

4-07

8 August 2007

FIRST REVIEW REPORT

APPLICATION A512

DEFINITION OF MEAT PIES

For Information on matters relating to this Assessment Report or the assessment process generally, please refer to <http://www.foodstandards.gov.au/standardsdevelopment/>

Decision

FSANZ re-affirms the decision to amend the definition of meat pies in Standard 2.2.1 – Meat and Meat Products to replace the minimum level for meat at 25% with a minimum level for meat flesh at 25%.

Summary Table**Issues addressed in the First Review of Application A512 – Definition of Meat Pies**

MINISTERIAL COUNCIL ISSUE	FSANZ RESPONSE
<p>Not consistent with the objectives of the legislation which establishes FSANZ</p> <p>The principles underlying the development of the <i>Australia New Zealand Food Standards Code</i> (the Code) was to permit innovation and enable consumer choice. Currently the Applicant can voluntarily market or advertise their products with the nutrition properties and ingredients without refining the definition of meat pies.</p>	<p>Amending the meat pie definition in line with the Application does meet the objectives that underlie the Code. That is, it assists consumers to make informed choice, since it requires what consumers would expect to be the minimum definition of a meat pie, and it will help to prevent misleading or deceptive conduct.</p>
<p>Does not protect public health and safety</p> <p>The Applicant’s rationale for seeking the change from ‘meat’ to ‘meat flesh’ in the meat pie definition is that it would ensure a higher quality product. However no evidence is provided to support this position.</p> <p>What is proposed is a quality issue in a definition.</p> <p>There has not been any change in the maximum fat content of a pie, so it is possible that with the amendment a meat pie could still contain the fat content as before and be no healthier. There is the concern that consumers will be misled about the overall nutritional value of meat pies.</p>	<p>The Application does not specifically address public health and safety. However, requiring meat pies to contain a minimum of 25% meat flesh compared to meat will benefit consumers in the opinion of CHOICE. The change may address a consumer issue that arises in the media on a regular basis: the perception that meat pies contain offal, gristle and any type of meat and are nutritionally compromised. Changing the definition of meat pies relating to fat requirements is not considered relevant and is outside the scope of the Application.</p> <p>The main justifications for the Application relate to other FSANZ section 18 objectives, being the provision of adequate information to enable consumers to make informed choices and to prevent misleading and deceptive conduct.</p>

MINISTERIAL COUNCIL ISSUE	FSANZ RESPONSE
<p data-bbox="188 230 630 264">Difficult to enforce or comply with</p> <p data-bbox="188 297 767 499">The Code defines meat flesh as skeletal muscle, whereas meat is defined as any part of the whole carcass. It will be very difficult to determine analytically where the meat content of pies have been sourced from, i.e. skeletal muscles or from other parts of the animal carcass.</p>	<p data-bbox="812 297 1394 633">FSANZ has been assured that the issues with conducting an analysis of meat in meat pies will be the same whether the definition refers to meat or meat flesh. The analytical method, assumptions, calculations and uncertainties in the method will also be the same. However, FSANZ also notes that the compositional requirement for sausage also uses the term meat flesh. It seems reasonable that if the term is acceptable for sausages it should be acceptable for meat pies.</p>

1. Introduction

On 16 May 2007, the Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) requested a First Review of Application A512 – Definition of Meat Pies.

Application A512 is an Application received by Food Standards Australia New Zealand (FSANZ) from Mrs Mac’s Pty Ltd, seeking to amend the meat pie definition in Standard 2.2.1 – Meat and Meat Products of the *Australia New Zealand Food Standards Code* (the Code).

The amendment sought was to change the meat pie definition from:

‘**meat pie** means a pie containing no less than 250 g/kg of meat’

to

‘**meat pie** means a pie containing no less than 250 g/kg meat flesh’.

The justification for the proposed amendment by the Applicant was to ensure meat pies contain a minimum level of meat flesh and to help prevent reported fraud and deception in the industry. The Applicant sought the change to reduce claims about perceived poor practices and to assist to limit the criticism their industry often receives in the press about their products. The Applicant had received wide industry support from pie manufacturers for their proposed amendment as it was a positive move to further ensure a quality product is produced and for it to be perceived as such by consumers and the media.

2. Grounds for the Review Requested by the Ministerial Council

The Ministerial Council requested FSANZ review the definition of meat pies on three grounds, that:

- it is not consistent with the objectives of the legislation which establishes FSANZ;
- it does not protect public health and safety; and

- it is difficult to enforce or comply with in both practical or resource terms.

3. Background

Bakewell Foods Pty Ltd, now trading as Mrs Mac's Pty Ltd, lodged an Application with FSANZ on 3 September 2003 to vary the requirements of Standard 2.2.1 – Meat and Meat Products, in the Code.

