

4 February 2004

Senator Knowles
Chair
Community Affairs Legislation Committee
The Senate
Parliament House
CANBERRA ACT 2600

Email: community.affairs.sen@aph.gov.au

Dear Senator Knowles

Avcare Submission on the Truth in labelling Bill 2003

Thank you for the opportunity to comment on the *Truth in labelling Bill 2003*.

Avcare is the peak body representing those companies that are commercialising GM crop technology into Australia. The Office of Gene Technology Regulator (OGTR) has found conclusively that InVigor hybrid canola and Roundup Ready® canola are as safe as conventional canola and the oil derived from these products is identical to oil derived from non-GM canola. The oil from both of these canola varieties has also been assessed and approved for human consumption by Foods Standards Australia New Zealand (FSANZ).

Existing food labelling requirements ensure that consumers have information available to enable them to make informed choices. The Food Standards Code is complemented by provisions in the *Trade Practices Act* which ensures food manufacturers and retailers provide accurate information to consumers. Further, the National Residue Survey and the Australian Total Diet Survey provide publicly available information on residues.

The strength of the current Australian legislation in relation to the labelling of foods as GM is that it links labelling to presence of DNA and protein in the final food. There is a defined threshold that a competent laboratory can test for in the final food. The standard is therefore enforceable, without reference to documentation and the records of growers and food manufacturers. This emphasis on product and not process is a positive attribute of the current labelling regime.

Avcare's submission on the Bill is attached for your consideration. Please don't hesitate to contact me if you would like further information.

Yours sincerely,



Claude Gauchat
Executive Director

Attach.

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*Avcare Submission on the
Truth in labelling Bill 2003*

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Avcare contends that the *Truth in labelling Bill 2003* is unnecessary as existing legislation and regulation ensures any GM crop or food is rigorously assessed for impacts on human health, and existing food labelling requirements ensure that consumers have information available to enable them to make informed choices. In addition, information about residues in food is monitored by the Commonwealth Government and published through the National Residue Survey and the Australian Total Diet Survey.

The comments below provide a rationale as to why Avcare believes the Bill is unnecessary.

Comments on provisions of the Bill

Part 1 Clause 3 (a)

The right to accurate information is already enshrined in other existing legislation, for example, the Trade Practices legislation, all of Australia's regulatory Acts governing gene technology such as the Gene Technology Act 2000, Agricultural and Veterinary Chemicals Code Act 1994 and the Foods Standard Australia New Zealand Act 1991.

Chemical residue information is publicly available through the Commonwealth Department of Health, National Residue Survey, the Australian Total Diet Survey and various state based Market Basket Surveys.

Part 1 Clause 3 (b)

This Bill cannot achieve the purpose of protecting the health and safety of consumers as there is no provision for assessing or evaluating the safety of foods in the Bill. These functions are ably carried out by Food Standards Australia New Zealand and this Bill does not increase that capability, and is therefore unnecessary.

Part 1 Clause 3 (c)

The Trade Practices Act 1974 adequately addresses accuracy of labelling.

Part 1 Clause 5

It is not possible to create foods (or feed) using genetic manipulation, incorrectly called 'genetic modification' here. Varieties of food (or feed) crops are originally selected using GM techniques. The variety is then grown and produced conventionally.

Part 1 Clause 6 (b)

Existing legislation already adequately ensures consumers have accurate and scientifically valid information available to them to make informed choices.

Part 1 Clause 7 (3) and Clause 8

This Bill is in direct conflict with the Food Standards Code labelling regulations. A second different food labelling standard will simply serve to confuse and hide the truth. State Food laws incorporate the Food Standards Code, therefore in effect if this Bill is passed there will be two food labelling codes, which is unworkable.

Part 2 Clause 10 and 11

If the final constitution of a food is identical to the food that has been produced from non-GM inputs, for example, vegetable oil from canola or cottonseed, and contains no DNA or protein resulting from the genetic modification, labelling is unnecessary. This is because the food derived from the GM source is identical to the food derived from non-GM source. As far as consumers are concerned, the foods are exactly the same.

This is the accepted position for pharmaceuticals derived from GM sources, where the final product, if identical to the non-GM derived drugs, does not require labelling.

Mandatory food labelling must be based on sound criteria. This ensures that the limited space available on product labels carries information that has a bearing on health and nutritional matters and allows the public to make informed choices.

Part 2 Clause 13

The inclusion of exemptions in the Bill under Clause 12 (a) for meat, milk and eggs from GM fed animals recognises the fact that the DNA and other components of feed is broken down by the digestive processes of animals so that its functionality is lost. This means that the DNA of an approved GM grain consumed by the animal will also be broken down in this same way.

The Federation of Animal Science Societies (FASS), a federation comprising over 10,000 dairy, meat and poultry scientists, announced in November 2000, that *meat, milk and eggs from livestock and poultry fed GM grain are safe to eat*. FASS scientists reviewed all the worldwide data available, and confirmed that there is no effect from feeding approved, commercial GM grains to livestock and poultry on the nutritional value or safety of meat, milk and eggs. FASS scientists concluded that genetic material introduced into crops has not been detected in the meat, milk or eggs from animals fed these products.

The Royal Society, the independent scientific academy in the United Kingdom have extended their 1998 Report *Genetically modified plants for food use* to further investigate the safety of GM food for human consumption. The Society concluded 'that such consumption poses no significant risk to human health and that additional ingestion of GM DNA has no effect'

It is worth noting that Food Standards Australia New Zealand (FSANZ) *The Australian Food Standards Code* (Clause 1.5.2) notes that the definition of a food produced using gene technology (meaning a food which has been derived or developed from an organism which has been modified by gene technology) DOES NOT INCLUDE 'a food derived from an animal or other organism which has been fed food produced using gene technology, unless the animal or organism itself is a product of gene technology'.

Part 2 Clause 14

The term 'contamination' is inappropriate as it gives a negative connotation to a GM product that has been assessed and approved as safe for human consumption.

A 0.5% level is difficult to detect using DNA sequencing techniques. Threshold levels must be set at realistic levels to allow testing.

Part 2 Clause 15

Traceability systems already exist for produce moving through the supply chain. The Gene Technology Grains Committee Principles outline these systems to allow the co-existence of GM and non-GM crops.

Part 4 Clause 20

The National Residue Survey and the Australian Total Diet Survey are currently public documents available from the Department of Agriculture, Fisheries and Forestry and the Food Standards Australia New Zealand respectively.

Conclusion

Food labelling must be based on sound science in relation to protection of consumer health. Existing legislation more than adequately safeguards the safety and health of Australian consumers. Existing legislation also ensures that Australian consumers can make informed choices. The Bill is unnecessary and only increases costs for industry without delivering any added benefits for industry or the public.

REFERENCES

Federation of Animal Science Societies (2000) *FASS Facts, On Biotech Crops – Impact on Meat, Milk and Eggs*, Savoy, IL

Food Standards Australia New Zealand (2002) *Food Standards Code – Standard 1.5.2*

The Royal Society (2002) *Genetically modified plants for food use and human health – an update* , Policy Document 4/02, February