

Committee Secretary
Senate Standing Committees on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600

Submission on Regulatory Practices to Ensure the Safety of Pet Food

Date: 26th July 2018

To Committee Secretary and Australian Senators,

Please find my response to the Regulatory Practices to Ensure the Safety of Pet Food inquiry on the following pages.

Thank you for taking the time to read my submission. I have provided a summary which is my position statement regarding the need for regulation of the pet food industry, the story of our golden retriever, Holly, and finally the response to the inquiries Terms of Reference. Throughout the document I have included pictures to help tell the story along with hyperlinks to important websites I reference.

Position Statement – Regulatory Practices to Ensure the Safety of Pet Food

As a dog owner for 5 1/2 years and having grown up with dogs all my life, I had until recently never considered how the pet food industry in Australia was regulated. I doubt many of the 60% of Australians who own a pet have. Like most pet owners in Australia, I had blind faith in the food I gave my golden retriever, Holly, and the systems in place to ensure that her food was safe. Then in April 2018 Holly was diagnosed with megaesophagus which we believe resulted from her eating Advance Dermocare, a product Holly ate daily since she was a puppy.

What we have learned since Holly's illness is that the pet food industry in Australia operates outside government regulation in relation to the standards and safety of the food sold to consumers. This industry self-regulates, which is concerning in light of annual growth in sales of 4.1 per cent for the five years through to 2017-2018 and now generates \$1.8 billion in revenue per year. No longer is the pet food industry in Australia a small industry that is capable of effectively self-regulating. While entire aisles in supermarkets are dedicated to pet food, the sale of these food products is not subject to the same health and safety checks as other food products in a supermarket or to independent oversight as is the case in countries such as the United States.

The pet food industry in Australia has been able to grow rapidly through industry practices contained in a system of self-regulation. The market is dominated by large multinational companies such as Mars and Nestle and two large pharmaceutical companies, Procter & Gamble and Colgate Palmolive. These four companies produce the most popular brands of pet food, including Advance, Pedigree, Pal, Royal Canin, Nutro, Smackos, Greenies, Exelpet, My Dog, Purina, Beneful, Supercoat, Eukanuba, IAMS and Hill's.

Moving forward, to ensure the safety of pets in Australia it is imperative that the pet food industry can no longer self-regulate. The Senate review of regulatory practices in the pet food industry is essential in ensuring the future safety of pet food. Australia's dogs and cats are central members of many families and their safety requires uniform legislative intervention across Australia by the federal government.

Holly's story

Holly is our 5 year old pure bred female golden retriever. She is an important member of our family who is loved dearly by my partner, our one-year old son and myself, as well as our extended family.

Summarised below are the events of the last three months that have led me to writing this submission:

- Holly has been fed Advance Dermocare since she was a puppy due to a sensitive stomach.
- I discovered the voluntary recall of Advance Dermocare via the ABC news app.
- The 15 kg bag of Advance Dermocare we purchased was returned to the place of purchase on 25 March 2018. Staff at Petstock were aware of the recall. I returned the almost full bag of Advance Dermocare and exchanged for another product. I wonder what happened to that bag of Advance Dermocare and the evidence it may have held as to what was in the food.
- In the days following, Holly was transitioned to the new food over the next week but during this time I did notice she vomited after eating (I realise now it was regurgitation).
- 10 days into having her new food, the regurgitation continued. Holly spent the weekend at her regular boarding kennel while we were away. When Holly was picked up on Monday 9 April 2018 the owners noted that she wasn't herself and was not eating her meals consistently. I booked an appointment to see our vet for the following day. That evening when Holly came home she was not herself. She ate dinner and not long after, the regurgitation began. I lost count of how many regurgitations she had that night. Holly also began displaying symptoms of aspiration pneumonia (coughing and laboured breathing).