The Applicant considered that the proposed variations would enhance the reputation of the meat pie manufacturing industry in the eyes of the consumer and believed this to be consistent with the objectives of the *Food Standards Australia New Zealand Act 1991* (FSANZ Act).

The Applicant contended that there would not be any negative impact as a result of the proposed changes nor any negative dietary impact. The Applicant stated that their own internal research demonstrated a concern by consumers with the content of meat pies and that there would be little consequence to margins, competition and employment from this Application.

It should be noted that this Application does not affect the naming of pies that are specifically named to indicate that they are different to a meat pie, such as a steak and kidney pie or a steak and onion pie.

There are no public health and safety issues arising from the request to change the definition of meat pies.

The FSANZ Board considered the Final Assessment Report for this Application in March 2007 and approved the change to the meat pie definition to incorporate 25% meat flesh.

4. Review on Grounds Requested by the Ministerial Council

4.1 Inconsistent with objectives which establishes FSANZ

The Ministerial Council raised the issue that the Application is not consistent with the principles that underlie the Code, which is to permit innovation and enable consumer choice through provision of information. The Ministerial Council stated that, under the current situation, as the Code exists today, the Applicant has the option to voluntarily advertise the nutritional properties and ingredients of their product (to reflect the Code amendment they are seeking from their Application). That is, manufacturers can contend that their meat pies contain meat flesh, or contains at least 25% meat flesh and if this is a true and accurate statement it would not be in breach of the current pie definition.

4.1.1 FSANZ response

The principles which underlie the establishment of the Code were developed by the Council of Australian Governments (COAG) in a set of Guidelines endorsed by COAG in 1995 and amended in 1997. These principles and guidelines are aimed to ensure that new standards do not impose excessive requirements on business, with the aim to achieve minimum necessary standards while taking into account economic, environmental, health and safety concerns.

The objective of the FSANZ Act is given in subsection 3 which is printed below.

The object of this Act is to ensure a high standard of public health protection throughout Australia and New Zealand by means of the establishment and operation of a joint body to be known as Food Standards Australia New Zealand to achieve the following goals:

- (a) a high degree of consumer confidence in the quality and safety of food produced, processed, sold or exported from Australia and New Zealand;*
- (b) an effective, transparent and accountable regulatory framework within which the food industry can work efficiently;*
- (c) the provision of adequate information relating to food to enable consumers to make informed choices;*
- (d) the establishment of common rules for both countries and the promotion of consistency between domestic and international food regulatory measures without reducing the safeguards applying to public health and consumer protection.*

This Application is seeking to ensure good consumer confidence in the quality of meat pies to meet goal (a) above in the objectives of the FSANZ Act.

In developing or varying a food standard, FSANZ is required by its legislation to meet three primary objectives which are set out in section 18 of the FSANZ Act. These are:

- the protection of public health and safety;
- the provision of adequate information relating to food to enable consumers to make informed choices; and
- the prevention of misleading or deceptive conduct.

In developing and varying standards, FSANZ must also have regard to:

- the need for standards to be based on risk analysis using the best available scientific evidence;
- the promotion of consistency between domestic and international food standards;
- the desirability of an efficient and internationally competitive food industry;
- the promotion of fair trading in food; and
- any written policy guidelines formulated by the Ministerial Council.

This Application does not raise public health and safety issues. The Applicant contends that the proposed amendment is consistent with the provision of adequate information relating to food to enable consumers to make informed choices. CHOICE (formerly the Australian Consumers' Association), in its submission to the Draft Assessment Report, contends that the proposed amendment is consistent with the second and third primary objectives above.

That is, CHOICE believes that ensuring meat pies must contain at least 25% meat flesh in place of the current requirement of at least 25% meat is positive, as it brings the definition more in line with consumer expectations and to help prevent fraud and deception.

Meat pie manufacturers can produce and market products whose specification is over and above the minimum requirements stipulated in the definition. However, the aim of the Application is to raise the minimum requirement that all pie manufacturers need to meet. The Applicant communicated with pie manufacturers who all supported the Application stating that the Application would not change their current practice. However, one submitter, George Weston Foods, on behalf of their New Zealand subsidiaries, did not support the proposed amendment, but stated the amendment would not cause their subsidiaries to make changes to their pie manufacturing practices or recipes as they already used a minimum of 25% meat flesh in their meat pies.

The Applicant, and the majority of meat pie manufacturers in Australia and New Zealand, wish to improve the public perception of their products, meat pies, which regularly attract negative press. The Applicant understands the proposed amendment will not prevent all future negative criticism occurring but they believe it will assist in alleviating overall criticism of their products and industry in the media.

