

Submission to:
Food Standards Australia New Zealand

In response to:

PROPOSAL P1025 – CODE REVISION

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*"Sharing health and hope
for a better life"*

Table of Contents

Executive Summary.....	3
Introduction.....	3
General Discussion	4
Detailed Comments on the Proposed Code	4
Standard 1.1.1 Preliminary provisions – application, interpretation and general prohibitions	4
Standard 1.2.3 Mandatory advisory and warning statements.....	5
Standard 1.2.5 Date marking of packaged food.....	5
Standard 1.2.6 Directions for use and storage.....	5
Standard 1.2.8 Nutrition information requirements	6
Standard 1.2.10 Characterising ingredients	6
Standard 1.2.11 Country of origin requirements	7
Standard 1.3.2 Vitamins and minerals	7
Standard 1.5.1 Novel foods	8
Standard 1.5.2 Food produced using gene technology.....	8
Standard 1.6.1 Microbiological limits for food.....	9
Standard 2.1.1 Cereals and cereal products	9
Standard 2.5.1 Milk	9
Standard 2.8.1 Sugars.....	10
Standard 2.9.3 Formulated Supplementary Foods	10
Standard 2.9.5 Food for Special Medical Purposes.....	11
Comments on the Proposed Code Structure	11
Conclusions & Recommendations.....	11
Appendix 1. Packaging examples of plant-based ‘milks’	13

Executive Summary

Sanitarium supports any considered progress towards making the code clearer and more uniformly enforceable. Sanitarium notes that FSANZ's intention is that this proposal should not change the effect of provisions that impose requirements or obligations. Sanitarium has reviewed the most critical standards relevant to our company. This review highlighted some circumstances where the proposed code has deviated from the current code, along with definitions that may still be unclear, these areas included; changed definitions, missing definitions, unclear clauses, along with definitions that could impact on the market simply due to their increased enforceability. These key points of concern are dealt with in detail throughout the submission, and are summarised in the conclusion. The issues identified indicate that further consultation will be needed. Sanitarium suggests that further review of the code not be rushed so as to ensure that changes to the code are done right the first time.

Sanitarium considers that the goal of the proposal to improve legal efficacy can be achieved by largely retaining the current structure and numbering system of the code. Sanitarium has deep reservations regarding the proposed code structure, in particular the sequential numbering system and the relocation of short and relevant schedules from the main text to distantly located schedules. However, some of the proposed structures are recognised as helpful, namely a single location for all definitions that apply across the code and a central location for larger schedules that apply across the code.

Introduction

Preamble

Sanitarium Health and Wellbeing began in 1898 with the vision to help people 'learn to stay well'. Our mission is to **'inspire and resource our community to experience happy, healthy lives'**. We have been committed to this philosophy for over 100 years and it is the reason we exist today. Sanitarium also believes that good business is based on trust, respect and community involvement. Sanitarium has a strong history of educating the community about healthy eating and healthy lifestyles. All of Sanitarium's activities have twin goals in mind - to provide healthy foods that actively improve our community's health and well-being, and to offer easy-to-understand nutrition information and practical health advice.

Sanitarium Australia and Sanitarium New Zealand are owned and operated by Australian Health & Nutrition Association Limited and New Zealand Health Association respectively. We produce over 150 products and employ approximately 1700 people in our manufacturing and distribution sites throughout Australia and New Zealand.

Sanitarium welcomes the opportunity to comment on the development and evolution of the Australia & New Zealand Food Standards Code. We believe we can provide a unique perspective and give valuable suggestions into the food policy and standards development in Australia and New Zealand.

Information contained in this submission has been drawn from the experiences of Sanitarium, and contains no commercial-in-confidence material – unless otherwise highlighted.

General Discussion

The stated outcome for the code revision is to simply make the code more legally enforceable, not to change the intent of the code. On this basis the majority of our review is centred on whether the provisions of the proposed code either matched the current code in wording, or at least match the effective meaning if rephrasing was required.

