

Application 1254

Rosemary extract as a food additive – extension of use – NSW Submission

General Procedure – 1st Call for Submissions

NSW Food Authority appreciates the opportunity to comment on Application 1254 (A1254) – Rosemary extract as a food additive – extension of use. The submission does not represent a NSW Government position, which will be a matter for the NSW Government should notification be made by the FSANZ Board to the Food Ministers' Meeting.

Use of rosemary extract in products containing raw meat

NSW Food Authority supports FSANZ's proposal not to permit the use of rosemary extract as a food additive in raw ground poultry (unprocessed), to be consistent with the current approach in the Code, as explained by FSANZ below:

Food additives are not generally permitted to be used in unprocessed raw meat, with the exception of sodium acetate in poultry. The use of antioxidants in raw meat may preserve the colour and texture of the raw meat and disguise the effects of spoilage from microbial growth. (CFS document page 8)

NSW Food Authority would appreciate further commentary from FSANZ on the rationale for permitting the use of rosemary extract in '*fermented, uncooked processed comminuted meat products*' and '*sausage containing raw, unprocessed meat*'. Such meat products may contain raw meat including ground poultry. Although noting permissions already exist for the use of rosemary extract in some meat products, NSW Food Authority queries if the use of rosemary extract in these specific raw meat products may also result in disguising the effects of spoilage from microbial growth.

Restriction of the use of rosemary extract

The proposed new sections 1.3.1—7 and 1.3.1—8 would restrict the use of colourings and flavourings containing rosemary extract in food as ingredients and the presence of carry-over rosemary extract resulting from use. The new table to section S15—6 would specify foods to which colourings and flavourings containing rosemary extract can be added, and clarify the levels rosemary extract can be present in final foods regardless of the source.

NSW Food Authority notes this is a new approach in food additive regulation in the Code. For any other food additive permissions, carry-over of food additives from a raw material or an ingredient are permitted in any food¹ in accordance with subsection 1.3.1—3(2), even if the use of the food additive in the food is not explicitly permitted.

NSW Food Authority notes that rosemary extract is a food additive with ADI of 0 – 0.3 mg/kg bw. Based on FSANZ's dietary exposure assessment that showed potential high consumer

¹ NSW Food Authority notes Proposal P1028 — Infant formula is considering the amendment of subsection 1.3.1—3(2) to insert '(other than an infant formula product)' after 'any food'.

exposure to rosemary extract, NSW Food Authority considers the proposed approach is justified and supported.

NSW Food Authority requests FSANZ clarify if the presence of carry-over rosemary extract from a raw material or an ingredient other than colourings and flavourings is permitted in accordance with subsection 1.3.1—3(2). For example, with no permission to use rosemary extract in '*fish and fish products*' in the draft sections S15—5 or S15—6, would the use of breadcrumb containing rosemary extract to manufacture crumbed fish products be permitted? In this example the use of rosemary extract as a food additive in its own right or the use of a colouring and flavouring containing rosemary extract in '*fish and fish products*' would be prohibited, however, the draft is unclear about the presence of carry-over rosemary extract from a raw material or an ingredient other than colourings and flavourings.

Furthermore, NSW Food Authority suggests reviewing the proposed MPL for '*vegetable protein products*' at approval. Whilst no permission for direct use of rosemary extract in '*vegetable protein products*' is proposed in the table to S15—5, the proposed MPL in the table to S15—6 for '*vegetable protein products*' is 40 mg/kg. FSANZ's dietary exposure assessment used 10 mg/kg of rosemary extract in vegetable protein products (see table A4 of SD).

Lastly, NSW Food Authority suggests inserting column numbers in the table to the draft section S15—6. Despite reference to the column numbers in the draft sections 1.3.1—7 and 1.3.1—8, the table has no column numbers.

ENDS

The views expressed in this submission may or may not accord with those of other NSW Government agencies. The NSW Food Authority has a policy which encourages the full range of NSW agency views to be submitted during the standards development stages before final assessment. Other relevant NSW Government agencies are aware of and agree with this policy.

Dated as 13 December 2023