unless you are able to provide evidence of written consent. Please tick this box if you have **attached evidence of written consent**.	

SUBMISSION GUIDELINES

Cover sheet

1. Submissions lodged by email or post must be accompanied by an attached cover sheet. The cover sheet will require you to provide:
   a) the name for publication for the submission;
   b) your contact details should further information or clarification be required;
   c) whether you wish for your submission to be confidential or anonymous;
   d) whether your submission contains third party information relating to individuals;
   e) evidence of consent if your submission contains third party information.
2. Submissions lodged online will also require you to provide the information requested in the cover sheet.
3. Please note that anonymity and confidentiality are not automatic and are possible only through negotiation with the Secretariat.

Lodgement of submissions

4. Submissions may be lodged via:

Online:	www.foodlabellingreview.gov.au
Email:	FoodLabellingReview@health.gov.au
Post:	MDP 150, GPO Box 9848 Canberra ACT 2601

Format of submissions

5. Submissions should be clearly marked 'Submission'.
6. Submissions sent via post must be either typed or written clearly in black ink on A4 paper.
7. Submissions lodged via email must be in Microsoft Word (DOC), Rich Text Format (RTF) or Portable Document Format (PDF).

Acknowledgement of submissions

8. You can confirm receipt of submissions by contacting the Review Committee Secretariat via email FoodLabellingReview@health.gov.au

Release/Publication of Submissions

9. The majority of submissions will be made available on the Review website and may be referred to in the Review Committee's report, along with the author's name and relevant state, unless confidentiality has been negotiated with the Secretariat.
10. Submissions received via post will be available in PDF on the Review website.
11. If you have concerns in having your name published on the internet or if you wish to make a confidential submission, please contact the Secretariat.

Privacy

12. The personal information collected will be used for the purposes of informing the Food Labelling Law and Policy Review Committee of your views regarding the review of food labelling law and policy.
13. If a submission contains information relating to a third party individual, the author of the submission is taken to have obtained the expressed and informed consent of the relevant third party.

Discretion of Review Committee to refuse to publish material

14. The Review Committee reserves the right to refuse to publish submissions, or parts of submissions, which contain offensive language, potentially defamatory material or copyright infringing material.

Conditions of submission

15. By making a submission, you will be taken to have read, understood and agreed to all conditions set out in this guidelines document.

Q1. To what extent should the food regulatory system be used to meet broader public health objectives?

Q2. What is adequate information and to what extent does such information need to be physically present on the label or be provided through other means (eg education or website)?

Q3. How can accurate and consistent labelling be ensured?

Q4. What principles should guide decisions about government intervention on food labelling?

Q5. What criteria should determine the appropriate tools for intervention?

Q6. Is this a satisfactory spectrum for labelling requirements?

Q7. In what ways could these misunderstandings and disagreements be overcome?

Q8. In what ways can food labelling be used to support health promotion initiatives?

Q9. In what ways can disclosure of ingredients be improved?

Q10. To what extent should health claims that can be objectively supported by evidence be permitted?

Q11. What are the practical implications and consequences of aligning the regulations relating to health claims on foods and complementary medicine products?

Q12. Should specific health warnings (e.g., high level of sodium or saturated fat per serve) and related health consequences be required?

Q13. To what extent should the labelling requirements of the Food Standards Code address additional consumer-related concerns, with no immediate public health and safety impact?

Q14. What criteria should be used to determine the inclusion of specific types of information?

Q15. What criteria should determine which, if any, foods are required to have country of origin labelling?

Q16. How can confusion over this terminology in relation to food be resolved?

Q17. Is there a need to establish agreed definitions of terms such as ‘natural’, ‘lite’, ‘organic’, ‘free range’, ‘virgin’ (as regards olive oil), ‘kosher’ or ‘halal’? If so, should these definitions be included or referenced in the Food Standards Code?

Q18. What criteria should be used to determine the legitimacy of such information claims for the food label?

Q19 In what ways can information disclosure about the use of these technological developments in food production be improved given the available state of scientific knowledge, manufacturing processes involved and detection levels?

Q20. Should alcohol products be regulated as a food? If so, should alcohol products have the same labelling requirements as other foods (i.e., nutrition panels and list of ingredients)? If not, how should alcohol products be regulated?

Q21. Should minimum font sizes be specified for all wording?

Q22. Are there ways of objectively testing legibility and readability? To what extent should objective testing be required?

Q23. How best can the information on food labels be arranged to balance the presentation of a range of information while minimising information overload?

Q24. In what ways can consumers be best informed to maximise their understanding of the terms and figures used on food labels?

Q25. What is an appropriate role for government in relation to use of pictorial icons on food labels?

Q26. What objectives should inform decisions relevant to the format of front-of-pack labelling?

Q27. What is the case for food label information to be provided on foods prepared and consumed in commercial (e.g., restaurants, take away shops) or institutional (schools, pre-schools, worksites) premises? If there is a case, what information would be considered essential?

Q28. To what degree should the Food Standards Code address food advertising?

Q29. In what ways can consistency across Australia and New Zealand in the interpretation and administration of food labelling standards be improved?