Holly – Regurgitation of evening meal 09.04.18
the day prior to diagnosis of Megaesophagus

NOTE: This was a small regurgitation. Some were
double the size

- Holly was assessed by our vet the following day on Tuesday 10 April 2018. We received a call from our vet confirming a diagnosis of megaesophagus. We were in shock and devastated. Tests were conducted to assess for causes of megaesophagus such as thyroid issues or Myasthenia Gravis which were all ruled out.
- Prior to Holly coming home on Wednesday 11 April 2018 we researched how to manage the condition which indicated Holly would need upright feeding to best manage her condition. Within 24 hours of diagnosis, we'd built Holly a Bailey Chair.



Holly in her Bailey Chair where she has 3 upright
feeds per day of handmade meatballs and
chicken broth jelly. Holly remains in the chair for
30 minutes after each meal.

- In days that followed, Holly continued to regurgitate multiple times each day, had diarrhoea all while we were trying to train her to use the Bailey Chair for 3 meals per day. I soon

discovered Holly did not tolerate water. To provide adequate hydration, we began making chicken broth which was made into jelly to accompany her meatballs which reduced the risk of aspiration or regurgitation, a life threatening complication of megaesophagus.

- Within 2 weeks our daily lives now included preparing meatballs, making chicken broth, administering a range of medications, hand feeding Holly upright in her chair, reassuring her while she sat in the chair and then monitoring for regurgitation. The entire process has been extremely stressful for our family and the worry continues every day – we never know what is around the corner.
- Over 3 months since diagnosis, Holly continues to be hand fed three times per day which requires us to dedicate at least 1.5 hours to the process plus the additional time preparing her special meals. Holly does not tolerate water – all hydration for the remainder of her life will be via the chicken broth jelly. For the remainder of her life, she will be fed upright in her Bailey Chair.
- The day after Holly was diagnosed I contacted the Advance Pet customer service team and also commented on their Facebook post regarding the recall. I managed to speak to a customer service member who could not provide much information other than suggesting I keep vet bills. I found talking to them distressing as they were not helpful or forthcoming with information.
- I decided to share footage of Holly using the chair for the first time with the ABC's 7.30 program as sometimes people don't understand the gravity of the situation with words only. The story of so many dogs dying or sick with megaesophagus needed to be told. I received a phone call from Mars the day the first 7.30 story was due to air with an offer of reimbursement because of "genuine gesture of goodwill". I have not signed the offer because it does not reflect the impact this condition has had on owners, it is not just about vet fees or "the cost of acquiring a new puppy" if you tragically lost a dog. For owners caring for dogs with megaesophagus their lives have forever changed – hours of hand feeding, preparation of food, stress and worry, inability to travel for work or pleasure as boarding kennels can no longer be used, expensive food, paying pet sitters to stay if you do go away, impact on physical health of owners and dogs as they can no longer do strenuous exercise to ensure weight is maintained. I'm sure other owners will provide many more examples.
- Sick dogs equals sick families and this can have a direct impact on the family units wellbeing but also has a flow-on effect, productivity for the nation can be lost due to people taking time off work to care for sick dogs, like they would a human member of their family. This costs the Australian economy.
- In addition, I have not heard from Mars since their offer was emailed on 1 May 2018.
- Finally, when I think back to Holly over the course of eating Advance Dermocare she would often not touch the food and we had to coax her to eat it by adding yoghurt or drizzles of olive oil (even this didn't work at times). It makes me wonder if the palatability of the food for her was always an issue – give her some chicken with vegies and rice she would immediately eat it. On reflection, it was like coaxing a child to eat their veggies but we know they are definitely good for them.

Response to Terms of Reference:

a. the uptake, compliance and efficacy of the Australian Standard for the Manufacturing & Marketing of Pet Food (AS5812:2017);

Issues:

- It is difficult to comment on AS5812:2017 given it is not publicly available, that in itself is a major issue.
- AS5812:2017 is voluntary so has no legal status to be enforced by the federal or state governments.
- Accountability for manufacturers and suppliers of pet food is questionable as there is no detailed or transparent reporting on whether they meet compliance with AS812:2017. After the 2012 report by the Pet Food Controls Working Group, it was stated that the Pet Food Industry Association of Australia (PFIAA) committed to implementing a voluntary Hazard Analysis and Critical Control Point (HACCP) and Quality Assurance (QA) audit and accreditation based on AS5812:2017. The PFIAA website has a single page excel spreadsheet outlining manufacturers accredited to AS5812. What does accreditation look like? As a consumer I should be able to see what manufacturers are are complying with AS5812:2017.

