

SCANNED

ACKNOWLEDGED

Seamons, Colleen

From: Sean Cauchois [sean@coralseafishing.com.au]
Sent: Tuesday, 18 January 2011 1:56 PM
To: submissions
Subject: P1013 Code Maintenance - Standard 1.3.3 processing aids
Attachments: IMG_0516.JPG; IMG_0539.JPG; Sea Best Grouper fillet with CO.JPG; Box End.jpg; Tuna Box End.jpg; QLD Health Protection Directorate NO CO directive December 2010 - 091210.pdf; FSANZ Report on Carbon monoxide Imports.pdf

Attention: Standards Management

ENTERED IN SMS / CDS
18 / 1 / 11

P1013 Code Maintenance - Standard 1.3.3 processing aids

There is a great deal of misinterpretation in the food industry with regards to standard 1.3.3, processing aids.

In this case the standard 1.3.3 needs clarity in relation to the Generally Permitted Processing Aid - Carbon Monoxide.

Whilst the paragraph section a) under Interpretation of the code, page 2 of 1.3.3 Issue 111 states; the substance is used in the processing of raw materials, foods or ingredients, to fulfil a technological purpose relating to treatment or processing, but does not perform a technological function in the final food. The association of this point and the table to clause 3 is not being linked and therefore it is open to misinterpretation.

Now it is widely known that treating raw meats, fish & other proteins with Carbon Monoxide fixes the colour. Many companies, both Australian Processors and Australian importers are trading in carbon monoxide treated product for the following reason;

- the individual simply reads page 2 of 1.3.3 Issue 111, point 3 on it's own where in the table to clause 3 under the Generally Permitted Processing Aid - and there it states carbon monoxide
- so the point is taken under the association that since it is listed under the heading Generally Permitted Processing Aids that it must be OK to use the said substance.

There needs to be more clarity for industry members, food importers etc to understand that Generally Permitted Processing Aids will perform technological functions. FSANZ needs to give further info / example in order that the average layman more clearly understands that these are not approved additives.

This has not affected food industry members or importers alone. Health Departments who act on this code have been unclear on the interpretation as well as AQIS field officers and management.

Please see attached examples of food labelled and treated with with Carbon monoxide - with a clear statement as to why it was used. Obviously there is a huge problem in interpreting this part of the code with respect to Generally Permitted Processing Aid

Take the instance of sushi tuna treated with Carbon Monoxide; affected market is all of the sushi bars, food distributors and eventually consumers. All are unaware that the fish has been treated with Carbon Monoxide since the point in case is misinterpreted. Therefore, the importer sometimes is not labeling the product as treated with Carbon Monoxide as it appears to be a Generally Permitted Processing Aid and not an additive that needs to be listed.

I have sought clarity from QLD Health Department, see attached. However, all states are dealing with

imported CO treated product in a different manner due to interpretation.

Potential problems;

1. masking inferior product by using carbon monoxide to fix / change colour
2. potentially hide histamine contamination which would have been clearly identified through simple organoleptic testing - had the product not been treated with CO
3. extends to meat industry, seafood industry plus others

Suggested action is;

1. explain more clearly when a processing aid becomes a food additive & is not permitted
2. explain what constitutes performing a technological function in the food, ie changes colour, etc
3. advise Health Departments and AQIS of the potential for misinterpretation and provide a more clear standard

Benefits are:

1. more clarity for consumers, regulatory authorities and industry bodies
2. reduces & removes contaminated Carbon monoxide treated product from Australia
3. overall impact reduces pressure on Health Departments, FSANZ, retailers etc through education which removes food contamination recalls & withdrawals
4. protects consumers

Cost;

1. no real cost to consumer
2. simply requires clarification by FSANZ in supporting AQIS & Health departments
3. huge saving to state health departments in reducing complaints and investigations where masked food has caused a health issue requiring a regulatory response

Example of companies trading in CO treated product due to misinterpreting the code:

FISH PORTIONS

Swordfish @ \$ 13.90

Tuna Steaks @ \$ 9.75

Tuna CO Treated @ \$ 14.90

Salmon Skinless @ \$ 20.00

Pricing for PALLET BUYS

Please advise us of any deals that we can do for your. We wish you Good Trading over the Festive period,

Regards,

Seafood Trading Manager, NSW & QLD

Please see attached supporting information.

I look forward to your response, please contact me if you require any further info.

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Regards,

Sean Cauchois
Coral Sea Fishing
Director & General Manager

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**Queensland
Government**

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File Ref: QCHO/002431

9 December 2010

Mr Sean Cauchois
Sales and Marketing
Coral Sea Fishing Pty Limited
PO Box 197
BUDDINA QLD 4575

Dear Mr Cauchois

Sale of CO treated fish in Australia

I refer to your telephone enquiry on 7 December 2010 regarding the sale in Australia of imported frozen fish which has been treated with carbon monoxide (CO) to promote colour retention or preserve natural colour.

I advise that the use of CO for this purpose performs the technological function of colour fixative i.e. stabilises, retains or intensifies an existing colour of a food. As such, it is a food additive under "Purpose" and Schedule 5 of Standard 1.3.1 of the *Australia New Zealand Food Standards Code* (the Code).

Since no permission exists in Category 9 (Fish and Fish Products) of Schedule 1 of Standard 1.3.1 of the Code for the addition of CO to fresh, frozen or thawed fish, the practice constitutes a breach of clause 2 of Standard 1.3.1 which generally prohibits the addition of food additives to food.

The sale of food that does not comply with a requirement of the Code that relates to the food is an offence under section 39(2) of the *Queensland Food Act 2006* (the Act) and carries a penalty of a maximum of 500 penalty units (\$50,000.00). The Code and Act can be accessed on the websites www.foodstandards.gov.au and www.legislation.qld.gov.au respectively.

The above interpretation of the Code is supported by the fact that a Public Notice was issued in 2006 by the National Fisheries Authority in Papua New Guinea advising companies involved in the

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use of CO in treating fish that CO incorporated into the product warrants that product being prohibited for export to Australia.

Please do not hesitate to contact me should you have further enquiries on the requirements of the Code or Act.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mark Hansen', with a long horizontal flourish extending to the right.

Mark Hansen
Senior Environmental Health Officer
Food Safety Policy and Regulation Unit