In some circumstances, the meaning of the current code can be unclear; in these circumstances we have suggested revisions that would make the intent of the code clear.

The vast majority of the proposed code reviewed, was consistent with the current code in wording or intent. However, in some circumstances the proposed definition was significantly different (e.g. ingredient), or there was an error in the transcription of information (e.g. RDI for niacin). In other places, some clauses were missed entirely (e.g. 1.5.2 7 (e)). These deviations have occurred in an unpredictable manner across the code review. Therefore one cannot just sample a section of the code to verify that the transcription process has worked well, one has to go through all standards that may be relevant to the company in detail. Even with the extended timeframe for consultation, it has only been possible to review the most critical standards relevant to our company. It is likely that more issues would be identified with further examination of the proposed code review. Consequently it is critical that the time line for this code review not be artificially rushed. More rounds of consultation are needed, especially since cumulative feedback from all affected parties is likely to require significant changes to the next draft.

Detailed Comments on the Proposed Code

In reviewing the proposed code, areas of expertise among team members were aligned along the standards as laid out in the current code. Therefore the review of broad heading areas is referenced along the lines of the current food standards code. Where possible references to both the current and proposed code are provided.

Standard 1.1.1 Preliminary provisions – application, interpretation and general prohibitions

The structure and order has been changed around somewhat, otherwise the proposed code appears to have generally equivalent requirements to current standard, but includes an extra column for infants. Details of noted structural changes and possible errors are listed below:

- Amounts and RDI's in schedule 1.01, permitted forms in schedule 17.01
 - Biotin & vitamin K are currently 'no permitted form specified'. In proposed code it is simply missing from s17.01 (so 'no permitted form' could be more easily missed.)
 - Chromium, copper, manganese & molybdenum, are currently 'no permitted form specified'. In proposed code it is simply missing from s17.02 (so 'no permitted form' could be more easily missed.)
 - Ferric sodium edentate, appears to be missing the note indicating that it is not permitted in breakfast cereals as purchased and formulated supplementary food for young children (FSFYC). A note excluding the use of Ferric sodium edentate appears in s17.03 1.3, but the limitation on iron form does not appear in s30.14 FSFYC.
 - Schedule s1.01 errors
 - Niacin RDI column 3 should be 10mg instead of 1.1mg.
 - Vitamin D column 4 and 5 should be 5µg not 10µg.

- **Altered characteristics** 1.154, correctly uses definitions from current standard 1.5.2 7 a-d, however between the two standards 1.5.2 7 e appears to be missed. This could allow an oil to remain silent on GM-status if the nutritionals were typical of the non-GM oil even though it might be using a disease resistance gene from a pig. It is likely to be a concern to followers of Judaism & Islam. (Note conversion table Attachment E does not correctly note this change to the code).
- **Carbohydrate by difference** 1.71 (radios again to s11.02 & s11.03) appears to match current standard. Note missing reference in s11.03 (1). i.e. section s5.05 of 0??
- **Average quantity**, has similar meaning but is reworded to require data relevant to the food being produced.
- **Bulk cargo container**, does not specifically mention shipping or aircraft cargo containers, but meaning should still be essentially the same as these sorts of containers easily fit the stipulated requirements.
- **Comminuted** means chopped, diced or minced. New definition, but seems reasonable.
- **Component**, wording is significantly different and might have a different meaning:
 - Current, 'component means any substance including a food additive used in the preparation of an ingredient and present in the final food in a primary or modified form'.
 - Proposed, '**component**: a **component** of a food is a substance that can be identified as a constituent part of the food'.
 - Example: If sodium bicarbonate is used as an ingredient to produce a food, it will be changed by the cooking into carbon dioxide and salts, which are identifiable as components of the food.
- **Ingredient**, proposed code is much more prescriptive, but appears to have a similar intent to existing. It appears to include scenarios covered by the definition of processing aid which is confusing (e.g. 'flour dusted on bread dough' if merely used as a release agent is a processing aid, but it is being listed as an example of an ingredient!)
- **Package**, definition is OK, but the 'and' at the end of paragraph (b) should be deleted or replaced with the word 'but'.