Ideas and Solutions:

- A federal government regulator needs to be created who is responsible for ensuring compliance with AS5812:2017. The risk of having state and territory management is inconsistency with roll-out and compliance. As such, I recommend a uniform legislation at a federal government level.
- Once legislated, all documentation relating to the regulation of the industry will be available to the public ensuring transparency which is not the case with the S812:2017.
- Consumers need to able to access information regarding the compliance with regulations for all producers of pet food in Australia and for imported products. This will ensure consumers are able to make informed decision making when selecting pet food products.

b. the labelling and nutritional requirements for domestically manufactured pet food;

Issues:

- The labelling of pet food in Australia is unclear and as a consumer it is difficult to determine:
 - What ingredients are used in products
 - The percentage of each ingredient contained in the product
 - The country of origin of these ingredients
- As a consumer, the advertising and packaging of pet food is misleading and it is difficult to cross check what is displayed with an ingredients list on that product. I believe that in many cases these practices constitute misleading and deceptive under s 18 of the *Competition and Consumer Act 2010 (Cth)*.
 - ["Chef" prepared dog food - Supercoat Advertisement](#)
 - Images of prime cuts of beef
 - Packaging of dry and wet foods display images of premium products such grilled chicken breast and lamb cutlets
- The PFIAA endorsed label (below) is used by manufactures as "A badge of honour, a sign of integrity" for those who meet compliance with AS5812:2017 and has been

compared to the Heart Foundation tick. The Heart Foundation tick was retired in 2015 and replaced by the star rating for nutritional content. The tick was also marred with controversy as companies were able to purchase the right to use it on their products. As a consumer, it makes me question the integrity and validity of this label. The label below means nothing to a consumer who isn't even able to access AS5812:2017 to understand what it means.



Ideas and Solutions:

- A labelling system for pet food needs to be implemented to address the above issues. For example, such a model could be based on the Australian New Zealand Food Standards Code and applying these standards to pet food seems a logical solution as the regulatory framework exists.
- Advertising and packaging should comply with Australian consumer law contained in the *Competition and Consumer Act*. The Australian Competition and Consumer Commission need to enforce the provisions in this Act that prohibit conduct that is misleading or deceptive or that is likely to mislead or deceive.

c. the management, efficacy and promotion of the AVA-PFIAA administered PetFAST tracking system;

Issues and questions:

- At the time of the 2012 report, PetFAST was being implemented by the Australian Veterinary Association (AVA) and PFIAA. The report stated the system “is expected to assist in identification of adverse event clusters and their cause (s) so that any necessary preventative strategies can be implemented as rapidly as possible”.
- The AVA and PFIAA response to the Advance Dermocare situation was not rapid.
 - The AVA first notified members on 8 March 2018 via a member communication that did not name the food of interest, Advance Dermocare.
 - [AVA Member communication - 8 March 2018](#)
 - A second member alert was made on 25 March 2018, the day after Mars voluntarily recalled the product. Interestingly, there is no mention of PetFAST identifying the issue.
 - [AVA member alert - 25 March 2018](#)
 - An AVA media release was made on 28 March 2018 stated “In early March, the University of Melbourne advised the AVA of a cluster of cases of megaesophagus with unexplained cause”.
 - [AVA media release - 28 March 2018](#)
 - If the PetFAST system is governed by the AVA and PFIAA, why are they not making the notification if the PetFAST system effectively highlighted the issue?
- The AVA website states that “if a problem that might affect more pets is identified, a joint committee will meet to discuss what action should be taken”.
 - Was this committee convened prior to the Advance Dermocare recall?
 - Did PetFAST identify the issue or did it take Victoria Police having multiple dogs diagnosed with megaesophagus?

