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URGENT

December 5, 2011

Minister Gallagher
Australian Capital Territory

Dear Health Minister:

Please support the following key recommendations of the National Food Labelling review report, Labelling Logic. They were supported by thousands of individual submissions to the Blewett panel but were rejected in Australian Health Minister Nicola Roxon's policy response published last week. In the interests of public health and safety and the right to know, Gene Ethics asks you to adopt the following Labelling Logic recommendations and advocate for them at the Food Regulation Ministerial Council meeting on December 9:

- 2 - the issues hierarchy to include all the products of new food technologies which require pre-market safety assessment under Food Standard 1.5;
- 28 - require labelling as a general principle, on all foods or ingredients processed using new technologies, as defined by Food Standard 1.5;
- 30 - any adventitious GM contamination of processed food products be followed with further monitoring and testing to ascertain if the contamination occurs consistently rather than accidentally, in which case the product should be labelled GM.

Recommendation 28

It is reckless of Minister Roxon to reject the Labelling Logic proposal: "That as a general principle all foods or ingredients that have been processed by new technologies (i.e. which trigger pre-market food safety assessments) be required to be labelled."

Minister Roxon's rationale that: "There is already a process in place to ensure that new technologies are safe before entering the food supply." is ill-advised.

The industry-generated concept of 'substantial equivalence' allows FSANZ to register foods with a limited or zero history of use in the human food supply. Yet FSANZ does not require sufficiently rigorous scientific evidence of novel food safety and efficacy when an application is lodged under Standard 1.5 to be certain of their safety, short or long term. Everyone agrees that safety and health prevention are top priorities yet the Minister proposes to rely on a process that uses best guesses, requires no monitoring or testing, and denies shoppers' right to know how new foods were produced, processed and packaged.

The body of evidence for the safety of foods required to be assessed before marketing under Standard 1.5 is also weak because, unlike pharmaceuticals, once approved there is no register where any adverse reaction information can be notified and assessed. Establishment of such a register should be part of the system for ensuring the food safety, especially to minimise long-term health impacts.

Gene Ethics urges support for Labelling Logic recommendation 28 and application of the Precautionary Principle to all foods and food ingredients made using new technologies.

Recommendation 2

Ms Roxon rejects the Labelling Logic recommendation that there should be a: “distinctive labelling protocol with regard to new food technologies,” to respond to: “further technological innovations in food production.” This includes all the products, ingredients and processing aids derived from new food production, processing and packaging technologies which should, according to the report, without exception be fully labelled. Gene Ethics fully supports this proposal.

No scientific or other evidence supports Minister Roxon’s rejection of recommendation 2. Yet her view on new and untried foods which have little or no history of safe use as food is that: “whenever mandatory labelling is proposed, it should be subject to an automatic sunset and review after a defined period.” It appears to be her view that mandatory labeling not be generally required.

This is not a precautionary approach as these new foods are assessed and approved for general use on the basis of provisional evidence yet no monitoring, testing or assessment of novel foods is mandated after they are commercialized. Without a labelling requirement the evidence database for a mandatory, time-specific review of labeling would be weak and arbitrary. It also ignores the diverse impacts of new technologies – for instance, irradiated tea vs. fresh fruit; and each GM event is unique.

Recommendation 30

Under Food Standard 1.5.2 all GM vegetable oils, starches and sugars are exempt from labeling as such, and the meat milk and eggs from animals raised on GM feed are also exempt.

Any processed food that contains up to 1% genetically manipulated ingredients is exempt from labeling provided the GM presence is adventitious. The test is whether the GM contamination is occasional and accidental, or routine. Thus, when unlabelled GM ingredients are detected by testing only the follow up monitoring and testing proposed by Labelling Logic will enable FSANZ and state governments to establish whether a product that tests positive for GM but is unlabelled still complies with the Food Standard’s labeling requirements.

Without a program of follow up testing and monitoring when accidental GM presence is detected in unlabelled products, the integrity and enforceability of the GM labelling system is undermined. The follow up tests proposed are the only means to confirm whether GM presence is routine or accidental, the threshold for a decision whether the food should carry a GM label or not.

Testing and monitoring is also essential as it is the only manner in which GM labeling law can be applied with equal rigour to all processed foods – those labeled GM-free or non-GM (for which there is zero tolerance for any presence or use of GM techniques whatsoever) and those that remain silent on their GM status.

Generally

Minister Roxon ignores shoppers' right to know through compulsory labelling when new food ingredients are the products of processes and materials that are poorly understood and whose long-term negative impacts are uncertain.

We fully support the labeling review panel's case for open and honest labels that inform all shoppers so everyone can make well-informed choices about what to feed their families.

Since 1993, whenever they have been asked, over 90% of Australians have wanted the right to know through labeling when a processed food is a product of GM techniques.

Please work for the adoption of recommendations 2, 28 and 30 of the Labelling Logic Report when the Food Regulation Ministerial Council meets on Friday December 9.

Yours sincerely,

Bob Phelps
Executive Director