Standard 1.2.3 Mandatory advisory and warning statements

Clause 4 is titled "Mandatory declarations of certain substances in food" and this title is carried over to the corresponding section 1.57 in the proposed Code. Part 1 of 1.57 begins "For the labelling provisions, if one of the following foods is present in a food product in a manner listed in subsection (2), a declaration that the food is present is required:". The same allergens as currently present in Standard 1.2.3 are then listed. It is recommended that the first sentence of Part 1 is changed to "...if one of the following substances or foods is present..." to cover sulphites which is in the ensuing list.

Standard 1.2.5 Date marking of packaged food

Proposed code is Chapter 1, Part 3, Division 5, Section 1.65 through to 1.68. The structure and order has been changed around somewhat, otherwise the proposed code appears to have generally equivalent requirements to current standard. Details of noted changes and possible errors are listed below:

- Current code refers to "package of food", whereas the proposed code refers to "food product".
- Required wording for date marking in the proposed code uses sentence case as opposed to title case in the current code. E.g. proposed code requires "Best before" and current code requires "Best Before". *Would current title case still be legally acceptable?*

Standard 1.2.6 Directions for use and storage

Proposed code is Chapter 1, Part 3, Division 6, Section 1.69. The proposed code appears to have generally equivalent requirements to current standard.

Standard 1.2.8 Nutrition information requirements

Standard 1.2.8 starts with a number of definitions. These definitions have been moved to 3 areas –

1. Chapter 1, Division 2, 1.06 – Definitions
2. Chapter 1, Division 7, 1.71 and 1.72, and
3. Schedule 11

Potential issues/comments:

- Standard 1.2.8 2(1) contains a definition of metabolisable energy of the food, with a corresponding calculation. This definition appears to have been left out of proposed code; however the relevance/importance of this is questionable anyway.
- It would be useful to clarify the definition of *unit quantity* in Chapter 1, Division 1, 1.06. Specifically, it would be helpful to further clarify what is meant by ‘semi solid’. Is this something that can still be poured (e.g. custard or yoghurt), or is it aerated (i.e. ice cream)?

Requirements for Nutrition information panels.

Other elements of Standard 1.2.8 have been moved to Division 8 (Nutrition Information Requirements), sections 1.97-1.109. Specific comments:

- 1.104 – refers to the requirements for percentage daily intake information. Reference is made to the RDI’s, but it would be useful to which section of the proposed code contains the actual RDI’s. Standard 1.2.8 currently includes a reference to the schedule in Standard 1.1.1.
- Schedule 12 contains two additional NIP templates, one that shows a NIP which should be prepared when nutrients like fat and carbohydrate subtypes are required, and secondly when including the %DI information. This is a useful addition.
- Requirements for small packages – Standard 1.2.8 includes a clause regarding additional declarations for food in small packages (8A (1)-(4)). This section does not seem to be included in the proposed code. However, the general requirements for declaring unavailable carbohydrate are covered elsewhere in the proposed code.

Standard 1.2.10 Characterising ingredients

The revision of the wording that covers characterising ingredients declarations (Divisions 1.111-1.113) is aimed at simplifying and clarifying these requirements. However this revision still does not clarify the intent of the characterising ingredients declaration requirements sufficiently. The intent as noted in the “Percentage Labelling of Food User Guide, September 2010” is to have manufacturers “state on a food label the proportion of a characterising ingredient or component contained in that food” with the aim of enabling consumers to “make informed choices about the foods they buy by allowing them to compare how much of a characterising ingredient or component is present in similar products”. The wording in the Food Standards Code therefore needs to ensure that food manufacturers only declare the amount of the characterising ingredient that is present in the final food at the end of production.