4.1.2 Conclusion

Amending the meat pie definition in line with the Application does meet the objectives that underlie the Code. That is, it assists consumers to make informed choices, since it requires what consumers would expect to be the minimum definition of a meat pie, and it will help to prevent misleading or deceptive conduct.

4.2 Does not protect public health and safety

The Ministerial Council request for the review questions the Applicant's contention that 'meat flesh' in the meat pie definition provides a higher quality product than 'meat' and states that no evidence is presented to support this position. Further, it contends that the proposed amendment does not alter any other quality parameters, meaning that there is no subsequent change to include a maximum fat content of pies. It contends that if the new amendment is made then a meat pie could contain 25% 'meat flesh' but still have the same fat content as a pie containing 25% meat, making the final product no healthier than it used to be. There is a concern that consumers may be misled with regard to the overall nutritional value of meat pies.

4.2.1 FSANZ response

At both Draft and Final Assessment, FSANZ concluded that this Application did not address public health and safety issues. FSANZ contends that there are no public health and safety issues arising from this Application, while the Applicant contended, as part of their justification for the proposed amendment, that there would not be any negative impacts and specifically no negative dietary impacts.

Requiring that a meat pie must contain at least 25% meat flesh rather than 25% meat means that the quality of the ingoing ingredient for the pie filling should be improved.

This means there is less likelihood that meat that does not meet the definition of meat flesh can be allowed by the definition in 25% of the pie. Meat flesh is defined in the Standard as skeletal muscle while meat means any part of the carcass, so the proposed amendment will require the in-going meat to be sourced from skeletal muscle. Changing the definition of meat pies relating to fat requirements is not considered relevant and is outside the scope of the Application.

The main justifications for the Application are to address the other FSANZ section 18 objectives, to ensure consumers obtain what they would expect to be the minimum requirements of a meat pie. The specific objectives relate to the provision of adequate information to consumers to make informed choices and to prevent misleading and deceptive conduct.

4.2.2 Conclusion

The Application does not specifically address public health and safety. However, requiring meat pies to contain a minimum of 25% meat flesh compared to meat will benefit consumers in the opinion of CHOICE. The change may address a consumer issue that arises in the media on a regular basis: the perception that meat pies contain offal, gristle and any type of meat and are nutritionally compromised. Changing the definition of meat pies relating to fat requirements is outside the scope of the Application.

The main justifications for the Application relate to other FSANZ section 18 objectives, being the provision of adequate information to enable consumers to make informed choices and to prevent misleading and deceptive conduct.

4.3 Difficult to enforce or comply with

The Review request suggests that it would be very difficult analytically to determine whether the meat component of a pie was from skeletal muscles (i.e. meat flesh) or from other parts of the animal carcass (i.e. meat).

4.3.1 FSANZ response

FSANZ consulted with a consultant to the food industry¹ who had provided a submission on meat pie analysis to this Application, on this matter and have been assured that the issues with conducting an analysis of meat in meat pies will be the same whether the definition refers to meat or meat flesh. The analytical method, assumptions, calculations and uncertainties in the method will also be the same.

The current definition for sausages in Standard 2.2.1 also refers to meat flesh (in this case fat free meat flesh). Therefore, the issue raised in the Review request relating to the difficulty in enforcing a change from meat to meat flesh should also be applicable to the current regulation relating to sausages which also refers to meat flesh.

¹ Personal communication with Peter Bush of PB Bush & Associates

4.3.2 *Conclusion*

FSANZ has been assured that the issues with conducting an analysis of meat in meat pies will be the same whether the definition refers to meat or meat flesh. The analytical method, assumptions, calculations and uncertainties in the method will also be the same. However, FSANZ also notes that the compositional requirement for sausage also uses the term meat flesh. It seems reasonable that if the term is acceptable for sausages it should be acceptable for meat pies.

5. Options

There are three options proposed for consideration under this review:

1. reaffirm approval of the draft variation to Standard 2.2.1 of the Code ; or
2. reaffirm approval of the draft variation to Standard 2.2.1 of the Code subject to amendments as considered necessary by FSANZ; or
3. withdraw approval of the draft variation to Standard 2.2.1 of the Code.

6. Conclusion and Recommendation

The First Review concludes that the preferred option is Option 1, which is to reaffirm the decision at Final Assessment to amend the meat pie definition to replace the requirement for meat pies to contain no less than 25% meat with no less than 25% meat flesh.

ATTACHMENT

1. Draft variation to the *Australia New Zealand Food Standards Code*

Draft variation to the *Australia New Zealand Food Standards Code*

To commence: on gazettal

[1] *Standard 2.2.1 of the Australia New Zealand Food Standards Code is varied by omitting from clause 1 the definition of meat pie, substituting –*

meat pie means a pie containing no less than 250 g/kg of meat flesh.