Q30. In what ways can consistency, especially within Australia, in the enforcement of food labelling standards be improved?

Q31. What are the strengths and weaknesses of placing the responsibility for the interpretation, administration and enforcement of labelling standards in Australia with a national authority applying Commonwealth law and with compatible arrangements for New Zealand?

Q32. If such an approach was adopted, what are the strengths and weaknesses of such a national authority being an existing agency; or a specific food labelling agency; or a specific unit within an existing agency?

Q33. If such an approach was adopted, what are appropriate mechanisms to deal with the constitutional limits to the Commonwealth's powers?

Q34. What are the advantages and disadvantages of retaining governments' primary responsibility for administering food labelling regulations?

Q35. If a move to either: self regulation by industry of labelling requirements; or co-regulation involving industry, government and consumers were to be considered, how would such an arrangement work and what issues would need to be addressed?

Q36. In what ways does such split or shared responsibility strengthen or weaken the interpretation and enforcement of food labelling requirements?

Q37. What are the strengths and limitations of the current processes that define a product as a food or a complementary medicine?

Q38. What are the strengths and weaknesses of having different approaches to the enforcement of food labelling standards for imported versus domestically produced foods?

Q39. Should food imported through New Zealand be subject to the same AQIS inspection requirements?

Review of Food Labelling Law and Policy

Terms of Reference

Preamble

The Council of Australian Governments (COAG) has agreed that the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council) undertake a comprehensive review of food labelling law and policy using an evidence based approach and without compromising public health and safety. The Ministerial Council has agreed to the review being independent.

In Australia, all three tiers of government have a role in the administration or enforcement of food labelling law. Food labelling policy and standards are also shared with New Zealand under Trans-Tasman treaty arrangements.

Through COAG, all Australian governments have committed to regulatory reform to create a seamless national economy, reduce the regulatory burden without compromising public health and safety and maintain or increase the competitiveness of Australian businesses.

As part of its prevention stream of work in the health policy arena COAG has also agreed to tackle the burden of chronic disease, which raises issues of relevance to the food regulatory system.

Context

For the purposes of this review, the term “food labelling” includes information, representations and claims about food that are, or could be, regulated under the Australia and New Zealand Food Standards Code or consumer protection laws.

Laws with respect to food labelling serve a number of important policy purposes. There are a number of different policy drivers impacting on food labelling laws.

Food labelling supports, among other things, the policy objectives of public health and safety and enabling consumers to make informed choices. Examples of labelling requirements aimed at safety include ‘use by’ dates and requirements for disclosure of allergens. Food labelling provides information designed to inform nutritional choices (nutrition information panels). In some cases, labelling has been used to provide information in response to consumer demand (e.g., labelling of genetically modified foods). Some labelling requirements have been imposed to enable product identification and facilitate traceability.

There are also diverse demands for labelling laws from consumer, public health and food industry stakeholders.

The policy drivers differ for laws imposing mandatory labelling requirements (which are usually sought by consumer or public health stakeholders), or standards creating voluntary labelling permissions (which are usually sought by industry - e.g., to make product claims).

There are tensions between the varying objectives sought to be achieved from food labelling laws by the different stakeholders in the food regulatory system.

Calls are regularly being made for new labelling requirements to address a range of issues of concern to diverse groups within the community. Increasingly these do not relate to the characteristics of the food itself, but are about food production systems or attributes.

However, all food labelling requirements impose costs. Therefore it is important that all food labelling laws –

(i) are evidence based and effective at achieving their policy purpose;

(ii) do not impose unjustifiable regulatory burdens on business; and

(iii) are capable of being enforced in an effective, proportionate and consistent manner.

There is a finite amount of information on labels that people can absorb. Poorly designed labels can confuse rather than assist consumers. There is also a finite amount of information that can reasonably be included on food packaging.

At present, each request for change to food labelling standards is assessed on a case by case basis. There is no process for examining the cumulative burden and cost of incrementally increasing labelling requirements.

There is limited scope within the food regulatory system for innovative approaches to labelling issues. Food regulators currently have a very limited range of enforcement tools which makes proportionate enforcement of labelling requirements difficult to achieve.

A stated objective of food laws is to prevent misleading or deceptive conduct in relation to food. The prevention of misleading or deceptive conduct is also an objective of general consumer protection laws. There is overlap between these two areas of law.

Both business and consumer stakeholders have voiced concern about variation in enforcement of food labelling laws across jurisdictions.

Matters for Review

The review panel will be required to:

1. Examine the policy drivers impacting on demands for food labelling.
2. Consider what should be the role for government in the regulation of food labelling. What principles should guide decisions about government regulatory intervention?
3. Consider what policies and mechanisms are needed to ensure that government plays its optimum role.
4. Consider principles and approaches to achieve compliance with labelling requirements, and appropriate and consistent enforcement.
5. Evaluate current policies, standards and laws relevant to food labelling and existing work on health claims and front of pack labelling against terms of reference 1-4 above.
6. Make recommendations to improve food labelling law and policy.