This is partly addressed by 1.112 where it is stated that “The weight of added water or volatile ingredients removed during the course of manufacture of the food product must not be included in the weight of the ingoing ingredients when calculating *PCI*”. Whilst the intent of ‘volatile’ appears to cover loss during production, there is the potential for interpreting ‘volatile’ to only include evaporative losses. Confusion as to whether ‘volatile’ should apply to all process loss or evaporative type losses only, leaves the code open to misinterpretation. Therefore, the concept of volatile should be clarified to capture any significant ingredient content that is lost during processing. For example, some manufacturers may declare the ingoing weight of soy beans during the course of soy milk production and then filter off a significant

portion of the soy bean (e.g. insoluble fibre) to make the beverage more palatable. The filtered off portion should not be included in the final percentage of characterising ingredient calculated.

To address this issue it is recommended that either:

1. A definition for volatile ingredients is included that captures significant ingredient losses. A suggested definition is as follows:
 - a. “volatile ingredients mean any substance, other than water, that is added into production and then removed, or lost during the production process”; or
2. The following sentence in 1.112 be reworded from:
 - a. “The weight of added water or volatile ingredients removed during the course of manufacture of the food product must not be included in the weight of the ingoing ingredients when calculating **PCI**”, to:
 - b. “The weight of added water or volatile ingredients lost *or ingredient components* removed during the course of manufacture of the food product must not be included in the weight of the ingoing ingredients when calculating **PCI**”.

Standard 1.2.11 Country of origin requirements

Extensive editorial notes have been removed; otherwise proposed code appears to have equivalent requirements to current standard.

- 1.118 unpackaged foods dealt with 1st.
- 1.120 Packaged food covered as per current standard.

Standard 1.3.2 Vitamins and minerals

The structure and order has been changed around somewhat, otherwise the proposed code appears to have generally equivalent requirements to current standard. Details of noted changes and possible errors in the schedules s17.01 – s17.03 are listed below:

- S17.01: Noted vitamins and minerals with “no permitted form specified” within the current standard 1.3.2 have been excluded from proposed code. Namely Biotin, Chromium, Manganese, Vitamin K, Copper, and Molybdenum.
- S17.01: Ferric sodium edentate, appears to be missing the note indicating that it is not permitted in breakfast cereals as purchased and formulated supplementary food for young children (FSFYC). A note excluding the use of Ferric sodium edentate appears in s17.03 1.3, but the limitation on iron form does not appear in s30.14 FSFYC.
- S17.03, 1.2 Bread: Folate written differently and with incorrect value: 200µg (50%), also includes “other foods 0”, current code states Folate 100µg (50%) with no reference to “other foods – 0”.
- S17.03, 3.1 Edible oil spreads and margarine: Vitamin E includes “other foods – 0” which is not specified in the current code.
- S17.03, 5.3 Fruit drinks, vegetable drinks and ...etc: Folate, Vitamin c and Carotene forms of vitamin A maximum claim per reference quantity (proportion RDI), all refer to section 1.130 which only leads to the calculation of maximum quantity able to be claimed. Also noted that current code table to clause 3 states refers to clause 8, which does not exist?
- S17.03, 5.5 Fruit cordial, fruit cordial base: Vitamin C maximum claim per reference quantity (proportion RDI), refers to section 1.130 which only leads to the calculation of maximum quantity able to be claimed. Also noted that current code table to clause 3 states refers to clause 8, which does not exist?
- S30.10: Values for max claimable levels for vitamins and minerals are the same in the current and proposed code. However, note the following changes to the headings (removal of ‘cereal-based’ foods): Proposed code states: “claims that can be made about vitamins and minerals added to

food for infants”. While current code (table 1 to clause 8, standard 2.9.2) states: “maximum claims per serve of cereal-based foods for infants”.

- S1.01 errors:
 - Niacin: Proposed code states 1.1mg RDI for adults; current code states 10mg RDI for adults
 - Vitamin D for adults: Proposed code states 10ug as the RDI for adults without specifying the type of vit D; current code states 10ug cholecalciferol as the RDI for adults
 - Vitamin D for children (1-3 years): Proposed code states 10ug as the RDI for children without specifying the type of vit D; current code states 5ug cholecalciferol as the RDI for children
 - Vitamin D for infants: Proposed code states 10ug as the RDI for infants without specifying the type of vit D; current code states 5ug cholecalciferol as the RDI for infants
 - Vitamin K: Proposed code states values only without specifying type of Vitamin K; current code states phyloquinone after each RDI value for adults, children and infants.

