

ACKNOWLEDGED      SCANNED

SUBMISSION – February 2011

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Submission to

Food Standards Australia New Zealand

in response to:

Proposal P1013  
CODE MAINTENANCE IX  
ASSESSMENT REPORT

February 2011

## Introduction

Having worked in the food industry for many years, I have a good understanding of the issues which face standards setting authorities, regulatory bodies and consumers.

While this Assessment Report should be just a correction of errors, some proposed changes can have greater impact than that foreseen by those preparing the changes. It is valuable that a wide range of respondents are canvassed for opinions to capture further inadvertent issues or errors before they themselves are enshrined in the regulations.

The following recommendations are in order to either improve the current regulations or to open the path to better communication which in turn will assist in improving regulations for the benefit of all stakeholders.

## Details

The comments below pertain only to those Issues which I believe require further consideration. For all other Issues I find are either acceptable or I do not have sufficient experience to make a comment. Included are responses to questions where I am able to make a contribution.

**Issue 25:** The definition of 'Use-by Date' refers to 'health and safety' reasons. This should refer to safety reasons only. According to the Oxford dictionary, 'safety' relates to hurt or injury whereas 'health' relates to well-being. If a food within its use-by is not normally injurious to a person's health, e.g. they are not allergic to it, then this condition will not change over the period for which it is available to be sold. However if the product could become injurious, for example it permits the growth of unacceptable organisms over a certain amount, then this can become a risk to the persons safety as it could then become a hurt. Clarification of this point within the Code, and indeed within the whole Food Policy will assist in making clearer Regulations. The recommendation is to use the word "Safety" only.

**Issue 29:** For the same reason as mentioned above for Issue 25, this Standard relates to product safety rather than health. The words 'health and' should be deleted. All the issues raised and the examples relate to product safety rather than any health impact.

**Issue 30:** For the same reason as mentioned above for Issue 25, this Standard relates to product safety rather than health. All the issues raised and the examples relate to product safety rather than any health impact. The words 'health and' should be deleted.

**Issue 40:** As this is an information issue rather than a health or safety issue then the Standard should be worded so that the expectation is that characterising ingredients above 5% will be declared to the nearest whole number, while those below 5% may be declared to the nearest 0.5%. This will take into consideration and not unnecessarily penalise imported products which are declared with differing levels of accuracy (and are therefore technically incorrect) but do not mislead within reasonable practical variation. Without recourse to manufacturing data, it is impossible to police the actual amount except in cases of gross errors, and hence requiring rather than recommending is unrealistic.

**QUESTION 3:** As indicated above (see under issue 40), the declaration of the amount of characterising ingredient should be written in terms of recommendations or expectations rather than an absolute requirement.

**Issue 43:** Having moved the definition of GMP to Standard 1.1.1, it would be helpful in Standard 1.3.1 to indicate that a definition exists and where it is.

**Issue 49a:** The heading in Schedule 1, item 1.4.1 should read "Cream, reduced cream and light cream" and not read "Cream, reduced cream and light cream)".

**Issue 56:** Removing the words "made up as directed" is inconsistent with other entries, but removing it changes the requirement in this section. This change requires the whole schedule to be assessed on the basis that the levels relate to either 'as consumed' or 'as sold'. At present there are quite a number of items for which this is not clear.

**Issue 71:** The response notes that "The absence of a definition of 'heavy metal' makes interpretation and compliance more difficult. There is no apparent reason for the high level of total heavy metals". Traditionally 'heavy metals' were determined analytically using the sulphide precipitation method which did not distinguish between the different heavy metals and was a test most basic laboratories could carry out. Today most laboratories (but not all) are able to determine metals individually, hence the reason for the change in specification.

## Contact Details

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**Seamons, Colleen**

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**From:** Allan Poynton [ninoxap@gmail.com]  
**Sent:** Thursday, 3 February 2011 1:14 PM  
**To:** submissions  
**Subject:** Proposal P1013 CODE MAINTENANCE FIX IX  
**Attachments:** AJP P1013 Assessment Response.doc

**Categories:** Blue Category

Dear FSANZ

Please find attached a submission relating to Proposal P1013 CODE MAINTENANCE FIX IX

Yours sincerely

Allan Poynton

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