- Why was no action taken immediately by all parties involved in the early days
 - AVA, PFIAA, Melbourne University if concerns were raised as early as September 2017 by consumers and December 2017 by Victoria Police.
- Membership with the AVA is not mandatory for veterinarians.
 - How are veterinarians who do not hold an AVA membership made aware of this reporting system or important alerts?
- The report in 2012 recommended an independent review of the PetFAST system in 3-5 years.
 - Did this occur? If so, is a report available with outcome measures of the effectiveness of PetFAST? If not, why has it been 8 years without review of the system?
- I spoke with a staff member of the AVA in mid-late April after Melbourne University provided an update, I expressed concern that no update had been provided on their website since 28 March 2018. The staff member was not aware that an update had been provided by the Melbourne Uni. Secondly, I have been informed that PetFAST is a very simple “portal” ...an email that is checked by staff for trends. How often is this checked?

Ideas and Solutions:

- Full review of the PetFAST system including audit of notifications regarding issues with Advance Dermocare to assess the system’s failings and strengths. Outcome measures of the PetFAST system are needed.
- Development of a communication system to alert vets of concerns relating to pet food and illness that is not reliant on AVA membership to ensure all vets/vet practices are promptly notified of issues.
- Develop a system/portal enabling both vets and consumers to report concerns regarding pet food that is overseen by Food Standards Australia New Zealand (FSANZ) and align management of pet food recalls to enable government food enforcement agencies to have legislative power to order a food recall.
- A communication system that enables consumers to be promptly notified about recalls when they happen. Recalls of human food are covered by the mainstream media or social media but the recall of Advance Dermocare struggled to get any media traction besides the ABC. How many people continued to feed their dog the product after recall? Could additional harm have been avoided if prompt recall systems were in place?

d. the feasibility of an independent body to regulate pet food standards, or an extension of Food Standards Australia New Zealand’s remit;

Issues:

- Recommendations arising from the 2012 working group report “While some overseas governments have assumed responsibility for tracking adverse pet food events (eg. the USA Pet Event Tracking Network), it was the opinion of the Working Group that the objects of such a system in Australia would be better achieved through the AVA-PFIAA partnership and the new PetFAST system”.
 - This system failed over 100 dogs and their owners who are now living with megaoesophagus after eating Advance Dermocare.

Solutions:

- Comprehensive regulation of the pet food industry with the government developing a comprehensive national standard and regulation with some input from stakeholders (as outlined in the 2012 report as an option).
- Federal government manages the adverse events reporting system with a statutory authority that has a register and legislative powers to order pet food recalls in a timely manner.
- A framework for regulation exists within the Food Standards Australia New Zealand. New regulation relating to pet food could be an extension of this system and would bring Australia in line with countries such as USA and UK.

e. the voluntary and/or mandatory recall framework of pet food products;

Issues:

- Significant delay from identification of issue with Advance Dermocare to voluntary recall being initiated.
- No government authority due to self-regulation to trigger a mandatory recall

Solutions:

- As per suggestions previously addressed through FSANZ governance

f. the interaction of state, territory and federal legislation;

- Federal legislation is needed to ensure uniformity in pet food standards and safety. If state and territories regulate this area then there may be inconsistent rules and standards throughout Australia. A single uniform standard needs to be created, implement and enforced by a national regulator.

g. comparisons with international approaches to the regulation of pet food; and

- <https://www.fda.gov/AnimalVeterinary/default.htm>
 - The level of transparency and access to information compared to Australia is a stark contrast.
 - There is much to be learnt from overseas with regards to regulation of the pet food industry. Engagement with authorities such as the Food and Drug Authority (USA) is recommended when implementing regulation in Australia to support the process – learn from their successes and failures.

h. Any other related matters

- It is essential the body that governs pet food regulation in Australia is independent key stakeholders in the pet food industry.
- Holly prior to megaoesophagus - at her happiest on the beach. Holly doesn't have the freedom she used because of Advance Dermocare. Please use the privilege of representing Australians in the senate to prevent something like this happening to another dog