Standard 1.5.1 Novel foods

Extensive editorial notes have been removed; otherwise the proposed code appears to have equivalent requirements to current standard. By simply listing the conditions to allow novel foods to be sold (1.152) may make the presence of novel foods in foods for special medical purposes (FSMP) less problematic (subject to review of FSMP in new drafting). Specific comments:

- 1.151 As per current standard for definition of non-traditional and novel foods, however a note provided helps clarify the possible categories of novel foods.
- 1.152 Despite subsection 1.21(3) this clause *allows* the sale of novel foods listed in Schedule 25 if the corresponding conditions in the table are met. 1.5.1 2 is structured from the point of view of *not allowed* unless it complies with table to clause 2.
- Schedule 25 errors:
 - Word ‘relatr’ often used instead of ‘relate’ recommend a search and replace on this schedule.
 - References to phytosterols (A) should be ‘according to Division 2 of Part 4 of Chapter 2; and’ instead of ‘according to Division 2 of 0 of Chapter 2;’

Standard 1.5.2 Food produced using gene technology

Proposed code is Chapter 1, Part 4, Division 9, Sections 1.154 through to 1.15 and Schedule 26. The structure and order has been changed around somewhat, otherwise the proposed code appears to have generally equivalent requirements to current standard. Details of noted changes and possible errors are listed below:

- Definition for “genetically modified food” is not formally included in the proposed code, it is included as part of 1.156
- Proposed code uses term “ingredient” and does not specifically mention “processing aids” as the proposed definition for “ingredient” includes “processing aids”
- Current code includes clause 7(e) which is not included in proposed code at all. This section of the current code is concerned with specific labelling requirements where genetic modification raises ethical, cultural and religious concerns regarding the origin of the genetic material used in the genetic modification. At this time, there is no specific labelling requirement of this kind included in column 4 of the schedule in the current code.
- Some of the definitions are included in Division 9 sections of the proposed code and others are included in Schedule 26. This is inconvenient and would be preferable to have all the definition in the one place, or the schedules associated with the divisions rather than being at the end of the proposed code.

- In Division 9, section 1.156 (2)(a)(ii) there is a word missing, should read “the food has been refined so that the novel DNA or novel protein has been removed; or”
- In Division 9, section 1.156 (4), the example of an ingredient list includes the term “food acid”, is food acid a suitable additive class name according to the code?
- Definitions for novel DNA and novel protein have been altered; do these proposed definitions change the meaning of these terms?
- Clause 4 (3) in the current code has not been included in Division 9 of the proposed code, is this covered elsewhere in the proposed code?
 - “Where genetically modified food is displayed for retail sale other than in a package, any information that would have been required under clause 5 of this Standard on the label on the food if it was packaged, must be displayed on or in connection with the display of the food.”
- Schedule 26 is missing two permitted foods produced using gene technology
 - Herbicide-tolerant canola line MON88302
 - Herbicide-tolerant soybean line DAS-44406-6

Standard 1.6.1 Microbiological limits for food

The proposed code appears to have generally equivalent requirements to current standard.

Standard 2.1.1 Cereals and cereal products

Formal clauses requiring that a food represented as something (e.g. Bread, wholegrain) must meet the stipulated compositional requirements; this may be an issue if extruded/puffed cereals become technically not wholegrain simply due to process used. Otherwise standard appears to have equivalent requirements to current standard. Specific comments:

- 2.01 **Bread** – yeast leavened dough as per current standard.
- 2.02 **Wholegrain** – follows current standard definition. Given the current standard does not list all processes (e.g. Puffed, extruded) there is some risk that these products would not be able to be sold as wholegrain (due to processing) even though their content was still typical of the original cereal.
- 2.03 – 2.06 overall fortification requirements appear to be the same, organic exemption appears in 2.03 instead of in fortification clauses.
- **Flour products, flours or meals** are defined in 1.06 and have the same wording as the current standard.

