

27 September 2013

Food Standards Australia New Zealand
PO Box 7186
Canberra BC ACT 2610

Via email: submissions@foodstandards.gov.au

Dear Sir/Madam,

RE: Call for Submissions Proposal P1025 – Code Revision

This submission is made by PACT Group Pty Ltd in response to the Food Standards Australia New Zealand call for submissions on Proposal P1025 – Code Revision. It has been authorised at a senior management level to reflect the Company's position.

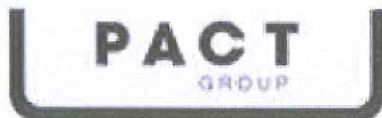
PACT Group is the leading supplier of rigid plastic and industrial metal packaging in Australia and New Zealand. The Company maintains a strong focus on innovation and sustainability.

Should you wish to discuss any of the issues outlined in this submission, please contact Ms Hilary Scott, Legal Counsel on (03) 8825 4124 or hilary.scott@pactgroup.com.au

We welcome the opportunity to provide a packaging Industry perspective on these proposals, and we look forward to continuing to work with Food Standards Australia New Zealand.

[Redacted Signature]

Legal Counsel



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Introduction

PACT Group Pty Ltd ("PACT Group") is the leading supplier of rigid plastic and industrial metal packaging in Australia and New Zealand. Our Company designs and manufactures a range of products used for food and beverage packaging including bottles, PET containers, trays, tubes, closure systems and other customised packaging solutions for branded consumer products as well as drums, pails, cans and intermediate bulk containers ("IBCs").

With more than 3,000 employees, PACT Group has a broad range of capabilities. We utilise in-house expertise alongside exclusive technology alliances and licensing arrangements with leading global packaging companies to deliver solutions for our customers. Environmental sustainability is a core focus of our business and is managed by a dedicated function within the business.

PACT Group services thousands of blue-chip clients every day across a wide range of industries including food, bakery, beverage, dairy, meat, fruit and vegetables as well as healthcare, household consumer and industrial chemicals.

We are committed to the development of packaging solutions that are safe, compliant, innovative and sustainable. We believe this is not only the expectation of our customers, but also of regulatory agencies and the general public.

Given our expertise in the area of food packaging, and our knowledge of emerging trends in consumer demand from our close work with thousands of clients, PACT Group welcomes this opportunity to provide feedback on the draft code from an industry perspective.

Executive Summary

PACT Group supports the overall intent and process of the review of the Australia New Zealand Food Standards Code ("the Code") to modernize the presentation of the Code in order to create an instrument that better meets the needs of a broad range of stakeholders in industry, commerce and enforcement.

PACT Group's interest and expertise lies in the area of food packaging, and this submission will address the remainder of its remarks to that issue (as canvassed at Part 3.2.13 of the Call for Submissions Summary Document)

PACT Group notes that as part of the review process, Food Standards Australia New Zealand ("FSANZ") is giving consideration to whether a need exists to establish specific requirements for food contact materials.

PACT Group believes the current regulatory framework is effective and the Company does not identify any specific issues requiring urgent attention that

would necessitate the establishment of new specific requirements for food contact materials.

PACT Group notes that other jurisdictions, including the USA, are currently developing and reviewing elements of their food packaging regulation. In order to maintain world's best practice, it may be appropriate to review trans-Tasman regulation in light of global policy development. However, PACT Group believes it would be prudent for FSANZ to await the outcome of such international reviews before embarking on a similar process in Australia and New Zealand.

PACT Group further notes that one issue currently under consideration in other jurisdictions is the use of Post Consumer Recyclate ("PCR") in the food contact layer of packaging. PACT Group does not support this measure at the current time, given the existence of alternative manufacturing technologies that enable the utilization of PCR to produce food packaging without the use of the material in the food contact layer.

PACT Group strongly believes that if any proposal to change the current regulatory regime for food contact materials were to proceed, it must involve broad industry and public consultation and ensure consumer safety is given the highest priority.

Code Review

FSANZ has prepared Proposal P1025 - Code Revision to revise the Australia New Zealand Food Standards Code in order to address issues identified through a legal audit and consultation with regulators.

Part 3.2.13 of the summary document prepared by FSANZ deals with the matter of Packaging Standards. As part of this process FSANZ is considering whether a need exists to establish specific requirements for food contact materials.

The matter is currently dealt with through the contaminants standard within the Code, Standard 1.4.3, and state, territory and New Zealand legislative requirements that food products and packaging materials be safe.¹ The relevant Australian Standard AS2070-1999 Plastic Materials For Food Contact Use sets out the requirements for a plastic to be considered food grade.

This Proposal does not propose to change the current regulation at this stage. PACT Group supports this position and supports the current regulatory regime.

As a company that combines in-house technical expertise and alliances with leading global packaging companies, PACT Group works at the cutting edge of packaging innovations and closely monitors global trends and developments in the sector.

¹ Call for Submissions – Proposal P1025 pp13-14 at <http://www.foodstandards.gov.au/code/proposals/Documents/P1025%20Code%20Revision%20CFS.pdf> Accessed 26 September 2013

PACT Group is aware of activity in other jurisdictions to develop a regulatory framework to control the use of Post Consumer Recyclate ("PCR") in food packaging, specifically to allow PCR to be present in the food-contact layer of packaging.

In particular, we note that the United States Food and Drug Administration ("FDA") is "currently developing a formal policy on the use of recycled plastics in contact with food"² In the interim, the FDA is providing ad hoc informal advice to producers of such material, with the caveat that advice may change subject to the outcomes of the policy development process.

PACT Group also notes the ongoing activities of the European Food Safety Authority ("EFSA") in the evaluation of recycled materials used in food packaging, as a result of European Commission Regulation No 282/2008 of 27 March 2008 on recycled plastic materials intended to come into contact with foods³, which requires EFSA to evaluate recycling processes of plastic waste.

As a company committed to innovation and sustainability, we understand that there is broad public and industry support for sustainable packaging including the use of PCR in packaging and the use of post-consumer packaging waste for other purposes.

We also understand that food safety is paramount. The appropriateness of materials in contact with food is an important consumer issue as molecules can transfer from the materials into food. It is essential that any potential transfer to foods does not raise safety concerns, change the composition of the food in an unacceptable way or have adverse effects on the taste and odour of foods.

A robust regulatory regime, like the framework currently in place in Australia and New Zealand, balances these principles of safety and sustainability.

Given policy and regulatory development work being undertaken in other jurisdictions, PACT Group believes it would be prudent for FSANZ to await the outcome of reviews currently underway, and to incorporate those outcomes into any future review process that considers the establishment of specific requirements for food contact materials.

² Submissions on Post-Consumer Recycled (PCR) Plastics for Food-Contact Articles at <http://www.accessdata.fda.gov/scripts/fcn/fcnNavigation.cfm?rpt=recyListing>
Accessed 26 September 2013

³ European Commission Regulation No 282/2008 at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:086:0009:0018:EN:PDF>
Accessed 26 September 2013

PACT Group strongly believes that any proposal to change the current regulatory regime must involve broad industry and public consultation and ensure public safety is given the highest priority.

Conclusion

PACT Group is broadly supportive of the Code Review process and its goal of modernizing the Code. However, we do not believe that the current regulation of food contact materials requires further amendment at this time.

If any such amendment were proposed in the future, it would need to be the subject of a broad consultation process to ensure that industry and consumers were able to provide adequate feedback.

We appreciate the opportunity to provide a submission and look forward to continuing involvement in this important consultation process.