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CASE STUDY 2: LABELLING OF GM FOOD IN AUSTRALIA

Excerpt from "Genetically Modified Food Labelling" Diana Wong, Research and Library Services Division, Legislative Council Secretariat, Hong Kong, 19 March 2003 http://www.legco.gov.hk/yr02-03/english/sec/library/0203rp05e.pdf

Part 4 - Australia

13. Regulatory authority

13.1 The regulation of GM food labelling in Australia is administered by the Food Standards Australia New Zealand (FSANZ)[22]. FSANZ is a partnership among the Australian Commonwealth Government, Australia's State and Territory governments and the New Zealand Government. Board members of FSANZ are selected by appointment. They include government officials having responsibility for matters relating to public health, and experts in the fields relating to consumer rights, public health, food science, food production, and public administration.

13.2 As an independent statutory body, FSANZ is responsible for developing and reviewing food standards for both Australia and New Zealand. Its primary role is to conduct research, develop codes of practice, and co-ordinate national food surveillance and recall arrangements.

14. Regulatory framework

14.1 Australia, together with New Zealand, implemented a new set of GM food labelling standards on 7 December 2001. According to FSANZ, "*Australia and New Zealand now have one of the most rigorous and progressive labelling requirements for GM food in the world.*" All GM food is subject to pre-market safety assessment and approval, which involves consultation and peer review. The FSANZ safety assessment process focuses on four main parts: the description of the genetic modification, general safety issues, toxicological issues and nutritional issues.

14.2 The regulation of GM food labelling is prescribed by Standard 1.5.2, titled "Food Produced Using Gene Technology", in the Australia New Zealand Food Standard Code (the Standard). The Standard requires labelling of food and food ingredients if the food product contains more than 1% of GM materials. If a product ingredient is genetically modified, the ingredient must be labelled in the list of ingredients. For a single-ingredient GM food, the phrase "genetically modified" must be printed on the front of the package, next to the name of the food.

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14.4 Food of uncertain status must be labelled with the prescribed statement "may be genetically modified" or "may contain genetically modified [ingredient name]" if the manufacturer, having taken all reasonable steps to ascertain the genetic status of that food, is uncertain as to whether the food has been produced from GM sources.

14.5 There are several exemptions to the labelling requirements:
(a) food that contains less than 1% of GM materials. This allows for some inadvertent mixing of GM and non-GM sources in the supply chain;
(b) highly refined food[24] that does not contain DNA or protein. There are no known methods to test for the presence of GM ingredients if DNA or protein is not present;

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[22] FSANZ was formerly known as the Australia New Zealand Food Authority (ANZFA). The changeof name took place in 2002.

[24] Examples are oil, sugar and starch that undergo refining processes to produce purified products. Processes that may be used to purify food or ingredients include, but are not limited to, high temperature extraction, filtration and centrifugation, distillation, and crystallization.

(c) food which uses GM processing aids that are not present in the final food products; or
(d) food prepared at the point of sale (i.e. restaurants).

14.6 Additional labelling is required for GM food that has the following altered characteristics when compared to conventional food:
(a) composition or nutritional values;
(b) anti-nutritional factors or natural toxicants;
(c) factors known to cause allergic responses;
(d) its intended use; or
(e) factors that may raise significant ethical, cultural or religious concerns.

15. Negative labelling

15.1 FSANZ supports voluntary labelling of "GM-free" products, and a growing number of producers have opted for this form of labelling. Non-GM food may be labelled with the prescribed statement:
(a) "not sourced from genetically modified ingredient"; or
(b) "free from genetic modification".

15.2 Negative labelling is required to fulfill a more stringent standard: "GMfree" products should contain no mixture or highly processed ingredients from GM crops. The food suppliers are required to take steps to substantiate the claim with evidence and ensure that it must not be misleading or deceptive.

15.3 An IP system is designed to ensure the absence of GM components in a food or ingredients by separating non-GM from GM components throughout the supply chain. While such use is appropriate when voluntary negative claims on labelling are made, the Standard does not make the use of IP system mandatory.

16. Enforcement

16.1 FSANZ only sets regulatory standards and has no enforcement powers. However, with authority to co-ordinate enforcement of the Standard in each of the Australian states and territories, FSANZ has warned producers that abusing the Standard is liable to lawsuits or civil penalties.

16.2 In Australia, the inspection and enforcement of food labelling of processed food at the retail level are undertaken by Environmental Health Officers (EHO) at local councils and Senior Food Officers (SFO) at state health authorities, depending on the jurisdiction.

16.3 For imported food, the inspection and enforcement of food labelling are undertaken by the Australian Quarantine Inspection Service (AQIS).

16.4 At present, there are two methods to verify whether the food is genetically modified:
(a) Documentation
- Process-based verification entails detailed record-keeping of seed source, field location, harvest, transport and storage.

(b) Testing
- Content-based verification requires testing the food product for the physical presence of foreign DNA or protein.

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16.11 In the same study, food enforcement officers indicated that they operated primarily on a reactive rather than a proactive basis. In other words, they investigated labelling issues only when they had received a specific query from a consumer or manufacturer.