Standard 2.5.1 Milk

Milk definitions and compositional requirements are now covered largely in proposed sections 2.27 – 2.30. It is noted that 2.27 (2) includes the note “Under section 1.06, **milk** is defined for the rest of this Code as a food that may be sold as milk under this section”. We query whether this note, along with the definition in proposed section 1.06 (“**milk** means a food that may be sold as milk under section 2.27”) is intended to prohibit plant-based beverages from using term ‘milk’ in their name or description.

Even though they do not meet the definition of milk in the Food Standards Code (current Standard 2.5.1 (1) and proposed section 2.27 (2)), plant-based beverages designed to be used as dairy milk alternatives have traditionally used the term ‘milk’ in their name or description. These types of beverages are also located in grocery outlets alongside UHT and chilled dairy milks. In addition, there are also products such as coconut milk, which have traditionally used the term ‘milk’ in their name. Traditional coconut milk is not promoted as a milk alternative but is used in cooking to provide a creamy consistency, similar to that of dairy milk.

The Final Assessment Report (FAR) for A500: Fortification of Cereal-based Beverages dealt with the issue of the use of the term 'milk' on plant-based beverages. The issue was commented on by a number of submitters. Some did not support the use of the term 'milk' for plant-based beverages as they are often not nutritionally equivalent to dairy milk. The FAR found that this issue was outside the scope of A500 but noted that it could 'be argued that there is a general understanding by consumers that these products are not 'milk' per se'. It was suggested that it should be considered whether there is evidence that the use of this term is misleading for consumers.

It would seem that the real crux of the issue is whether consumers are being misled by such labelling and as a result mistakenly purchase plant-based 'milks' in the belief that these products are in fact dairy milk. Plant-based beverages are never simply labelled 'milk' on packaging. Such products always include the plant-based descriptor either as part of the name or product description, such as 'soy milk', 'rice milk' and 'almond milk'. They are clearly distinguished from dairy-based milks, as is demonstrated by the attached packaging examples of various plant-based beverages currently on the market.

If the intent of proposed section 2.27 is to prohibit the use of the term 'milk' on plant based beverages which are intended as dairy milk alternatives, it is possible that consumers will not understand the purpose of these products. Use of the term 'milk' on these products helps convey that they are similar in nutritional, functional and / or taste attributes to dairy milk and helps consumers identify suitable alternatives to milk.

Consumers choose to drink milk alternatives for a variety of reasons, such as food allergy, nutritional benefits (e.g. soy protein or lower saturated fat than dairy milk), taste, environmental reasons, religion or animal protection. It is important that these products are easily identified by consumers – the simplest way to do this is by continuing to label these products as "milks" with the plant-based source preceding the word "milk" e.g. "soy milk".

Packaging examples of plant-based 'milks' can be found in Appendix 1.

Standard 2.8.1 Sugars

Proposed code is Chapter 2, Part 8, Division 1, Sections 2.75 through to 2.78. Editorial note is removed; otherwise the proposed code appears to have generally equivalent requirements to current standard.

Standard 2.9.3 Formulated Supplementary Foods

Proposed code is Chapter 2, Part 9, Division 3, Sections 2.117 through to 2.126 and Schedule S30.11 through to S30.16. The structure and order has been changed around somewhat, otherwise the proposed code appears to have generally equivalent requirements to current standard. Details of noted changes and possible errors are listed below:

- Definition of "permitted form" not included in this section of the proposed code.
- In the definition for formulated meal replacement in the proposed code, "a food...specifically formulated as a replacement..." has replaced "single food or pre-packaged selection of foods..." Essentially the same meaning.
- In Schedule S30.12 in the proposed code, there is some info missing that needs to be included. "In the table the quantities set out in columns 2 and 3 are for a 1-meal serving, and are expressed as a proportion of the ESSADI unless stated otherwise".

Standard 2.9.5 Food for Special Medical Purposes

The majority of this standard appears to have been transcribed without a substantive change to meaning. Specific comments:

- The flexibility of substances that may be added to foods for special medical purposes (2.9.5 6 (1) (c)) may have been reduced by the rewording of the new clause (2.141 (1) (c)) as it now restricted to substances permitted within the code rather than broader standards relating to that substance. Given that the food is being consumed under medical supervision, restricting these substances to 'any applicable requirement of the code' may be an unnecessary restriction.

Comments on the Proposed Code Structure

Sanitarium has deep reservations regarding the new proposed structure. Key issues include; the loss of learning related to 'knowing' which standard(s) would apply to a particular question (replaced with looking for the relevant clause in a long list of sequential numbers); how additional standards would be inserted into the sequential list; and the relocation of many short and relevant schedules from the main text to distantly located schedules.

However, some of the restructuring could be helpful, namely a single location for all definitions that apply across the code & a central location for large schedules that apply across the code.

Sanitarium would recommend that the existing structure and numbering system of the code be largely retained, with the exception of centralising definitions that apply across the code.

Conclusions & Recommendations

The proposed code review has made good progress towards making the code clearer and more uniformly enforceable. The centralisation of definitions is a useful step in ensuring meanings across the code is clear and uniformly understood.

However the reorganisation of the current code into a new numbering system does not add value to code enforceability, and will require experienced practitioners to relearn the location of the standards they frequently refer to.

There is also the opportunity to clarify the meanings of some terms (e.g. volatile) so that consumers have a clearer understanding of what is in their food. However in some cases (e.g. definition of ingredient) the revision has been broadened and appears to be in conflict with other recognised concepts such as processing aids.

Sanitarium has reviewed the most critical standards relevant to our company. In summary this review has shown that in most cases the proposed code reviewed was consistent with the current code wording or intent. However, in some circumstances the proposed code was significantly different to the current code. Sanitarium also noted some errors in the proposed code, particulars of which can be found in the detailed comments on the proposed code above.

A summary of the main differences between the proposed code and the current code identified by Sanitarium follows:

1. A section in the **altered characteristics** definition is missing in the proposed code (standard 1.5.2 7 e) which could allow an oil to remain silent on GM-status if the nutritionals were typical of the non-GM oil even though it might be using a disease resistance gene from a pig. It is likely to be a concern to followers of Judaism & Islam. Drawing genetic sequences from animals to plants is not common practice at this stage, but it is an advancing technology such that this future potential should not be ignored.
2. The definitions for **component** and **ingredient** are significantly different in the proposed code and may have a different meaning.
3. Further revision is required of **characterising ingredient declarations** to clarify their intent. Sanitarium recommends the inclusion of a definition for **volatile** ingredients that captures significant ingredient losses or a rewording of 1.112. Whilst the intent of 'volatile' appears to cover loss during production, there is the potential for interpreting 'volatile' to only include evaporative losses. Confusion as to whether 'volatile' should apply to all process loss or evaporative type losses only, leaves the code open to misinterpretation.
4. Definition for **wholegrain** follows current standard definition, however, the current standard does not list all processes (e.g. puffed, extruded) therefore there is some risk that these products would not be able to be sold as wholegrain (due to processing) even though their content was still typical of the original cereal.
5. A note is included in the proposed code section 1.06, "**milk** is defined for the rest of this code as a food that may be sold as milk under this section". Is this note, along with the definition in section 1.06 "milk means a food that may be sold as milk under section 2.27", intended to prohibit plant-based beverages from using the term 'milk' in their name?

It is critical that the review of the code not be pushed along to any arbitrary time frame, as changes of this size need to be done right the first time. The errors and uncertainties noted in this first draft indicate that further consultation will be needed.

Appendix 1. Packaging examples of plant-based 'milks'

